

**CITY OF OREGON
ORDINANCE 2023-009**

**AN ORDINANCE UPDATING OREGON CITY CODE TO REFLECT CHANGE OF
GOVERNMENT TO COUNCIL-MANAGER FORM.**

WHEREAS, The City of Oregon, State of Illinois (the "City") is a duly organized and existing City created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances for the benefit of the residents of the City; and

WHEREAS, The City Council previously adopted the Oregon City Code; and

WHEREAS, The citizens of Oregon have passed a resolution changing the form of government to Council-Manager; and

WHEREAS, The City deems it appropriate to amend the Oregon City Code to reflect the administrative changes under Council-Manager form of government.

NOW THEREFORE, be it ordained by the Council of the City of Oregon, in the State of Illinois, as follows:

SECTION 1: **AMENDMENT** “6.40.040 Application For License; Investigation; Approval By Council” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.40.040 Application For License; Investigation; Approval By Council

The clerk shall at once transmit the application and attached papers to the commissioner of public health and safety, who shall cause an investigation to be made and shall deliver the same, together with his findings, to the council. At the discretion of the commissioner, the city engineer may be requested to review the application and written plan to determine the property's suitability for a B and B. The commissioner may request that the council approve certain conditions or limitations upon the use of the property described in the application, either prior to the effective date of the license or continuing during the duration of the license. If such application is granted by the council, the clerk shall thereupon deliver to the applicant a written license signed by the mayor and attested by the clerk, all in conformity with the council's action and with the provisions of this chapter and the Illinois Bed and Breakfast Act, 50 ILCS 820/1 et seq.

(Code 1987, § 4-353; Ord. No. 963, § 1, 8-8-1988)

AFTER AMENDMENT

6.40.040 Application For License; Investigation; Approval By Council

The clerk shall at once transmit the application and attached papers to the ~~commissioner of public health and safety~~ City Manager, who shall cause an investigation to be made and shall deliver the same, together with his/her findings, to the council. At the discretion of the ~~commissioner~~ City Manager, the city engineer may be requested to review the application and written plan to determine the property's suitability for a B and B. The ~~commissioner~~ City Manager may request that the council approve certain conditions or limitations upon the use of the property described in the application, either prior to the effective date of the license or continuing during the duration of the license. If such application is granted by the council, the clerk shall thereupon deliver to the applicant a written license signed by the mayor and attested by the clerk, all in conformity with the council's action and with the provisions of this chapter and the Illinois Bed and Breakfast Act, 50 ILCS 820/1 et seq.

(Code 1987, § 4-353; Ord. No. 963, § 1, 8-8-1988)

SECTION 2: AMENDMENT “8.08.030 Application” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.030 Application

- A. An application for a license under this chapter shall be made to the mayor/liquor commissioner for approval by the council, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation or LLC, verified by oath or affidavit, and shall contain the following information and statements:
1. The applicant's name and mailing address;
 2. The name and address of the applicant's business;
 3. If applicable, the date of the filing of the "assumed name" of the business with the county clerk;
 4. In the case of a copartnership, the date of the formation of the partnership; in the case of a state corporation or LLC, the date of its incorporation or for an LLC the date of its filing with the state; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) to transact business in this state;
 5. The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license;
 6. The name and address of the landlord if the premises are leased;
 7. The date of the applicant's first request for a state liquor license and whether it was granted, denied or withdrawn;

8. The address of the applicant when the first application for a state liquor license was made;
 9. The applicant's current state liquor license number;
 10. The date the applicant began liquor sales at his place of business;
 11. The address of the applicant's warehouse if he warehouses liquor;
 12. The applicant's retailer's occupation tax (ROT) registration number;
 13. The applicant's document locator number on his federal special tax stamp;
 14. Whether the applicant is delinquent in the payment of the retailer's occupational tax (sales tax), and if so, the reasons therefor;
 15. Whether the applicant is delinquent under the cash beer law, and if so, the reasons therefor;
 16. Whether he is delinquent under the 30-day credit law, and if so, the reasons therefor;
 17. Whether the applicant has made an application for a liquor license which has been denied, and if so, the reasons therefor;
 18. Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the reasons therefor;
 19. Whether the applicant has ever been convicted of a gambling offense or felony, and if so, the particulars thereof;
 20. Whether the applicant possesses a current federal wagering stamp, and if so, the reasons therefor;
 21. Whether the applicant, or any other person, directly in his place of business is a public official, and if so, the particulars thereof;
 22. The applicant's name, sex, date of birth, position and percentage of ownership in the business; and the name, sex, date of birth, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager and any person who owns five percent or more of the shares of the applicant business entity or parent corporations of the applicant business entity;
 23. That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days as herein expressly permitted under 235 ILCS 5/6-5, directly or indirectly, from any manufacturer, importing distributor or distributor or from any representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of 235 ILCS 5/6-6; and
 24. If the application is for a Sunday license, the applicant shall state the license classification which the applicant currently holds.
- B. In addition to the foregoing information, such application shall contain such other and further information as the council may, by rule or regulation not inconsistent with law, prescribe.
- C. If the applicant reports a felony conviction as required under paragraph A,19, such conviction may be considered by the council in determining qualifications for licensing, but shall not operate as a bar to licensing.
- D. If said application is made on behalf of a partnership, firm, association, club, LLC or

corporation, then the same shall be signed by at least two members of such partnership, LLC or the president and secretary of such corporation or two authorized agents of said partnership, LLC or corporation.

- E. Application for a nonresident dealer's license shall be on a form prescribed by the council, and which may exclude any of the above requirements which the council rules to be inapplicable.

(Code 1970, § 5-4-3; Code 1987, § 4-239; Ord. No. 906, § 5-4-3, 8-26-1985)

State Law reference— Application for state license, requisites, 235 ILCS 5/7-1.

AFTER AMENDMENT

8.08.030 Application

- A. An application for a license under this chapter shall be made to the ~~mayor~~/liquor commissioner for approval by the council, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation or LLC, verified by oath or affidavit, and shall contain the following information and statements:
1. The applicant's name and mailing address;
 2. The name and address of the applicant's business;
 3. If applicable, the date of the filing of the "assumed name" of the business with the county clerk;
 4. In the case of a copartnership, the date of the formation of the partnership; in the case of a state corporation or LLC, the date of its incorporation or for an LLC the date of its filing with the state; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) to transact business in this state;
 5. The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license;
 6. The name and address of the landlord if the premises are leased;
 7. The date of the applicant's first request for a state liquor license and whether it was granted, denied or withdrawn;
 8. The address of the applicant when the first application for a state liquor license was made;
 9. The applicant's current state liquor license number;
 10. The date the applicant began liquor sales at his place of business;
 11. The address of the applicant's warehouse if he warehouses liquor;
 12. The applicant's retailer's occupation tax (ROT) registration number;
 13. The applicant's document locator number on his federal special tax stamp;
 14. Whether the applicant is delinquent in the payment of the retailer's occupational tax (sales tax), and if so, the reasons therefor;
 15. Whether the applicant is delinquent under the cash beer law, and if so, the reasons therefor;

16. Whether he is delinquent under the 30-day credit law, and if so, the reasons therefor;
 17. Whether the applicant has made an application for a liquor license which has been denied, and if so, the reasons therefor;
 18. Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the reasons therefor;
 19. Whether the applicant has ever been convicted of a gambling offense or felony, and if so, the particulars thereof;
 20. Whether the applicant possesses a current federal wagering stamp, and if so, the reasons therefor;
 21. Whether the applicant, or any other person, directly in his place of business is a public official, and if so, the particulars thereof;
 22. The applicant's name, sex, date of birth, position and percentage of ownership in the business; and the name, sex, date of birth, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager and any person who owns five percent or more of the shares of the applicant business entity or parent corporations of the applicant business entity;
 23. That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days as herein expressly permitted under 235 ILCS 5/6-5, directly or indirectly, from any manufacturer, importing distributor or distributor or from any representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of 235 ILCS 5/6-6; and
 24. If the application is for a Sunday license, the applicant shall state the license classification which the applicant currently holds.
- B. In addition to the foregoing information, such application shall contain such other and further information as the council may, by rule or regulation not inconsistent with law, prescribe.
- C. If the applicant reports a felony conviction as required under paragraph A,19, such conviction may be considered by the council in determining qualifications for licensing, but shall not operate as a bar to licensing.
- D. If said application is made on behalf of a partnership, firm, association, club, LLC or corporation, then the same shall be signed by at least two members of such partnership, LLC or the president and secretary of such corporation or two authorized agents of said partnership, LLC or corporation.
- E. Application for a nonresident dealer's license shall be on a form prescribed by the council, and which may exclude any of the above requirements which the council rules to be inapplicable.

(Code 1970, § 5-4-3; Code 1987, § 4-239; Ord. No. 906, § 5-4-3, 8-26-1985)

State Law reference— Application for state license, requisites, 235 ILCS 5/7-1.

SECTION 3: AMENDMENT “8.08.060 Classes; Fees Generally” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.060 Classes; Fees Generally

Licenses under this chapter are divided into classes as follows:

- A. Class A licenses shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.
- B. Class B licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.
- C. Class C licenses shall authorize the retail sale of alcoholic liquor in a bowling alley for consumption on the premises. The license holder must own and operate the bowling business and the major revenue source for the business must be line fees, bowling equipment rentals, pro-shop sales, food sales and league fees. The liquor sale or dispensing area shall be enclosed as a separate room into which no underage persons, as defined in this chapter, shall enter. The room shall be locked and no one shall be admitted or enter therein during restricted closing hours as defined in this chapter. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.
- D. Class D licenses shall authorize the retail sale, on the premises specified, of beer and wine only in a restaurant for consumption on the premises. The license holder must own and operate the restaurant and more than 80 percent of the restaurant's revenue must be generated from non-beer/wine sales. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.
- E. Class E licenses shall authorize the retail sale of alcoholic liquor by a club to its members for consumption on club premises only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.
- F. Class A-1 Sunday licenses shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class A-1 license, the applicant shall possess a current Class A license. Class A-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class A-1 licenses shall be governed in all other respects by the terms and conditions governing Class A licenses.
- G. Class B-1 Sunday licenses shall authorize the retail sale of alcoholic liquor between the hours of 12:00 noon and 11:00 p.m. on Sunday only, but not for consumption on the premises where sold. The annual fee for such license shall be as established by the

city, payable in equal semiannual installments. In order to obtain a Class B-1 license, the applicant shall possess a current Class B license. Class B-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class B-1 licenses shall be governed in all other respects by the terms and conditions governing Class B licenses.

- H. Class C-1 Sunday licenses shall authorize the retail sale of alcoholic liquor in a bowling alley for consumption on the premises between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class C-1 license, the applicant shall hold a current Class C license. Class C-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class C-1 licenses shall be governed in all other respects by the terms and conditions governing Class C licenses.
- I. Class D-1 Sunday licenses shall authorize the retail sale of beer and wine only for a Class D license holder for consumption on the premises between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class D-1 license, the applicant must hold a current Class D license. Class D-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class D-1 licenses shall be governed in all other respects by the terms and conditions governing Class D licenses.
- J. Class E-1 Sunday licenses shall authorize the retail sale of alcoholic liquor by a club to its members for consumption on club premises only between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class E-1 license, the applicant shall hold a current Class E license. Class E-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class E-1 licenses shall be governed in all other respects by the terms and conditions governing Class E licenses.
- K. Class F temporary licenses shall authorize the sale of alcohol and the tasting of alcohol. All consumption shall be under the supervision of the license holder and shall be conducted in a manner which confines consumption on the premises only. Alcohol tasting and sales shall take place only between 11:00 a.m. and 12:00 midnight Monday through Saturday and 12:00 noon to 11:00 p.m. on Sundays. Curb services or sale is prohibited. The city council shall determine the length of the license, but shall not exceed three days. All other limitations and conditions as set forth in this Code shall apply to Class F licenses. The location for such shall be within the city limits.
 - 1. Prior to the issuance of a Class F license, the proposed license holder shall provide evidence to the liquor commissioner and/or committee of dram shop liability insurance issued by a reputable insurance company doing business in

the state in limits no less than required by the Illinois Dram Shop Act as provided in 235 ILCS 5/6-21 and shall come upon approval, be filed in the office of the city clerk. The policy shall also name the city as an additional insured.

2. The fee shall be as established by the city, payable in advance.

L. Class G liquor alcohol tasting shall be unlawful for any person to sell or offer for sale at retail any alcoholic liquor between 1:00 a.m. and 6:00 a.m. Monday through Saturday of each week, provided that no alcoholic liquor shall be offered for sale at retail in the city between the hours of 1:00 a.m. Sunday morning and 12:00 noon on Sunday. Class G-1 retail sales shall be between 12:00 noon to 11:00 p.m. on Sundays. Licenses shall authorize the licensees to sell at retail all alcoholic beverages by the drink for consumption on the premises only. All consumption shall be under the supervision of the license holder. Curb services or sale is prohibited. All other limitations and conditions as set forth in this Code shall apply to Class G and G-1 licenses. The location for such shall be within the city limits.

1. Prior to the issuance of a Class G and/or G-1 license, the proposed license holder shall provide evidence to the liquor commissioner and/or committee of dram shop liability insurance issued by a reputable insurance company doing business in the state in limits no less than required by 235 ILCS 5/6-21 and shall come upon approval, be filed in the office of the city clerk; also naming the city as an additional insured.
2. The liquor sale or dispensing area shall be which no underage persons, as defined in this chapter shall enter.
3. The annual fee for a Class G and Class G-1 licenses will be as established by the city, payable in equal semiannual installments.
4. There shall be in effect no more than five licenses at one time.

(Code 1970, § 5-4-7; Code 1987, § 4-243; Ord. No. 895, § 5-4-7, 2-25-1985; Ord. No. 906, § 5-4-7, 8-26-1985; Ord. No. 911, § 5-4-7, 9-23-1985; Ord. No. 1018, 4-13-1992; Ord. No. 1026, 9-28-1992; Ord. No. 1048, 2-28-1994; Ord. No. 1121, 9-14-1998; Ord. No. 1124, 10-26-1998; Ord. No. 1130, 3-8-1999; Ord. No. 1135, 9-27-1999; Ord. No. 1139, 1-24-2000; Ord. No. 1148, 8-28-2000; Ord. No. 1212, 3-14-2005; Ord. No. 09-108, 8-24-2009; Ord. No. 2010-108, 6-14-2010; Ord. No. 2010-110, 7-12-2010; Ord. No. 2013-102, 2-26-2013)

State Law reference— Local determination of the number, kind and classification of licenses and the amount of fees, 235 ILCS 5/4-1.

AFTER AMENDMENT

8.08.060 Classes; Fees Generally

Licenses under this chapter are divided into classes as follows:

- A. Class A licenses shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be as established by the city, payable in equal

semiannual installments.

- B. Class B licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.

- C. Class C licenses shall authorize the retail sale of alcoholic liquor in a bowling alley for consumption on the premises. The license holder must own and operate the bowling business and the major revenue source for the business must be line fees, bowling equipment rentals, pro-shop sales, food sales and league fees. The liquor sale or dispensing area shall be enclosed as a separate room into which no underage persons, as defined in this chapter, shall enter. The room shall be locked and no one shall be admitted or enter therein during restricted closing hours as defined in this chapter. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.

- D. Class D licenses shall authorize the retail sale, on the premises specified, of beer and wine only in a restaurant for consumption on the premises. The license holder must own and operate the restaurant and more than 80 percent of the restaurant's revenue must be generated from non-beer/wine sales. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.

- E. Class E licenses shall authorize the retail sale of alcoholic liquor by a club to its members for consumption on club premises only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments.

- F. Class A-1 Sunday licenses shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class A-1 license, the applicant shall possess a current Class A license. Class A-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class A-1 licenses shall be governed in all other respects by the terms and conditions governing Class A licenses.

- G. Class B-1 Sunday licenses shall authorize the retail sale of alcoholic liquor between the hours of 12:00 noon and 11:00 p.m. on Sunday only, but not for consumption on the premises where sold. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class B-1 license, the applicant shall possess a current Class B license. Class B-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class B-1 licenses shall be governed in all other respects by the terms and conditions governing Class B licenses.

- H. Class C-1 Sunday licenses shall authorize the retail sale of alcoholic liquor in a bowling alley for consumption on the premises between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class C-1 license, the applicant shall hold a current Class C license. Class C-1 Sunday license

holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class C-1 licenses shall be governed in all other respects by the terms and conditions governing Class C licenses.

- I. Class D-1 Sunday licenses shall authorize the retail sale of beer and wine only for a Class D license holder for consumption on the premises between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class D-1 license, the applicant must hold a current Class D license. Class D-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class D-1 licenses shall be governed in all other respects by the terms and conditions governing Class D licenses.
- J. Class E-1 Sunday licenses shall authorize the retail sale of alcoholic liquor by a club to its members for consumption on club premises only between the hours of 12:00 noon and 11:00 p.m. on Sunday only. The annual fee for such license shall be as established by the city, payable in equal semiannual installments. In order to obtain a Class E-1 license, the applicant shall hold a current Class E license. Class E-1 Sunday license holders shall apply for a one-day license for festivals and holiday weekends with approval from the city council. The fee of such license shall be as established by the city, payable in advance for each occasion. Class E-1 licenses shall be governed in all other respects by the terms and conditions governing Class E licenses.
- K. Class F temporary licenses shall authorize the sale of alcohol and the tasting of alcohol. All consumption shall be under the supervision of the license holder and shall be conducted in a manner which confines consumption on the premises only. Alcohol tasting and sales shall take place only between 11:00 a.m. and 12:00 midnight Monday through Saturday and 12:00 noon to 11:00 p.m. on Sundays. Curb services or sale is prohibited. The city council shall determine the length of the license, but shall not exceed three days. All other limitations and conditions as set forth in this Code shall apply to Class F licenses. The location for such shall be within the city limits.
 1. Prior to the issuance of a Class F license, the proposed license holder shall provide evidence to the liquor commissioner and/or committee of dram shop liability insurance issued by a reputable insurance company doing business in the state in limits no less than required by the Illinois Dram Shop Act as provided in 235 ILCS 5/6-21 and shall come upon approval, be filed in the office of the city clerk. The policy shall also name the city as an additional insured.
 2. The fee shall be as established by the city, payable in advance.
- L. Class G liquor alcohol tasting shall be unlawful for any person to sell or offer for sale at retail any alcoholic liquor between 1:00 a.m. and 6:00 a.m. Monday through Saturday of each week, provided that no alcoholic liquor shall be offered for sale at retail in the city between the hours of 1:00 a.m. Sunday morning and 12:00 noon on Sunday. Class G-1 retail sales shall be between 12:00 noon to 11:00 p.m. on Sundays. Licenses shall authorize the licensees to sell at retail all alcoholic beverages by the

drink for consumption on the premises only. All consumption shall be under the supervision of the license holder. Curb services or sale is prohibited. All other limitations and conditions as set forth in this Code shall apply to Class G and G-1 licenses. The location for such shall be within the city limits.

1. Prior to the issuance of a Class G and/or G-1 license, the proposed license holder shall provide evidence to the liquor commissioner and/or committee of dram shop liability insurance issued by a reputable insurance company doing business in the state in limits no less than required by 235 ILCS 5/6-21 and shall come upon approval, be filed in the office of the city clerk; also naming the city as an additional insured.
2. The liquor sale or dispensing area shall be which no underage persons, as defined in this chapter shall enter.
3. The annual fee for a Class G and Class G-1 licenses will be as established by the city, payable in equal semiannual installments.
4. There shall be in effect no more than five licenses at one time.

(Code 1970, § 5-4-7; Code 1987, § 4-243; Ord. No. 895, § 5-4-7, 2-25-1985; Ord. No. 906, § 5-4-7, 8-26-1985; Ord. No. 911, § 5-4-7, 9-23-1985; Ord. No. 1018, 4-13-1992; Ord. No. 1026, 9-28-1992; Ord. No. 1048, 2-28-1994; Ord. No. 1121, 9-14-1998; Ord. No. 1124, 10-26-1998; Ord. No. 1130, 3-8-1999; Ord. No. 1135, 9-27-1999; Ord. No. 1139, 1-24-2000; Ord. No. 1148, 8-28-2000; Ord. No. 1212, 3-14-2005; Ord. No. 09-108, 8-24-2009; Ord. No. 2010-108, 6-14-2010; Ord. No. 2010-110, 7-12-2010; Ord. No. 2013-102, 2-26-2013)

State Law reference— Local determination of the number, kind and classification of licenses and the amount of fees, 235 ILCS 5/4-1.

SECTION 4: AMENDMENT “12.12.010 Definitions - Flood Damage Prevention” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.12.010 Definitions - Flood Damage Prevention

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BASE FLOOD: The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in OCC 12.12.030.

BUILDING: A structure that is principally above ground and is enclosed by walls and a roof. The term "building" includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term "building" also includes recreational vehicles and travel trailers to be installed on site for more than 180 days.

COMMISSIONER: Commissioner of public health and safety of the city.

DEVELOPMENT:

- A. The term "development" means a manmade change to real estate.
- B. The term "development" includes:
 - 1. Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000.00.
 - 2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
 - 3. Installing utilities, construction of roads or similar projects.
 - 4. Construction or erection of levees, walls, fences, bridges or culverts;
 - 5. Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;
 - 6. Storage of materials; or
 - 7. Any other activity that might change the direction, height, or velocity of flood or surface waters.
- C. The term "development" does not include maintenance of existing buildings and facilities such as re-roofing; re-surfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading or construction of levees.

FLOOD: A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODWAY: Means that portion of the SFHA required to store and convey the base flood. The floodway for the SFHAs of Rock River and Gale Creek shall be delineated on the flood boundary and floodway map prepared by the federal emergency management agency dated October 15, 1981. The floodway for each of the remaining SFHAs of the city shall be according to the best data available to the state water survey floodplain information repository.

FPE or FLOOD PROTECTION ELEVATION: The elevation of the base flood plus one foot at any given location in the SFHA.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RIVERINE SFHA: Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, and other identified channel. The term "riverine SFHA" does not include areas subject to flooding from lakes (except public bodies of water, ponding area, areas of sheet flow, or other areas not subject to overbank flooding).

SFHA or SPECIAL FLOOD HAZARD AREA: Those lands within the jurisdiction of the city that are subject to inundation by the base flood. The SFHAs of the city are generally identified as such on the flood insurance rate map of the city prepared by the federal

emergency management agency and dated October 15, 1981. The SFHAs of those parts of unincorporated county that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the flood insurance rate map prepared for the county by the federal emergency management agency and dated April 5, 1988.

(Code 1987, § 7-267; Ord. No. 1000, 1-14-1991; Memo. of 5-14-2001)

AFTER AMENDMENT

12.12.010 Definitions - Flood Damage Prevention

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BASE FLOOD: The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in OCC 12.12.030.

BUILDING: A structure that is principally above ground and is enclosed by walls and a roof. The term "building" includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term "building" also includes recreational vehicles and travel trailers to be installed on site for more than 180 days.

~~**COMMISSIONER:** Commissioner of public health and safety of the city.~~

DEVELOPMENT:

- A. The term "development" means a manmade change to real estate.
- B. The term "development" includes:
 - 1. Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000.00.
 - 2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
 - 3. Installing utilities, construction of roads or similar projects.
 - 4. Construction or erection of levees, walls, fences, bridges or culverts;
 - 5. Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;
 - 6. Storage of materials; or
 - 7. Any other activity that might change the direction, height, or velocity of flood or surface waters.
- C. The term "development" does not include maintenance of existing buildings and facilities such as re-roofing; re-surfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading or construction of levees.

FLOOD: A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODWAY: Means that portion of the SFHA required to store and convey the base flood.

The floodway for the SFHAs of Rock River and Gale Creek shall be delineated on the flood boundary and floodway map prepared by the federal emergency management agency dated October 15, 1981. The floodway for each of the remaining SFHAs of the city shall be according to the best data available to the state water survey floodplain information repository.

FPE or FLOOD PROTECTION ELEVATION: The elevation of the base flood plus one foot at any given location in the SFHA.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RIVERINE SFHA: Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, and other identified channel. The term "riverine SFHA" does not include areas subject to flooding from lakes (except public bodies of water, ponding area, areas of sheet flow, or other areas not subject to overbank flooding).

SFHA or SPECIAL FLOOD HAZARD AREA: Those lands within the jurisdiction of the city that are subject to inundation by the base flood. The SFHAs of the city are generally identified as such on the flood insurance rate map of the city prepared by the federal emergency management agency and dated October 15, 1981. The SFHAs of those parts of unincorporated county that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the flood insurance rate map prepared for the county by the federal emergency management agency and dated April 5, 1988.

(Code 1987, § 7-267; Ord. No. 1000, 1-14-1991; Memo. of 5-14-2001)

SECTION 5: AMENDMENT “14.08.020 Permit” of the City of Oregon
Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.020 Permit

- A. Required: It shall be unlawful for any person to construct, remove, alter or repair any sewer or water connection without first securing a written permit to do so. It shall be unlawful to construct any new connections or extensions to any building drainage or water system, which building drainage or water system is then connected to a sewer or water connection, without first securing a written permit to do so.
- B. Contents; Inspection By Plumber: All permits issued under this section shall be in writing; shall be signed by the superintendent; and shall contain a provision that the

sewer or water connection authorized shall be made in accordance with the provisions of this Code and the state plumbing code and may contain such other conditions as are described in this Code. Such permits shall accurately describe the course of the water or sewer connection, the materials to be used and the manner in which the connection is to be made, removed, altered or prepared. The permit shall require the plumber responsible for making the water or sewer connection to inspect the plumbing and sewer system in the entire building for which the permit is issued for compliance with this Code and state plumbing regulations. The plumber shall certify in writing to the city that said inspection has been made and that the entire system, to the best knowledge of the plumber, contains no city or state plumbing violations. If violations are found, then each shall be listed.

C. Bond:

1. No permit for the excavation of streets, sidewalks, alleys or other public property shall be issued unless the applicant furnishes to the city a bond as required by the superintendent of the street department, with the advice and consent of the commissioner of streets and public improvements to indemnify the city against loss for failures to restore such property to its previous condition.
2. No refund shall be made on the bond until the street superintendent has approved the project. If the property has not been restored or regulations satisfied within six months of the permit date, the bond shall be forfeited to the city and applied toward the cost of restoration or related expense. If for any reason the bond is insufficient to pay all costs to the city, the permit applicant shall, on demand, pay the balance of such expense.
3. If an applicant fails to properly restore the property or otherwise comply with regulations and a bond is forfeited, the permit shall be void. No further excavation applications shall be accepted from that applicant until all matters regarding the bond forfeiture are resolved to the satisfaction of the city. Any further bonds issued to the applicant in the 24-month period subsequent to any bond forfeiture shall be double the normal amount.

D. Applications: All applications for permits shall be submitted in writing to the superintendent over the signature of the owner or of one of the owners, or by his or their responsible agent, desiring to construct, remove, alter or repair a sewer or water connection for the benefit of his premises. Forms for making application for permits shall be supplied by the superintendent. Each application for a permit shall contain a statement that the applicant will faithfully abide by the provisions of this section or any amendments thereof and with any regulations lawfully issued pursuant thereto; shall state generally the location of the sewer or water connection; shall state the general course of the sewer or water connection involved; shall state the kind of pipe and material involved; and shall state such other information as the superintendent may reasonably request in order to accurately apprise the superintendent of all of the details relative to said sewer or water connection.

E. Inspection By City:

1. Before any sewer or water connection is constructed, removed, altered or repaired, the plumber employed to do the work shall notify the superintendent at least six hours before laying the sewer or water pipe, as the case may be, of

the time when the work will commence in order that the superintendent may, if he deems it necessary, have an inspector present during the work. After the completion of the construction, removal, alteration or repair of a water or sewer connection and before any backfilling has been done, the plumber engaged in the work shall notify the superintendent and shall not permit any of the ditch to be backfilled until said sewer or water connection has been inspected and approved by an inspector employed by the superintendent.

2. After said connection has been inspected and approved as provided in paragraph E,1, the ditch may be backfilled and the inspector shall endorse upon the permit his approval of the connection and shall return the permit to the superintendent.
3. If any such work shall be done by a plumber other than one who has maintained an office or plumbing supply shop in the city for the period specified in this section then the work done by said plumber shall be inspected by an inspector designated by the superintendent and endorsement shall be made by said inspector.

F. Revocation; Removal Of Connection:

1. If any sewer or water connection shall be made without first securing a permit to do so as provided in this section, or if any sewer or water connection made shall not comply with the provisions of this section or with the rules and regulations contained in the permit for said connection, the superintendent may, without notice, order said connection removed, repaired or altered so as to conform with the provisions of this section and the permit issued. If the permittee shall fail, within two days, to comply with the order of the superintendent, the superintendent may cause said connection to be removed, to be repaired or to be altered as the case may be and to charge the cost thereof to the permittee.
2. The superintendent may, after determining that any sewer connection constructed, removed, altered or repaired or being constructed, removed, altered or repaired fails to comply with any of the provisions of this section or the permit issued therefor, revoke the permit issued for said sewer connection and it shall thereafter be unlawful for any person to complete the construction, removal, repair or alteration of said sewer connection without first securing the permission of the superintendent.

G. Record; Copy Of Permits: The superintendent shall keep or cause to be kept a permanent record of all permits issued, the name of the person to whom issued, the date of issuance, the purpose for which issued, the approval or disapproval of the work done and of all revocations of permits. The superintendent shall also keep and preserve or cause to be kept and preserved a copy of each permit issued by him.

H. Existing Sewer Capacity: A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(Code 1970, §§ 3-6-2–3-6-5, 3-6-8, 3-6-9, 3-6-11; Code 1987, §§ 11-46–11-52; Ord. No. 907, § 3-6-3, 9-9-1985; Ord. No. 984, 12-26-1989; Ord. No. 1153, § 4, 11-13-2000) **State Law reference**— Minimum code of plumbing standards, 225 ILCS 320/35.

AFTER AMENDMENT

14.08.020 Permit

- A. Required: It shall be unlawful for any person to construct, remove, alter or repair any sewer or water connection without first securing a written permit to do so. It shall be unlawful to construct any new connections or extensions to any building drainage or water system, which building drainage or water system is then connected to a sewer or water connection, without first securing a written permit to do so.
- B. Contents; Inspection By Plumber: All permits issued under this section shall be in writing; shall be signed by the ~~superintendent~~public works director or his/her designee; and shall contain a provision that the sewer or water connection authorized shall be made in accordance with the provisions of this Code and the state plumbing code and may contain such other conditions as are described in this Code. Such permits shall accurately describe the course of the water or sewer connection, the materials to be used and the manner in which the connection is to be made, removed, altered or prepared. The permit shall require the plumber responsible for making the water or sewer connection to inspect the plumbing and sewer system in the entire building for which the permit is issued for compliance with this Code and state plumbing regulations. The plumber shall certify in writing to the city that said inspection has been made and that the entire system, to the best knowledge of the plumber, contains no city or state plumbing violations. If violations are found, then each shall be listed.
- C. Bond:
1. No permit for the excavation of streets, sidewalks, alleys or other public property shall be issued unless the applicant furnishes to the city a bond as required by the ~~superintendent of the street department~~public works director or his/her designee, with the advice and consent of the ~~commissioner of streets and public improvements~~City Council to indemnify the city against loss for failures to restore such property to its previous condition.
 2. No refund shall be made on the bond until the ~~street superintendent~~public works director or his/her designee has approved the project. If the property has not been restored or regulations satisfied within six months of the permit date, the bond shall be forfeited to the city and applied toward the cost of restoration or related expense. If for any reason the bond is insufficient to pay all costs to the city, the permit applicant shall, on demand, pay the balance of such expense.
 3. If an applicant fails to properly restore the property or otherwise comply with regulations and a bond is forfeited, the permit shall be void. No further excavation applications shall be accepted from that applicant until all matters regarding the bond forfeiture are resolved to the satisfaction of the city. Any further bonds issued to the applicant in the 24-month period subsequent to any bond forfeiture shall be double the normal amount.

D. Applications: All applications for permits shall be submitted in writing to the ~~superintendent~~public works director or his/her designee over the signature of the owner or of one of the owners, or by his or their responsible agent, desiring to construct, remove, alter or repair a sewer or water connection for the benefit of his premises. Forms for making application for permits shall be supplied by the ~~superintendent~~public works director or his/her designee. Each application for a permit shall contain a statement that the applicant will faithfully abide by the provisions of this section or any amendments thereof and with any regulations lawfully issued pursuant thereto; shall state generally the location of the sewer or water connection; shall state the general course of the sewer or water connection involved; shall state the kind of pipe and material involved; and shall state such other information as the ~~superintendent~~public works director or his/her designee may reasonably request in order to accurately apprise the superintendent of all of the details relative to said sewer or water connection.

E. Inspection By City:

1. Before any sewer or water connection is constructed, removed, altered or repaired, the plumber employed to do the work shall notify the ~~superintendent~~public works director or his/her designee at least six hours before laying the sewer or water pipe, as the case may be, of the time when the work will commence in order that the superintendent may, if he/she deems it necessary, have an inspector present during the work. After the completion of the construction, removal, alteration or repair of a water or sewer connection and before any backfilling has been done, the plumber engaged in the work shall notify the ~~superintendent~~public works director or his/her designee and shall not permit any of the ditch to be backfilled until said sewer or water connection has been inspected and approved by an inspector employed by the ~~superintendent~~public works director.
2. After said connection has been inspected and approved as provided in paragraph E,1, the ditch may be backfilled and the inspector shall endorse upon the permit his approval of the connection and shall return the permit to the ~~superintendent~~public works director or his/her designee.
3. If any such work shall be done by a plumber other than one who has maintained an office or plumbing supply shop in the city for the period specified in this section then the work done by said plumber shall be inspected by an inspector designated by the ~~superintendent~~public works director and endorsement shall be made by said inspector.

F. Revocation; Removal Of Connection:

1. If any sewer or water connection shall be made without first securing a permit to do so as provided in this section, or if any sewer or water connection made shall not comply with the provisions of this section or with the rules and regulations contained in the permit for said connection, the ~~superintendent~~public works director or his/her designee may, without notice, order said connection removed, repaired or altered so as to conform with the provisions of this section and the permit issued. If the permittee shall fail, within two days, to comply with the order of the ~~superintendent~~public works

director or his/her designee, the ~~superintendent~~public works director or his/her designee may cause said connection to be removed, to be repaired or to be altered as the case may be and to charge the cost thereof to the permittee.

2. The ~~superintendent~~public works director or his/her designee may, after determining that any sewer connection constructed, removed, altered or repaired or being constructed, removed, altered or repaired fails to comply with any of the provisions of this section or the permit issued therefor, revoke the permit issued for said sewer connection and it shall thereafter be unlawful for any person to complete the construction, removal, repair or alteration of said sewer connection without first securing the permission of the ~~superintendent~~public works director or his/her designee.

G. Record; Copy Of Permits: The ~~superintendent~~public works director or his/her designee shall keep or cause to be kept a permanent record of all permits issued, the name of the

person to whom issued, the date of issuance, the purpose for which issued, the approval or disapproval of the work done and of all revocations of permits. The ~~superintendent~~public works director or his/her designee shall also keep and preserve or cause to be kept and preserved a copy of each permit issued by him/her.

H. Existing Sewer Capacity: A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(Code 1970, §§ 3-6-2–3-6-5, 3-6-8, 3-6-9, 3-6-11; Code 1987, §§ 11-46–11-52; Ord. No. 907, § 3-6-3, 9-9-1985; Ord. No. 984, 12-26-1989; Ord. No. 1153, § 4, 11-13-2000) **State Law reference**— Minimum code of plumbing standards, 225 ILCS 320/35.

SECTION 6: **AMENDMENT** “16.08.010 Dogs Generally” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.08.010 Dogs Generally

- A. Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: DOG: Includes all animals, male and female of the canine species. KENNEL: Any establishment, existing either indoors or outdoors, wherein dogs or cats not belonging to the property owner are maintained for boarding, breeding, training, or other similar purposes, for a fee or compensation. The term "kennel" shall also be defined as any establishment which sells, exchanges or offers for adoption, with or without charge, dogs or cats which have been produced and raised on the premises, or which have been accepted for such purpose. OWNER and

KEEPER: Includes any person who shall harbor or suffer or permit any dog to remain on any premises within the city under his charge or control.

- B. Penalties: Every person convicted on a violation of any provision of paragraph C, or OCC 16.04.020 shall be fined according to the City fine schedule. For the third conviction and for every subsequent conviction, the penalty shall be provided in OCC 1.16.030.
- C. Permitting Dogs To Run At-Large: It shall be unlawful for any owner or keeper to suffer or permit any dog to run at-large in the streets, alleys or public places in the city or upon the private premises of any person other than the owner thereof. Dogs must be on a leash with the owner, keeper, or any other person designated by the owner at all times when away from the principle residence or vehicle of said person. The running at-large of any dog in the city is hereby declared to be a nuisance. The mayor or any commissioner, officer or agent of the city is hereby authorized, and it shall be the duty of the chief of police and officers of the city, and of such other officers or persons as the mayor may from time to time designate, to abate said nuisance.
- D. Impounding: All dogs running at-large in the city contrary to the provisions of this chapter, where the same are not killed or destroyed hereunder, are hereby declared to be a public nuisance and shall be restrained and impounded in a place or pound as may be designated and set apart for that purpose.
- E. Record Of Impounding; Owner Notified: The pound keeper, or the person in charge of the pound or place designated for that purpose to which any dog is impounded under this chapter, shall immediately upon receiving any dog at such pound or place make a complete registry, entering name if known, and the breed, color and sex of such dog, if known. When any dog shall be impounded, notice shall be given by the pound keeper or such person in charge, to the clerk. The clerk shall give notice of the impounding of said dog, to the owner or keeper of such dog, if such owner or keeper is known.
- F. Care In Pound: Dogs impounded under this chapter shall be retained and properly cared for by the pound keeper or the person in charge, for a period of 48 hours, and at the expiration of 48 hours if said dogs have not been redeemed they shall be destroyed by the pound keeper, or the person in charge.
- G. Right To Recover Dog: At any time within the 48-hour period prescribed in paragraph F, the owner or keeper of any dog impounded shall have the right to recover the possession of such dog by:
 - 1. Payment of a city release fee as established by the city;
 - 2. Signing an acknowledgement of ownership of the animal;
 - 3. Complying with all applicable rules and regulations and by paying all charges and fees pertaining to the impoundment and care of the animal imposed by the county animal control; and
 - 4. Complying with all applicable rules, regulations and fees of any involved animal shelter.
- H. Animals Not Reclaimed:
 - 1. With the exception of animals impounded for a ten-day quarantine period as provided in paragraph H,2, any animal not reclaimed within seven business days of impoundment shall become the property of city animal control.
 - 2. For animals subject to a ten-day quarantine period, any animal not reclaimed

within five business days from the date the quarantine ends shall become the property of city animal control.

- I. Certain Dogs May Be Destroyed: The police of the city shall kill or destroy any vicious, ferocious or dangerous dog or any dog sick with or liable to communicate hydrophobia or any contagious or infectious disease.
- J. Interference With Pound: It shall be unlawful for any person to break open or assist in breaking open any pound, or to let out or assist in letting out or in the escape of any dog impounded therein, or to interfere with, obstruct or prevent the pound keeper or the person in charge, in the performance of his duties under this chapter, or any officer or agent of the city in the performance of his duties hereunder.
- K. Kennels:
 - 1. No person shall maintain a kennel within the corporate limits of the city, unless said kennel is located on no less than five acres of land, and said kennel is located at least 2,500 feet from the nearest residential or business building. This paragraph shall not apply to an animal pound maintained by a political subdivision or a licensed veterinarian. This paragraph shall not apply to any kennel existing on February 12, 2012.
 - 2. Failure to perform any act required, or the performance of any act prohibited by this paragraph, shall be designated a city ordinance violation. Any person found to have committed the violation shall be assessed a monetary penalty of not less than \$25.00.

(Code 1970, §§ 8-8-1–8-8-10; Code 1987, §§ 6-36–6-44, 6-49–6-51; Ord. No. 1150, 9-11-2000; Ord. No. 1202, 5-10-2004; Ord. No. 2012-100, 2-14-2012; Ord. No. 2014-104, 2-24-2015) **State Law reference**— Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq; Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq; Impoundment of dogs, 510 ILCS 5/9; Dogs exhibiting signs of rabies, 510 ILCS 5/12.

AFTER AMENDMENT

16.08.010 Dogs Generally

- A. Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: DOG: Includes all animals, male and female of the canine species. KENNEL: Any establishment, existing either indoors or outdoors, wherein dogs or cats not belonging to the property owner are maintained for boarding, breeding, training, or other similar purposes, for a fee or compensation. The term "kennel" shall also be defined as any establishment which sells, exchanges or offers for adoption, with or without charge, dogs or cats which have been produced and raised on the premises, or which have been accepted for such purpose. OWNER and KEEPER: Includes any person who shall harbor or suffer or permit any dog to remain on any premises within the city under his charge or control.
- B. Penalties: Every person convicted on a violation of any provision of paragraph C, or OCC 16.04.020 shall be fined according to the City fine schedule. For the third conviction and for every subsequent conviction, the penalty shall be provided in OCC

1.16.030.

- C. Permitting Dogs To Run At-Large: It shall be unlawful for any owner or keeper to suffer or permit any dog to run at-large in the streets, alleys or public places in the city or upon the private premises of any person other than the owner thereof. Dogs must be on a leash with the owner, keeper, or any other person designated by the owner at all times when away from the principle residence or vehicle of said person. The running at-large of any dog in the city is hereby declared to be a nuisance. The mayor or any ~~commissioner~~council member, officer or agent of the city is hereby authorized, and it shall be the duty of the chief of police and officers of the city, and of such other officers or persons as the mayor may from time to time designate, to abate said nuisance.
- D. Impounding: All dogs running at-large in the city contrary to the provisions of this chapter, where the same are not killed or destroyed hereunder, are hereby declared to be a public nuisance and shall be restrained and impounded in a place or pound as may be designated and set apart for that purpose.
- E. Record Of Impounding; Owner Notified: The pound keeper, or the person in charge of the pound or place designated for that purpose to which any dog is impounded under this chapter, shall immediately upon receiving any dog at such pound or place make a complete registry, entering name if known, and the breed, color and sex of such dog, if known. When any dog shall be impounded, notice shall be given by the pound keeper or such person in charge, to the clerk. The clerk shall give notice of the impounding of said dog, to the owner or keeper of such dog, if such owner or keeper is known.
- F. Care In Pound: Dogs impounded under this chapter shall be retained and properly cared for by the pound keeper or the person in charge, for a period of 48 hours, and at the expiration of 48 hours if said dogs have not been redeemed they shall be destroyed by the pound keeper, or the person in charge.
- G. Right To Recover Dog: At any time within the 48-hour period prescribed in paragraph F, the owner or keeper of any dog impounded shall have the right to recover the possession of such dog by:
1. Payment of a city release fee as established by the city;
 2. Signing an acknowledgement of ownership of the animal;
 3. Complying with all applicable rules and regulations and by paying all charges and fees pertaining to the impoundment and care of the animal imposed by the county animal control; and
 4. Complying with all applicable rules, regulations and fees of any involved animal shelter.
- H. Animals Not Reclaimed:
1. With the exception of animals impounded for a ten-day quarantine period as provided in paragraph H,2, any animal not reclaimed within seven business days of impoundment shall become the property of city animal control.
 2. For animals subject to a ten-day quarantine period, any animal not reclaimed within five business days from the date the quarantine ends shall become the property of city animal control.
- I. Certain Dogs May Be Destroyed: The police of the city shall kill or destroy any

vicious, ferocious or dangerous dog or any dog sick with or liable to communicate hydrophobia or any contagious or infectious disease.

J. Interference With Pound: It shall be unlawful for any person to break open or assist in breaking open any pound, or to let out or assist in letting out or in the escape of any dog impounded therein, or to interfere with, obstruct or prevent the pound keeper or the person in charge, in the performance of his duties under this chapter, or any officer or agent of the city in the performance of his duties hereunder.

K. Kennels:

1. No person shall maintain a kennel within the corporate limits of the city, unless said kennel is located on no less than five acres of land, and said kennel is located at least 2,500 feet from the nearest residential or business building. This paragraph shall not apply to an animal pound maintained by a political subdivision or a licensed veterinarian. This paragraph shall not apply to any kennel existing on February 12, 2012.
2. Failure to perform any act required, or the performance of any act prohibited by this paragraph, shall be designated a city ordinance violation. Any person found to have committed the violation shall be assessed a monetary penalty of not less than \$25.00.

(Code 1970, §§ 8-8-1–8-8-10; Code 1987, §§ 6-36–6-44, 6-49–6-51; Ord. No. 1150, 9-11-2000; Ord. No. 1202, 5-10-2004; Ord. No. 2012-100, 2-14-2012; Ord. No. 2014-104, 2-24-2015) **State Law reference**— Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq; Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq; Impoundment of dogs, 510 ILCS 5/9; Dogs exhibiting signs of rabies, 510 ILCS 5/12.

SECTION 7: AMENDMENT “18.04.050 Closing Streets And Alleys; Authorized” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.04.050 Closing Streets And Alleys; Authorized

- A. The commissioner of streets and public improvements of the city shall have the right to close to traffic any part of any street or alley while improving or repairing the same or laying sewers or water mains or doing any public work in the same; and such commissioner may indicate such closing to traffic by erecting barriers or posting notices or otherwise.
- B. Any person who shall travel on any part of a street closed pursuant to this section, or who shall pass over or through or break, injure or remove any such closing notice or barrier, shall be deemed guilty of a violation of this Code.

(Code 1970, §§ 3-5-1, 3-5-2; Code 1987, §§ 9-5, 9-6)

AFTER AMENDMENT

18.04.050 Closing Streets And Alleys; Authorized

- A. The ~~commissioner of streets and public improvements~~ public works director or his/her designee of the city shall have the right to close to traffic any part of any street or alley while improving or repairing the same or laying sewers or water mains or doing any public work in the same; and such ~~commissioner~~ public works director or his/her designee may indicate such closing to traffic by erecting barriers or posting notices or otherwise.
- B. Any person who shall travel on any part of a street closed pursuant to this section, or who shall pass over or through or break, injure or remove any such closing notice or barrier, shall be deemed guilty of a violation of this Code.

(Code 1970, §§ 3-5-1, 3-5-2; Code 1987, §§ 9-5, 9-6)

SECTION 8: AMENDMENT “18.12.020 Trees And Shrubs In Parkway” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.12.020 Trees And Shrubs In Parkway

- A. It shall be unlawful for any person to plant any tree in any parkway without having first secured a permit therefor. Applications for such permits shall be made to the city clerk on the form provided therefor and shall be subject to the approval of the commissioner of streets and public improvements. No fee shall be charged for said permit. Trees shall be planted at least 20 feet apart.
- B. All trees and shrubs now standing or any tree hereafter planted along parkways or standing on private property, but the branches of which extend over the parkway, shall be pruned or trimmed so that no branch of a tree shall grow or hang over the street or sidewalk less than nine feet above ground level. This maintenance shall be the responsibility of the owners of the private property immediately adjacent to the parkway upon which said tree or shrub is located. Any trees or shrubs not so maintained shall be declared to be a public nuisance and may be abated by the city pursuant to this Code.

(Code 1970, § 3-8-2; Code 1987, § 9-42)

AFTER AMENDMENT

18.12.020 Trees And Shrubs In Parkway

- A. It shall be unlawful for any person to plant any tree in any parkway without having

first secured a permit therefor. Applications for such permits shall be made to the city clerk on the form provided therefor and shall be subject to the approval of the ~~commissioner of streets and public improvements~~ public works director or his/her designee. No fee shall be charged for said permit. Trees shall be planted at least 20 feet apart.

- B. All trees and shrubs now standing or any tree hereafter planted along parkways or standing on private property, but the branches of which extend over the parkway, shall be pruned or trimmed so that no branch of a tree shall grow or hang over the street or sidewalk less than nine feet above ground level. This maintenance shall be the responsibility of the owners of the private property immediately adjacent to the parkway upon which said tree or shrub is located. Any trees or shrubs not so maintained shall be declared to be a public nuisance and may be abated by the city pursuant to this Code.

(Code 1970, § 3-8-2; Code 1987, § 9-42)

SECTION 9: AMENDMENT “18.12.040 Maintenance Of Residential Parkways” of the City of Oregon Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

18.12.040 Maintenance Of Residential Parkways

- A. All residential parkways in the city shall be planted with grass or comparable ground vegetation if grass is unable to grow, and same shall be maintained, mowed or trimmed by the owners of the private property immediately adjacent thereto. No grass or comparable ground vegetation shall be permitted to grow to a height of more than six inches. Any residential parkway not so maintained shall be declared to be a public nuisance and may be abated by the city pursuant to this Code.
- B. No residential parkway shall be covered or paved with concrete, asphalt, stone or other hard surface except by written approval of the commissioner of streets and public work.
- C. Citizens have a right to petition for a variance.

(Code 1970, § 3-8-4; Code 1987, § 9-44; Ord. No. 2017-109, § 9-44, 9-26-2017)

A F T E R A M E N D M E N T

18.12.040 Maintenance Of Residential Parkways

- A. All residential parkways in the city shall be planted with grass or comparable ground vegetation if grass is unable to grow, and same shall be maintained, mowed or trimmed by the owners of the private property immediately adjacent thereto. No grass or

comparable ground vegetation shall be permitted to grow to a height of more than six inches. Any residential parkway not so maintained shall be declared to be a public nuisance and may be abated by the city pursuant to this Code.

- B. No residential parkway shall be covered or paved with concrete, asphalt, stone or other hard surface except by written approval of the ~~commissioner of streets and public work~~ director of public works or his/her designee.
- C. Citizens have a right to petition for a variance.

(Code 1970, § 3-8-4; Code 1987, § 9-44; Ord. No. 2017-109, § 9-44, 9-26-2017)

SECTION 10: **AMENDMENT** “18.16.010 Permit Required” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.16.010 Permit Required

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CONSTRUCT: The construction of new work where no work has previously been done.

REPAIR: Applying a moderate amount of gravel, asphalt sealcoating, or concrete sealer to an existing driveway without the use of mechanical equipment. This will not include the use of mechanical equipment to deliver product of repair to the worksite.

REPLACE: Removing and replacing a layer of gravel, a section of asphalt, concrete, or grass paving system from an existing driveway with the use of mechanical equipment.

- A. No person shall construct, replace, or establish any portion of a driveway over, across or upon any portion of a public walk or public parkway without first having obtained a written permit to do so from the commissioner or director of public works or his/her designee. No permit shall be issued for construction or establishment of any such driveway except in accordance with the provisions contained in this chapter.
- B. Property owners are entitled to a driveway permit only if:
 - 1. The driveway will not create an undue safety hazard;
 - 2. It will not impede safe and efficient flow of traffic; and
 - 3. It does and will conform in all respects to existing traffic, zoning and building provisions.
- C. An application for a permit must be made in writing upon forms furnished by the city. Said application shall contain the name and address of the person making the application, the name of the contractor or person who is to construct or replace said driveway and the proposed location and dimensions of such driveway. Complete plans and specifications shall be submitted to the department of streets and public improvements at least five working days before the permit shall be issued. The cost of the permit shall be established in the City of Oregon fee schedule.

(Code 1970, § 3-9-1; Code 1987, § 9-61; Ord. No. 945, 9-28-1987; Ord. No. 1185, 5-12-2003)

AFTER AMENDMENT

18.16.010 Permit Required

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CONSTRUCT: The construction of new work where no work has previously been done.

REPAIR: Applying a moderate amount of gravel, asphalt sealcoating, or concrete sealer to an existing driveway without the use of mechanical equipment. This will not include the use of mechanical equipment to deliver product of repair to the worksite.

REPLACE: Removing and replacing a layer of gravel, a section of asphalt, concrete, or grass paving system from an existing driveway with the use of mechanical equipment.

- A. No person shall construct, replace, or establish any portion of a driveway over, across or upon any portion of a public walk or public parkway without first having obtained a written permit to do so from the ~~commissioner or~~ director of public works or his/her designee. No permit shall be issued for construction or establishment of any such driveway except in accordance with the provisions contained in this chapter.
- B. Property owners are entitled to a driveway permit only if:
 1. The driveway will not create an undue safety hazard;
 2. It will not impede safe and efficient flow of traffic; and
 3. It does and will conform in all respects to existing traffic, zoning and building provisions.
- C. An application for a permit must be made in writing upon forms furnished by the city. Said application shall contain the name and address of the person making the application, the name of the contractor or person who is to construct or replace said driveway and the proposed location and dimensions of such driveway. Complete plans and specifications shall be submitted to the ~~department of streets and public improvements~~ public works department at least five working days before the permit shall be issued. The cost of the permit shall be established in the City of Oregon fee schedule.

(Code 1970, § 3-9-1; Code 1987, § 9-61; Ord. No. 945, 9-28-1987; Ord. No. 1185, 5-12-2003)

SECTION 11: AMENDMENT “18.16.020 Supervision” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.16.020 Supervision

All driveway construction and maintenance work shall be done under the jurisdiction of the commissioner and/or superintendent of streets and public improvements and in accordance with the ordinances of the city and shall be inspected upon completion by the constituted members of the streets and public improvements department.

(Code 1970, § 3-9-2; Code 1987, § 9-62; Ord. No. 1185, 5-12-2003)

AFTER AMENDMENT

18.16.020 Supervision

All driveway construction and maintenance work shall be done under the jurisdiction of the ~~commissioner and/or superintendent of streets and public improvements~~ director of public works or his/her designee and in accordance with the ordinances of the city and shall be inspected upon completion by the constituted members of the ~~streets and public works improvements~~ department.

(Code 1970, § 3-9-2; Code 1987, § 9-62; Ord. No. 1185, 5-12-2003)

SECTION 12: AMENDMENT “18.16.030 Specifications” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.16.030 Specifications

- A. All plans and specifications must conform to the following minimum requirements before a permit for construction or reconstruction of a driveway shall be permitted:
- B. A driveway for other than a residential or dwelling house use shall be constructed of Portland cement concrete or asphalt. Asphalt shall have a minimum depth of two inches without any loose material on top and has a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, his/her designee, or commissioner of streets and public improvements. Concrete shall be of Portland cement concrete at least six inches in thickness or four inches with wire mesh or reinforcement rod. . Concrete shall be as specified by ordinance for sidewalks on file in the office of the city clerk at all times.
- C. A driveway for residential or dwelling house use, which will be accessed from a city street, shall be constructed using asphalt, concrete or an approved grass paving system. Asphalt with a minimum depth of two inches without any loose material on top and has a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, his/her designee, or commissioner of streets and public improvements. Concrete shall be of Portland cement concrete at least six inches in thickness or four inches with wire mesh or reinforcement rod. Concrete

shall be specified by ordinance for sidewalks on file in the office of the city clerk at all times. A residential grass paving system requires a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, his/her designee, or commissioner of streets and public improvements. A residential grass paving system will require a minimum three (3) foot concrete or asphalt approach. The apron shall be built to the same specifications as the asphalt or concrete driveway as specified in this section.

- D. A driveway which will be accessed off an alley shall be constructed, repaired, or replaced using gravel, asphalt, concrete, or an approved grass paving system. Asphalt with a minimum depth of two inches without any loose material on top and has a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, his/her designee or,commissionersuperintendentcommissioner of streets and public improvements. Concrete shall be of Portland cement concrete at least six inches in thickness or four inches with wire mesh or reinforcement rod. Concrete shall be specified by ordinance for sidewalks on file in the office of the city clerk at all times. A residential grass paving system requires a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, his/her designee, or commissioner of streets and public improvements. A residential driveway off an alley will require a minimum three (3) foot concrete or asphalt approach when constructed or replaced. The approach shall be built to the same specifications as the asphalt or concrete driveway as specified in this section.
- E. Where a driveway of any kind of material is constructed across the sidewalk space, it shall conform to the sidewalk grade as established by the commissioner or superintendent of streets and public improvements.
- F. Where a driveway of any kind of material is constructed across an existing sidewalk, said sidewalk shall be removed and replaced with Portland cement concrete for the full width of the driveway and for a distance of at least 12 inches on both sides of said walk. This portion shall be no less than six inches in thickness and constructed in accordance with the ordinance for sidewalks on file in the office of the city clerk.
- G. Where paving in the public street is of concrete, and a concrete driveway is constructed, a bituminous pre-molded expansion joint shall be placed between existing street/curb and new concrete driveway.
- H. The width of the driveway for other than residential or dwelling house shall not exceed 30 feet at the outer or street edge of the sidewalk. Where two or more adjoining driveways are provided for the same property, a safety island of not less than 20 feet at the outer or street side of the sidewalk shall be provided. Not more than two such driveways shall be allowed to any one owner for any one piece of property on any one street for each 100 feet of continuous frontage thereof.
- I. The width of the driveways for a residential or dwelling house shall not be less than nine feet nor more than 24 feet at the outer or street edge of the sidewalk. This section shall not apply to a driveway that is accessed from an alley.
- J. The width of the driveway opening at the curblines shall not exceed the width of the driveway at the outer or street edge of the sidewalk plus ten feet. The centerline of all driveways must be approximately at right angles to the curblines of the pavement in a

public street for a distance of at least ten feet from said curbline.

- K. All driveways shall be so graded between the gutter and the sidewalk that it will not be necessary to change the established grade of either and will not elevate or depress any portion of either. No part of said driveway shall extend beyond the curbline in such a manner as to change the grade of said gutter or obstruct the free flow of water in said gutter. Where elevations or depressions are necessary in the parkway strip between the curb and walk, said parkway shall be graded on both sides of the driveway to a distance sufficient to create a gradual ascent or descent.
- L. Combined curb and gutter and separate curbing shall be entirely removed for the full width of the driveway opening at the curbline. If an existing joint in said curb is within five feet of the end of the driveway opening, the permittee under this article shall remove the existing curbing to said joint or otherwise cut said combined curb and gutter or separate curbing, making a neat edge truly at right angles to the edge of the pavement and truly vertical. Integral curbing, which is that type placed with the pavement and molded as an integral part of it, must be removed for the full depth from the top of the curb to the bottom of the pavement. The edge must be cut as above described. Sawing or cutting to remove the curb to create a swale or depressed curb for the approach opening will be allowed at the discretion of the director of public works, his/her designee, or commissioner of streets and public improvements. No combined curb and gutter, straight curb or integral curb shall be removed within five feet of a public crosswalk.
- M. Where driveways cross open ditches in the parkways, culverts shall be installed. Said culverts shall be of such size and shall be constructed of such materials as determined by the director of public works, his/her designee, or commissioner of streets and public improvements depending on the conditions existing. In no instance shall the size of opening be less than that obtained by a 12-inch diameter pipe. The length of culvert shall be determined by the following method: For a ditch depth of two feet or less, the culvert shall extend not less than five feet beyond both edges of the driveway where it crosses the ditch. For each additional foot depth of ditch two feet shall be added to the above figure, except that no culvert shall be less than 20 feet long and except that where head-walls are constructed at the ends of the culvert the length shall be as determined by the director of public works, his designee, or commissioner of streets and public improvements.
- N. The condition of existing curb shall be evaluated by the director of public works, or his/her designee before a permit is issued. If the director of public works, or his/her designee deems that the curb needs to be replaced, and the damage was caused by the property owner the curb repair or replacement shall be the responsibility of the property owner.
- O. Where an existing catch basin or meter pit is in the area of the proposed driveway, the director of public works, his/her designee, or commissioner and public improvements shall determine if the existing structure and/or cover is adequate for proposed traffic. If either or both need to be replaced, the additional cost thereof shall be paid by the contractor.
- P. All driveways constructed or repaired over, across or upon any public street or public

parkway in the city shall be kept and maintained at all times in accordance with the provisions of this article by the persons so constructing, repairing or using the same as an adjunct or appurtenance to lands or properties immediately adjacent thereto.

- Q. Encroachment into the terrace adjacent to an adjoining property will require the written consent of the adjoining property owner and the approval of the director of public works or his/her designee, commissioner/commissioners/superintendent of streets and public improvements.

Code
1970, §
3-9-3;
Code
1987, §
9-63;
Ord.
No.
1185, 5-
12-
2003)

AFTER AMENDMENT

18.16.030 Specifications

- A. All plans and specifications must conform to the following minimum requirements before a permit for construction or reconstruction of a driveway shall be permitted:
- B. A driveway for other than a residential or dwelling house use shall be constructed of Portland cement concrete or asphalt. Asphalt shall have a minimum depth of two inches without any loose material on top and has a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, ~~or his/her designee, or commissioner of streets and public improvements.~~ Concrete shall be of Portland cement concrete at least six inches in thickness or four inches with wire mesh or reinforcement rod. ~~Concrete shall be as specified by ordinance for sidewalks on file in the office of the city clerk at all times.~~
- C. A driveway for residential or dwelling house use, which will be accessed from a city street, shall be constructed using asphalt, concrete or an approved grass paving system. Asphalt with a minimum depth of two inches without any loose material on top and has a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, ~~or his/her designee, or commissioner of streets and public improvements.~~ Concrete shall be of Portland cement concrete at least six inches in thickness or four inches with wire mesh or reinforcement rod. Concrete shall be specified by ordinance for sidewalks on file in the office of the city clerk at all times. A residential grass paving system requires a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, ~~or his/her designee, or commissioner of streets and public improvements.~~ A residential grass paving system will require a minimum three (3) foot concrete or asphalt approach. The apron shall be built to the same specifications as the asphalt or concrete

driveway as specified in this section.

- D. A driveway which will be accessed off an alley shall be constructed, repaired, or replaced using gravel, asphalt, concrete, or an approved grass paving system. Asphalt with a minimum depth of two inches without any loose material on top and has a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, his/her designee. Concrete shall be of Portland cement concrete at least six inches in thickness or four inches with wire mesh or reinforcement rod. Concrete shall be specified by ordinance for sidewalks on file in the office of the city clerk at all times. A residential grass paving system requires a base of compacted CA-6 road rock at least six inches deep or equivalent as determined by the director of public works, ~~or his/her designee, or commissioner of streets and public improvements.~~ A residential driveway off an alley will require a minimum three (3) foot concrete or asphalt approach when constructed or replaced. The approach shall be built to the same specifications as the asphalt or concrete driveway as specified in this section.
- E. Where a driveway of any kind of material is constructed across the sidewalk space, it shall conform to the sidewalk grade as established by the ~~commissioner or superintendent of streets and public improvements~~ director of public works or his/her designee.
- F. Where a driveway of any kind of material is constructed across an existing sidewalk, said sidewalk shall be removed and replaced with Portland cement concrete for the full width of the driveway and for a distance of at least 12 inches on both sides of said walk. This portion shall be no less than six inches in thickness and constructed in accordance with the ordinance for sidewalks on file in the office of the city clerk.
- G. Where paving in the public street is of concrete, and a concrete driveway is constructed, a bituminous pre-molded expansion joint shall be placed between existing street/curb and new concrete driveway.
- H. The width of the driveway for other than residential or dwelling house shall not exceed 30 feet at the outer or street edge of the sidewalk. Where two or more adjoining driveways are provided for the same property, a safety island of not less than 20 feet at the outer or street side of the sidewalk shall be provided. Not more than two such driveways shall be allowed to any one owner for any one piece of property on any one street for each 100 feet of continuous frontage thereof.
- I. The width of the driveways for a residential or dwelling house shall not be less than nine feet nor more than 24 feet at the outer or street edge of the sidewalk. This section shall not apply to a driveway that is accessed from an alley.
- J. The width of the driveway opening at the curblines shall not exceed the width of the driveway at the outer or street edge of the sidewalk plus ten feet. The centerline of all driveways must be approximately at right angles to the curblines of the pavement in a public street for a distance of at least ten feet from said curblines.
- K. All driveways shall be so graded between the gutter and the sidewalk that it will not be necessary to change the established grade of either and will not elevate or depress any portion of either. No part of said driveway shall extend beyond the curblines in such a manner as to change the grade of said gutter or obstruct the free flow of water in said gutter. Where elevations or depressions are necessary in the parkway strip between the

curb and walk, said parkway shall be graded on both sides of the driveway to a distance sufficient to create a gradual ascent or descent.

- L. Combined curb and gutter and separate curbing shall be entirely removed for the full width of the driveway opening at the curbline. If an existing joint in said curb is within five feet of the end of the driveway opening, the permittee under this article shall remove the existing curbing to said joint or otherwise cut said combined curb and gutter or separate curbing, making a neat edge truly at right angles to the edge of the pavement and truly vertical. Integral curbing, which is that type placed with the pavement and molded as an integral part of it, must be removed for the full depth from the top of the curb to the bottom of the pavement. The edge must be cut as above described. Sawing or cutting to remove the curb to create a swale or depressed curb for the approach opening will be allowed at the discretion of the director of public works or; his/her designee, ~~or commissioner of streets and public improvements~~. No combined curb and gutter, straight curb or integral curb shall be removed within five feet of a public crosswalk.
- M. Where driveways cross open ditches in the parkways, culverts shall be installed. Said culverts shall be of such size and shall be constructed of such materials as determined by the director of public works or; his/her designee, ~~or commissioner of streets and public improvements~~ depending on the conditions existing. In no instance shall the size of opening be less than that obtained by a 12-inch diameter pipe. The length of culvert shall be determined by the following method: For a ditch depth of two feet or less, the culvert shall extend not less than five feet beyond both edges of the driveway where it crosses the ditch. For each additional foot depth of ditch two feet shall be added to the above figure, except that no culvert shall be less than 20 feet long and except that where head-walls are constructed at the ends of the culvert the length shall be as determined by the director of public works or; his designee, ~~or commissioner or streets and public improvements~~.
- N. The condition of existing curb shall be evaluated by the director of public works, or his/her designee before a permit is issued. If the director of public works, or his/her designee deems that the curb needs to be replaced, and the damage was caused by the property owner the curb repair or replacement shall be the responsibility of the property owner.
- O. Where an existing catch basin or meter pit is in the area of the proposed driveway, the director of public works, or his/her designee, ~~or commissioner and public improvements~~ shall determine if the existing structure and/or cover is adequate for proposed traffic. If either or both need to be replaced, the additional cost thereof shall be paid by the contractor.
- P. All driveways constructed or repaired over, across or upon any public street or public parkway in the city shall be kept and maintained at all times in accordance with the provisions of this article by the persons so constructing, repairing or using the same as an adjunct or appurtenance to lands or properties immediately adjacent thereto.
- Q. Encroachment into the terrace adjacent to an adjoining property will require the written consent of the adjoining property owner and the approval of the director of public works, or his/her designee, ~~commissioner~~ ~~commissioners~~ ~~superintendent of streets and public improvements~~.

Code
1970, §
3-9-3;
Code
1987, §
9-63;
Ord.
No.
1185, 5-
12-
2003)

SECTION 13: AMENDMENT “6.41.10 Definitions - Short-Term Rentals”
of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.41.10 Definitions - Short-Term Rentals

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

SHORT-TERM RENTAL - A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare, or similar joint property ownership arrangement that is rented for a fee for less than 30 consecutive days. **Short-term rental** includes vacation rentals. **Short-term** rental does not include:

- A. a unit that is used for any non-rental purpose, including educational, health care, retail, restaurant, banquet space, event center or another similar uses.
- B. a bed and breakfast establishment as defined in this section; or
- C. transient accommodations/accommodations, including hotels, and motels that are not classified as residential property or real property taxation purposes.

CHARGE: Any form of remuneration such as cash, goods or services, barter, donations, forgiveness of indebtedness or like payment.

OPERATOR: The owner of a short-term rental or the owner's agent.

OWNER OCCUPIED SHORT-TERM RENTAL: property in which the owner of the property resides in the property during rentals.

AFTER AMENDMENT

6.41.10 Definitions - Short-Term Rentals

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

SHORT-TERM RENTAL - A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare, or similar joint property ownership arrangement that is rented for a fee for less than 30 consecutive days. **Short-term rental** includes vacation rentals. **Short-term** rental does not include:

- A. a unit that is used for any non-rental purpose, including educational, health care, retail, restaurant, banquet space, event center or another similar uses.
- B. a bed and breakfast establishment as defined in this section; or
- C. transient ~~accommodations~~ accommodations, including hotels, and motels that are not classified as residential property or real property taxation purposes.

CHARGE: Any form of remuneration such as cash, goods or services, barter, donations, forgiveness of indebtedness or like payment.

OPERATOR: The owner of a short-term rental or the owner's agent.

OWNER OCCUPIED SHORT-TERM RENTAL: property in which the owner of the property resides in the property during rentals.

SECTION 14: AMENDMENT “6.41.040 Application For License; Investigation; Approval By Council” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.41.040 Application For License; Investigation; Approval By Council

The clerk shall at once transmit the application and attached papers to the commissioner of public health and safety, who shall cause an investigation to be made and shall deliver the same, together with his findings, to the council. At the discretion of the commissioner, the city engineer may be requested to review the application and written plan to determine the property's suitability for a short-term rental. The commissioner may request that the council approve certain conditions or limitations upon the use of the property described in the application, either prior to the effective date of the license or continuing during the duration of the license. If such application is granted by the council, the clerk shall thereupon deliver to the applicant a written license signed by the mayor and attested by the clerk.

AFTER AMENDMENT

6.41.040 Application For License; Investigation; Approval By Council

The clerk shall at once transmit the application and attached papers to the ~~commissioner of public health and safety~~ city manager, who shall cause an investigation to be made and shall deliver the same, together with his/her findings, to the council. At the discretion of the ~~commissioner~~ city manager, the city engineer may be requested to review the application and written plan to determine the property's suitability for a short-term rental. The ~~commissioner~~ city manager may request that the council approve certain conditions or limitations upon the use of the property described in the application, either prior to the effective date of the license or continuing during the duration of the license. If such application is granted by the council, the clerk shall thereupon deliver to the applicant a written license signed by the mayor and attested by the clerk.

SECTION 15: AMENDMENT “12.12.050 Violations; Penalties” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.12.050 Violations; Penalties

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation the commissioner may determine that a violation of the minimum standards of this chapter exists. The commissioner shall notify the owner in writing of such violation.

- A. If such owner fails after ten days' notice to correct the violation:
 1. The city may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter.
 2. Any person who violates this chapter shall, upon conviction thereof, be fined per the fine schedule.
- B. The commissioner will inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.
- C. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs including attorney's fees connected therewith shall accrue, jointly and severally, to the person responsible.

(Code 1987, § 7-276; Ord. No. 1000, 1-14-1991)

State Law reference— Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq.

AFTER AMENDMENT

12.12.050 Violations; Penalties

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation the ~~commissioner~~city building inspector may determine that a violation of the minimum standards of this chapter exists. The ~~commissioner~~city building inspector shall notify the owner in writing of such violation.

- A. If such owner fails after ten days' notice to correct the violation:
 - 1. The city may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter.
 - 2. Any person who violates this chapter shall, upon conviction thereof, be fined per the fine schedule.
- B. The ~~commissioner~~city building inspector will inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.
- C. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs including attorney's fees connected therewith shall accrue, jointly and severally, to the person responsible.

(Code 1987, § 7-276; Ord. No. 1000, 1-14-1991)

State Law reference— Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq.

SECTION 16: **AMENDMENT** “12.12.070 Administration And Enforcement” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.12.070 Administration And Enforcement

- A. Duties Of The Commissioner: The commissioner shall be responsible for the general administration and enforcement of this section, including, but not limited to, the following duties:
 - 1. Ensure that all development activities within the SFHAs of the jurisdiction of the city meets the requirements of this section.
 - 2. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
 - 3. Ensure that construction authorization has been granted by the state department of transportation, division of water resources, for all development

projects subject to OCC 12.12.080 paragraph A, and maintain a record of such authorization.

4. Maintain a record of the "as built" elevation of the lowest floor (including basement) of all buildings subject to OCC 12.12.080 paragraph B.
5. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to section 16-81.
6. Inspect all development projects to ensure they comply with the provisions of this section.
7. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this division. Submit reports as required for the national flood insurance program.
8. Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and "as built" elevation and floodproofing data for all buildings constructed subject to this section.

B. Development Permit:

1. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the commissioner.
2. The commissioner shall not issue a development permit if the proposed development does not meet the requirements of this section.
 - a. The application for the development permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of OCC 12.12.080 paragraph B.
 - b. Upon receipt of an application for a development permit, the commissioner shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the date of the site's first flood insurance rate map identification is not located in the SFHA and therefore not subject to the requirements of this section. The commissioner shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.
 - c. The commissioner shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity.
3. The commissioner shall not issue the development permit unless all required federal and state permits have been obtained.

C. Variances: Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the commissioner for a variance.

The commissioner shall review the applicant's request for a variance and shall submit recommendation to the city council. The city council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

1. No variance shall be granted unless the applicant demonstrates that:
 - a. The development activity cannot be located outside the SFHA;
 - b. An exceptional hardship would result if the variance were not granted;
 - c. The relief requested is the minimum necessary;
 - d. There will be no additional threat to public health or safety or creation of a nuisance;
 - e. There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities, or other public facilities; and
 - f. The provisions of paragraph B,3 are met.
2. The commissioner shall notify an applicant in writing that a variance from the requirements of OCC 12.12.080 paragraph B that would lessen the degree of protection to a building will:
 - a. Result in increased premium rates for flood insurance up to amounts that may be as high as \$25.00 for \$100.00 of insurance coverage;
 - b. Increase the risks to life and property; and
 - c. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
3. Variances to the building protection requirements of OCC 12.12.080 paragraph B requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of paragraphs A,1 through A,5.

(Code 1987, §§ 7-268, 7-270, 7-274; Ord. No. 1000, 1-14-1991)

AFTER AMENDMENT

12.12.070 Administration And Enforcement

- A. Duties Of The ~~Commissioner~~City Building Inspector: The ~~commissioner~~city building inspector shall be responsible for the general administration and enforcement of this section, including, but not limited to, the following duties:
 1. Ensure that all development activities within the SFHAs of the jurisdiction of the city meets the requirements of this section.
 2. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
 3. Ensure that construction authorization has been granted by the state department of transportation, division of water resources, for all development projects subject to OCC 12.12.080 paragraph A, and maintain a record of

such authorization.

4. Maintain a record of the "as built" elevation of the lowest floor (including basement) of all buildings subject to OCC 12.12.080 paragraph B.
5. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to section 16-81.
6. Inspect all development projects to ensure they comply with the provisions of this section.
7. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this division. Submit reports as required for the national flood insurance program.
8. Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and "as built" elevation and floodproofing data for all buildings constructed subject to this section.

B. Development Permit:

1. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the ~~commissioner~~city building inspector.
2. The ~~commissioner~~city building inspector shall not issue a development permit if the proposed development does not meet the requirements of this section.
 - a. The application for the development permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of OCC 12.12.080 paragraph B.
 - b. Upon receipt of an application for a development permit, the ~~commissioner~~city building inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the date of the site's first flood insurance rate map identification is not located in the SFHA and therefore not subject to the requirements of this section. The ~~commissioner~~city building inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.
 - c. The ~~commissioner~~city building inspector shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity.
3. The ~~commissioner~~city building inspector shall not issue the development permit unless all required federal and state permits have been obtained.

- C. Variances: Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the ~~commissioner~~city building inspector for a variance. The ~~commissioner~~city building inspector shall review the

applicant's request for a variance and shall submit recommendation to the city council. The city council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

1. No variance shall be granted unless the applicant demonstrates that:
 - a. The development activity cannot be located outside the SFHA;
 - b. An exceptional hardship would result if the variance were not granted;
 - c. The relief requested is the minimum necessary;
 - d. There will be no additional threat to public health or safety or creation of a nuisance;
 - e. There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities, or other public facilities; and
 - f. The provisions of paragraph B,3 are met.
2. The ~~commissioner~~city building inspector shall notify an applicant in writing that a variance from the requirements of OCC 12.12.080 paragraph B that would lessen the degree of protection to a building will:
 - a. Result in increased premium rates for flood insurance up to amounts that may be as high as \$25.00 for \$100.00 of insurance coverage;
 - b. Increase the risks to life and property; and
 - c. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
3. Variances to the building protection requirements of OCC 12.12.080 paragraph B requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of paragraphs A,1 through A,5.

(Code 1987, §§ 7-268, 7-270, 7-274; Ord. No. 1000, 1-14-1991)

SECTION 17: AMENDMENT “12.12.080 Flood Hazard Reduction” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.12.080 Flood Hazard Reduction

- A. Preventing Increased Damages: No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.
 1. Within the floodway identified on the flood boundary floodway map, the following standards will apply:

- a. Except as provided in paragraph A,1,b, no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the base flood elevation. The specific development activities identified in paragraph A,2,b shall be considered as meeting this requirement.
 - b. No increase in the base flood elevation may be permitted unless:
 - (1) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;
 - (2) A permit has been issued by the state department of transportation, division of water resource as required in paragraph A,2,a; and
 - (3) For all projects involving channel modifications or fill (including levees), the city shall submit sufficient data to the federal emergency management agency to revise the regulatory flood data.
2. Within all other riverine SFHAs, the following standards shall apply:
- a. In addition to the other requirements of this section, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the state department of transportation, division of water resources, issued pursuant to 615 ILCS 5/5 et seq.
 - b. The following activities may be constructed without the individual permit required in paragraph A,2,a in accordance with statewide permits issued by the state department of transportation, division of water resources provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this section.
 - (1) The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;
 - (2) The construction of light poles, sign posts and similar structures;
 - (3) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (4) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions and carports;
 - (5) The placement of properly anchored buildings not exceeding 70 square feet in size, nor ten feet in any dimension (e.g.,

animal shelters and tool sheds); and

(6) The construction of additions to existing buildings which do not increase the first floor area by more than 20 percent, which are located on the upstream or downstream side of the existing buildings, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters.

c. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;

3. Public health standards in all SFHAs.

a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic material below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of section 16-81.

b. New and replacement sanitary sewer lines and onsite waste disposal systems may be permitted providing all manholes or other above ground openings located below FPE are watertight.

B. Protecting Buildings:

1. In addition to the damage prevention requirements of paragraph A, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

a. Construction or placement of a new building valued at more than \$1,000.00;

b. Structural alterations made to an existing building that increase the floor area by more than 20 percent, or the market value of the building by more than 50 percent;

c. Reconstruction or repairs made to a damaged building that are valued at or more than 50 percent of the market value of the building before the damage occurred;

d. Installing a manufactured home on a new site or a new manufactured home on an existing site. This section does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage;

e. Installing a travel trailer on a site for more than 180 days; and

f. Repetitive loss to an existing building as defined in OCC 12.12.010.

2. This building protection requirement may be met by one of the following methods. The commissioner shall maintain a record of compliance with these building protection standards as required in OCC 12.12.070 paragraph A.

a. A residential or nonresidential building may be constructed on

permanent landfill in accordance with the following:

- (1) The fill shall be placed in layers no greater than one-foot deep before compaction.
- (2) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPE.
- (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
- (4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

b. A residential or nonresidential building may be elevated in accordance with the following:

- (1) The building or improvements shall be elevated on crawl space, walls, stilts, piles, or other foundation provided:
 - (A) The walls have permanent openings no more than one foot above grade; and
 - (B) The walls and floor are not subject to damage by hydrostatic pressures associated with the base flood.
- (2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
- (3) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.

c. Manufactured homes and travel trailers to be installed on a site for more than 180 days shall be:

- (1) Elevated at or above the FPE in accordance with paragraphs B,2,a,(1) and B,2,a,(2).
- (2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act (210 ILCS 120/1 et seq.).

d. Only a nonresidential building may be floodproofed in accordance with the following:

- (1) A registered professional engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building

design shall take into account flood velocities, duration, rate or rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.

- (2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

C. Other Development Requirements: The city council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

1. New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall meet the requirements of paragraphs A and B. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
2. Proposals for new subdivisions, manufactured home parks, Planned Unit Developments (PUDs) and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the state water survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the state water survey for review and approval as best available elevation data.

(Code 1987, §§ 7-271–7-273; Ord. No. 1000, 1-14-1991; Memo. of 5-14-2001; Ord. No. 1164, § 1, 5-29-2001)

AFTER AMENDMENT

12.12.080 Flood Hazard Reduction

A. Preventing Increased Damages: No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

1. Within the floodway identified on the flood boundary floodway map, the following standards will apply:
 - a. Except as provided in paragraph A,1,b, no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the base flood elevation. The specific development activities identified in paragraph A,2,b shall be considered as meeting this requirement.
 - b. No increase in the base flood elevation may be permitted unless:
 - (1) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood

- damages;
 - (2) A permit has been issued by the state department of transportation, division of water resource as required in paragraph A,2,a; and
 - (3) For all projects involving channel modifications or fill (including levees), the city shall submit sufficient data to the federal emergency management agency to revise the regulatory flood data.
2. Within all other riverine SFHAs, the following standards shall apply:
- a. In addition to the other requirements of this section, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the state department of transportation, division of water resources, issued pursuant to 615 ILCS 5/5 et seq.
 - b. The following activities may be constructed without the individual permit required in paragraph A,2,a in accordance with statewide permits issued by the state department of transportation, division of water resources provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this section.
 - (1) The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;
 - (2) The construction of light poles, sign posts and similar structures;
 - (3) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (4) The construction of properly anchored, unwallied, open structures such as playground equipment, pavilions and carports;
 - (5) The placement of properly anchored buildings not exceeding 70 square feet in size, nor ten feet in any dimension (e.g., animal shelters and tool sheds); and
 - (6) The construction of additions to existing buildings which do not increase the first floor area by more than 20 percent, which are located on the upstream or downstream side of the existing buildings, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters.
 - c. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot for the affected hydraulic reach of the stream and will not increase flood damages or

potential flood damages;

3. Public health standards in all SFHAs.

- a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic material below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of section 16-81.
- b. New and replacement sanitary sewer lines and onsite waste disposal systems may be permitted providing all manholes or other above ground openings located below FPE are watertight.

B. Protecting Buildings:

1. In addition to the damage prevention requirements of paragraph A, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

- a. Construction or placement of a new building valued at more than \$1,000.00;
- b. Structural alterations made to an existing building that increase the floor area by more than 20 percent, or the market value of the building by more than 50 percent;
- c. Reconstruction or repairs made to a damaged building that are valued at or more than 50 percent of the market value of the building before the damage occurred;
- d. Installing a manufactured home on a new site or a new manufactured home on an existing site. This section does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage;
- e. Installing a travel trailer on a site for more than 180 days; and
- f. Repetitive loss to an existing building as defined in OCC 12.12.010.

2. This building protection requirement may be met by one of the following methods. The ~~commissioner~~city building inspector shall maintain a record of compliance with these building protection standards as required in OCC 12.12.070 paragraph A.

- a. A residential or nonresidential building may be constructed on permanent landfill in accordance with the following:
 - (1) The fill shall be placed in layers no greater than one-foot deep before compaction.
 - (2) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPE.
 - (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
 - (4) The fill shall not adversely affect the flow of surface drainage

from or onto neighboring properties.

b. A residential or nonresidential building may be elevated in accordance with the following:

- (1) The building or improvements shall be elevated on crawl space, walls, stilts, piles, or other foundation provided:
 - (A) The walls have permanent openings no more than one foot above grade; and
 - (B) The walls and floor are not subject to damage by hydrostatic pressures associated with the base flood.
- (2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
- (3) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.

c. Manufactured homes and travel trailers to be installed on a site for more than 180 days shall be:

- (1) Elevated at or above the FPE in accordance with paragraphs B,2,a,(1) and B,2,a,(2).
- (2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act (210 ILCS 120/1 et seq.).

d. Only a nonresidential building may be floodproofed in accordance with the following:

- (1) A registered professional engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate or rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
- (2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

C. Other Development Requirements: The city council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

1. New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall meet the requirements of paragraphs A and B. Plats or plans for new subdivisions, manufactured home parks, and planned unit

developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

2. Proposals for new subdivisions, manufactured home parks, Planned Unit Developments (PUDs) and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the state water survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the state water survey for review and approval as best available elevation data.

(Code 1987, §§ 7-271–7-273; Ord. No. 1000, 1-14-1991; Memo. of 5-14-2001; Ord. No. 1164, § 1, 5-29-2001)

SECTION 18: **AMENDMENT** “14.04.010 Definitions - Utilities” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.010 Definitions - Utilities

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPROVING AUTHORITY: The mayor and city council of the city, acting by and through the superintendent of waters and sewers.

BASIC USER CHARGE: The assessments levied on all users of the public water and/or sewer system for operation, maintenance and replacement expenses of each system.

BOD (BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

CAPITAL IMPROVEMENT CHARGE: A charge levied on users to improve, extend or

reconstruct water and/or wastewater treatment works. It shall also include elimination of private water and sewer lines.

CITY: The city of Oregon and any reference to "within the city" means all territory within the perimeter of the city boundaries.

COMBINED SEWER: A sewer which is designed and intended to receive wastewater, stormwater, surface water and groundwater drainage.

COMMERCIAL USER: A commercial, professional, business, religious or multifamily residence together with any other consumer of the combined waterworks and sewerage system of the city not defined in this section. The term "commercial" shall also include any residential living units metered together.

CONTROL MANHOLE: A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for a city representative to sample and/or measure discharges.

DEBT SERVICE CHARGE: The amount to be paid each billing period for payment of interest, principal and coverage on all outstanding bonds and loans.

EASEMENT: An acquired legal right for the specific use of land owned by others.

EFFLUENT CRITERIA: Are defined in any applicable NPDES permit.

FLOATABLE OIL: Oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free from floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL USER: Any establishment engaged chiefly in the manufacture of or in the construction or assembly of goods, wares and merchandise for sale and employing for that purpose not less than eight persons, or any person, partnership or corporation engaged chiefly in the production of butter or cheese or in the pasteurization of or evaporation of milk.

INDUSTRIAL WASTE: Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

INFILTRATION: The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. The term "infiltration" does not include, and is distinguished

from, "inflow."

INFILTRATION/INFLOW: The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW: The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders; cellar, yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers, cross connections from storm sewers, and combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. The term "inflow" does not include, and is distinguished from, "infiltration."

MAJOR CONTRIBUTING INDUSTRY: An industrial user of the publicly owned treatment works that:

- A. Has a flow of 50,000 gallons or more per average work day;
- B. Has a flow greater than ten percent of the flow carried by the municipal system receiving the waste;
- C. Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or
- D. Is found by the permit issuant authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality or effluent from that treatment works.

MILLIGRAMS PER LITER: A unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NPDES PERMIT: A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to section 402 of the Federal Clean Water Act as amended.

PERSON: Any and all persons, natural or artificial, private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH: The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in grams per liter of solution. It shall be determined by one of the procedures outlined in "Standard methods."

POPULATION EQUIVALENT: A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids. The impact on a

treatment works is evaluated as the equivalent of the highest of three parameters. Impact on a stream is the higher of the BOD and suspended solids parameters.

PPM: Parts per million by weight.

PRETREATMENT: The treatment of wastewater from sources before introduction into the wastewater treatment works.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC BUILDING: Any building which is owned, operated or controlled by any governmental unit or by any subsidiary thereof.

PUBLIC SEWER: A sewer dedicated to or provided by or subject to the jurisdiction of the city, consisting of collector sewer, interceptor sewer, force main and pumping station. It shall also include sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sewer system, even though those sewers may not have been constructed with city funds.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for each such works designed and constructed. The term "operation and maintenance" includes replacement.

RESIDENTIAL USER: Refers to a building used or intended to be used as a room or building in which all living rooms are accessible to each other from within the building and in which said living rooms are accessible without using an entrance stairway or hallway that is designated as a common hallway or stairway for more than one family and in which the use and management of all sleeping quarters and all appliances for cooking, ventilating, heating and lighting are under one control.

SANITARY SEWER: A sewer that conveys sewage or industrial wastes, or a combination of both, and into which stormwaters, surface waters and groundwaters or unpolluted industrial wastes are not intentionally admitted.

SEWAGE: Is used interchangeably with the term "wastewater."

SEWER: A pipe or conduit for conveying sewage or any other waste liquids, including stormwater, surface water and groundwater drainage.

SEWERAGE: The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

SHALL: Mandatory; may is permissible.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

STANDARD METHODS: The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

STORM SEWER: A sewer that carries stormwater, surface water and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STORMWATER RUNOFF: That portion of the rainfall that is drained into the sewers.

SUPERINTENDENT: The person appointed annually by the city council, to oversee and/or perform the operation and maintenance of the waterworks and sewerage systems.

SURCHARGE: The assessment in addition to the basic user charge, debt service charge and capital improvement charge which is levied on those persons whose wastes are greater in strength than the concentration values established for average strength sewage as defined herein.

SUSPENDED SOLIDS: Solids that either float on the surface of or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard methods."

UNPOLLUTED WATER: Water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE: The estimated period during which the facilities will be operated.

USER: As a customer being served with one meter.

USER CHARGE: A charge levied on users of the water and/or sewerage systems for the costs of operation, maintenance and replacement.

USER CLASS: The type of user, commercial, industrial, public buildings or residential, as defined herein.

WASTEWATER: The spent water of the community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions,

together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES: The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport the effluent to a watercourse.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "wastewater treatment plant," "sewage treatment plant" or "pollution control plant."

WATER QUALITY STANDARDS: Are defined in the "Water Pollution Regulations of Illinois."

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

(Code 1987, § 11-4; Ord. No. 1027, § 1, 9-28-1992; Ord. No. 1051, § 1, 5-23-1994; Ord. No. 1058, § 1, 8-22-1994)

AFTER AMENDMENT

14.04.010 Definitions - Utilities

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPROVING AUTHORITY: The mayor and city council of the city, acting by and through the superintendent of waters and sewers.

BASIC USER CHARGE: The assessments levied on all users of the public water and/or sewer system for operation, maintenance and replacement expenses of each system.

BOD (BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

CAPITAL IMPROVEMENT CHARGE: A charge levied on users to improve, extend or reconstruct water and/or wastewater treatment works. It shall also include elimination of private water and sewer lines.

CITY: The city of Oregon and any reference to "within the city" means all territory within the perimeter of the city boundaries.

COMBINED SEWER: A sewer which is designed and intended to receive wastewater, stormwater, surface water and groundwater drainage.

COMMERCIAL USER: A commercial, professional, business, religious or multifamily residence together with any other consumer of the combined waterworks and sewerage system of the city not defined in this section. The term "commercial" shall also include any residential living units metered together.

CONTROL MANHOLE: A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for a city representative to sample and/or measure discharges.

DEBT SERVICE CHARGE: The amount to be paid each billing period for payment of interest, principal and coverage on all outstanding bonds and loans.

EASEMENT: An acquired legal right for the specific use of land owned by others.

EFFLUENT CRITERIA: Are defined in any applicable NPDES permit.

FLOATABLE OIL: Oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free from floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL USER: Any establishment engaged chiefly in the manufacture of or in the construction or assembly of goods, wares and merchandise for sale and employing for that purpose not less than eight persons, or any person, partnership or corporation engaged chiefly in the production of butter or cheese or in the pasteurization of or evaporation of milk.

INDUSTRIAL WASTE: Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

INFILTRATION: The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. The term "infiltration" does not include, and is distinguished from, "inflow."

INFILTRATION/INFLOW: The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW: The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders; cellar, yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers, cross connections from storm sewers, and combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. The term "inflow" does not include, and is distinguished from, "infiltration."

MAJOR CONTRIBUTING INDUSTRY: An industrial user of the publicly owned treatment works that:

- A. Has a flow of 50,000 gallons or more per average work day;
- B. Has a flow greater than ten percent of the flow carried by the municipal system receiving the waste;
- C. Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or
- D. Is found by the permit issuant authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality or effluent from that treatment works.

MILLIGRAMS PER LITER: A unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NPDES PERMIT: A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to section 402 of the Federal Clean Water Act as amended.

PERSON: Any and all persons, natural or artificial, private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH: The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in grams per liter of solution. It shall be determined by one of the procedures outlined in "Standard methods."

POPULATION EQUIVALENT: A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of three parameters. Impact on a stream is the higher of the BOD and suspended solids parameters.

PPM: Parts per million by weight.

PRETREATMENT: The treatment of wastewater from sources before introduction into the wastewater treatment works.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC BUILDING: Any building which is owned, operated or controlled by any governmental unit or by any subsidiary thereof.

PUBLIC SEWER: A sewer dedicated to or provided by or subject to the jurisdiction of the city, consisting of collector sewer, interceptor sewer, force main and pumping station. It shall also include sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sewer system, even though those sewers may not have been constructed with city funds.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for each such works designed and constructed. The term "operation and maintenance" includes replacement.

RESIDENTIAL USER: Refers to a building used or intended to be used as a room or building in which all living rooms are accessible to each other from within the building and in which said living rooms are accessible without using an entrance stairway or hallway that is designated as a common hallway or stairway for more than one family and in which the use and management of all sleeping quarters and all appliances for cooking, ventilating, heating and lighting are under one control.

SANITARY SEWER: A sewer that conveys sewage or industrial wastes, or a combination of both, and into which stormwaters, surface waters and groundwaters or unpolluted industrial wastes are not intentionally admitted.

SEWAGE: Is used interchangeably with the term "wastewater."

SEWER: A pipe or conduit for conveying sewage or any other waste liquids, including stormwater, surface water and groundwater drainage.

SEWERAGE: The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

SHALL: Mandatory; may is permissible.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any

given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

STANDARD METHODS: The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

STORM SEWER: A sewer that carries stormwater, surface water and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STORMWATER RUNOFF: That portion of the rainfall that is drained into the sewers.

~~**SUPERINTENDENT:** The person appointed annually by the city council, to oversee and/or perform the operation and maintenance of the waterworks and sewerage systems.~~

SURCHARGE: The assessment in addition to the basic user charge, debt service charge and capital improvement charge which is levied on those persons whose wastes are greater in strength than the concentration values established for average strength sewage as defined herein.

SUSPENDED SOLIDS: Solids that either float on the surface of or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard methods."

UNPOLLUTED WATER: Water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE: The estimated period during which the facilities will be operated.

USER: As a customer being served with one meter.

USER CHARGE: A charge levied on users of the water and/or sewerage systems for the costs of operation, maintenance and replacement.

USER CLASS: The type of user, commercial, industrial, public buildings or residential, as defined herein.

WASTEWATER: The spent water of the community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES: The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport the effluent to a watercourse.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "wastewater treatment plant," "sewage treatment plant" or "pollution control plant."

WATER QUALITY STANDARDS: Are defined in the "Water Pollution Regulations of Illinois."

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

(Code 1987, § 11-4; Ord. No. 1027, § 1, 9-28-1992; Ord. No. 1051, § 1, 5-23-1994; Ord. No. 1058, § 1, 8-22-1994)

SECTION 19: AMENDMENT "14.12.020 Persons Authorized To Care For Meters" of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.020 Persons Authorized To Care For Meters

No person unless properly authorized by the water and sewer superintendent shall connect, disconnect, repair or otherwise disturb any water meter.

(Code 1970, §§ 3-3-6, 3-6-14; Code 1987, § 11-67)

AFTER AMENDMENT

14.12.020 Persons Authorized To Care For Meters

No person unless properly authorized by the ~~water and sewer superintendent~~ public works director or his/her designee shall connect, disconnect, repair or otherwise disturb any water meter.

(Code 1970, §§ 3-3-6, 3-6-14; Code 1987, § 11-67)

SECTION 20: AMENDMENT "14.12.030 Type Of Meter" of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.030 Type Of Meter

The water and sewer superintendent shall determine the kind and pattern of meters to be used, and none except those specified shall be connected with the city water mains.

(Code 1970, § 3-3-1; Code 1987, § 11-68)

AFTER AMENDMENT

14.12.030 Type Of Meter

The ~~water and sewer superintendent~~ public works director or his/her designee shall determine the kind and pattern of meters to be used, and none except those specified shall be connected with the city water mains.

(Code 1970, § 3-3-1; Code 1987, § 11-68)

SECTION 21: AMENDMENT “14.12.050 Right To Enter” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.050 Right To Enter

The water and sewer superintendent or the employees of the city shall have free and ready access to the premises and buildings where water meters are located for the purpose of reading, examining, testing and repairing such meters.

(Code 1970, § 3-3-3; Code 1987, § 11-70)

AFTER AMENDMENT

14.12.050 Right To Enter

The ~~water and sewer superintendent~~ public works director, his/her designee, or the employees of the city shall have free and ready access to the premises and buildings where water meters are located for the purpose of reading, examining, testing and repairing such meters.

(Code 1970, § 3-3-3; Code 1987, § 11-70)

SECTION 22: AMENDMENT “14.12.060 Notification For Repair; Protection Generally” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.060 Notification For Repair; Protection Generally

The owners of meters must protect them from theft, freezing, hot water, breakage or other damage; and it shall be their duty to immediately notify the superintendent of the water department when a meter is out of repair or fails to register. Any defective meter shall be immediately repaired at the city's cost, however, such repairs caused by negligence of the owner/renter shall be at the homeowner's/renter's cost.

(Code 1970, § 3-3-4; Code 1987, § 11-71)

AFTER AMENDMENT

14.12.060 Notification For Repair; Protection Generally

The owners of meters must protect them from theft, freezing, hot water, breakage or other damage; and it shall be their duty to immediately notify the ~~superintendent of the water department~~ public works director or his/her designee when a meter is out of repair or fails to register. Any defective meter shall be immediately repaired at the city's cost, however, such repairs caused by negligence of the owner/renter shall be at the homeowner's/renter's cost.

(Code 1970, § 3-3-4; Code 1987, § 11-71)

SECTION 23: AMENDMENT “14.16.020 Basis For Water And Wastewater Charges” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.16.020 Basis For Water And Wastewater Charges

The charges for the use of and for services supplied by the combined waterworks and wastewater system of the city shall consist of a water service charge and a wastewater service charge.

- A. Water Service Charge: The water service charge shall consist of fixed charges and variable charges based on water usage as recorded by water meters and shall consist of a basic user charge, a debt service charge and a capital improvement charge.
 1. The basic user charge is for the operation, maintenance and replacement expenses and is based on water usage as recorded by water meters. The basic user charge is computed by multiplying the water usage in 1,000 gallons per billing period by a water use rate developed as follows:
 - a. Estimate the projected annual revenue required to operate and maintain the waterworks facilities including equipment replacement.
 - b. Estimate the billable water volume.
 - c. Compute the costs (rate) in dollars per 1,000 gallons of billable water volume.
 2. The fixed debt service charge is computed by dividing the annual debt service cost by the total number of users served. By further division, the monthly

fixed debt service charge per user can be computed. The fixed debt service charge is computed by dividing the annual debt service cost by the total number of users (units) served. By further division, the monthly fixed debt service charge per unit can be computed. The development of the debt service user rate is identical to the development of the basic user rate per paragraph A,1, except that 50 percent of the projected annual revenue required for the waterworks revenue bond costs is used.

3. The capital improvement charge is for capital improvements, extensions, elimination of private water lines or reconstruction of the waterworks and is based on water usage as recorded by water meters. The capital improvement charge is computed by multiplying the water usage in 1,000 gallons per billing period by the capital improvements user rate. The development of the capital improvement user rate is identical to the development of the basic user rate per paragraph A,1, except that the projected annual revenue requirement for capital improvements and private line elimination is used.
- B. Wastewater Service Charge: The wastewater service charge shall consist of fixed charges and variable charges based on water usage as recorded by water meters and/or wastewater meters and shall consist of a basic user charge, a debt service charge, a capital improvement charge and a surcharge, if applicable.
1. The basic user charge is for the operation, maintenance and replacement expenses and is based on water usage as recorded by water meters and/or wastewater meters for wastewater having the following normal domestic concentrations:
 - a. A five-day 20 degree centigrade biochemical oxygen demand (BOD 5) of 200 mg/L.
 - b. A suspended solids (SS) content of 240 mg/L.
 2. The basic user charge is computed by multiplying the water/wastewater volume in 1,000 gallons by a basic user rate which is established as follows:
 - a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including equipment replacement.
 - b. Estimate the annual billable wastewater volume.
 - c. Compute the user rate in dollars per 1,000 gallons of billable wastewater volume.
 3. The debt service has a "fixed debt service charge" component and a "variable debt service charge" component. The "fixed debt service charge" is computed by proportioning 50 percent of the total annual debt service costs equally to all users as a fixed charge per billing period. The "variable debt service charge" is computed by multiplying the wastewater usage in 1,000 gallons per billing period by a water use rate developed as follows:
 - a. 50 percent of the total annual debt service is paid for through revenues from the "variable debt service charge."
 - b. Estimate the billable wastewater volume.
 - c. Compute the cost (rate) in dollars per 1,000 gallons of billable water volume.
 4. The capital improvement charge is for capital improvements, extensions,

elimination of private sewer lines or reconstruction of the wastewater treatment works and is based on water usage as recorded by water meters and/or wastewater meters. The capital improvement charge is computed by multiplying the wastewater usage in 1,000 gallons per billing period by the capital improvement user rate. The development of the capital improvement user rate is identical to the development of the basic user rate per paragraph B,1, except that the projected annual revenue requirement for capital improvements and private line elimination is used.

5. A surcharge will be levied to all users whose wastes exceed the normal domestic concentrations for BOD 5 (200 mg/L) and/or SS (240 mg/L). The surcharge will be based on water usage as recorded by water meters and/or wastewater meters for all wastes which exceed 200 mg/L and 240 mg/L concentration for BOD 5 and SS respectively. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the superintendent and shall be binding as a basis for surcharges.
- C. Adequacy Of Water And/Or Wastewater Service Charges: The adequacy of the water and/or wastewater service charges shall be reviewed annually and shall be revised periodically to reflect a change in the operation and maintenance costs, including equipment replacement or changes in the debt service and/or capital improvement costs.
- D. Annual Notification: Users of the water/wastewater systems will be notified annually, in conjunction with a regular bill, of the rates and that portion of the user charges which are attributable to the water/wastewater treatment operation, maintenance and replacement.
- E. Measurement Of Flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.
1. If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the superintendent for the purpose of determining the volume of water obtained from these other sources.
 2. Devices for measuring the volume of waste discharged may be required by the superintendent if these volumes cannot otherwise be determined from the metered water consumption records.
 3. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the superintendent.

(Code 1987, § 11-86; Ord. No. 1027, § 2, 9-28-1992; Ord. No. 1051, § 2, 5-23-1994; Ord. No. 1058, § 2, 8-22-1994; Ord. No. 1153, § 5, 11-13-2000)

AFTER AMENDMENT

14.16.020 Basis For Water And Wastewater Charges

The charges for the use of and for services supplied by the combined waterworks and wastewater system of the city shall consist of a water service charge and a wastewater service charge.

- A. Water Service Charge: The water service charge shall consist of fixed charges and variable charges based on water usage as recorded by water meters and shall consist of a basic user charge, a debt service charge and a capital improvement charge.
 1. The basic user charge is for the operation, maintenance and replacement expenses and is based on water usage as recorded by water meters. The basic user charge is computed by multiplying the water usage in 1,000 gallons per billing period by a water use rate developed as follows:
 - a. Estimate the projected annual revenue required to operate and maintain the waterworks facilities including equipment replacement.
 - b. Estimate the billable water volume.
 - c. Compute the costs (rate) in dollars per 1,000 gallons of billable water volume.
 2. The fixed debt service charge is computed by dividing the annual debt service cost by the total number of users served. By further division, the monthly fixed debt service charge per user can be computed. The fixed debt service charge is computed by dividing the annual debt service cost by the total number of users (units) served. By further division, the monthly fixed debt service charge per unit can be computed. The development of the debt service user rate is identical to the development of the basic user rate per paragraph A,1, except that 50 percent of the projected annual revenue required for the waterworks revenue bond costs is used.
 3. The capital improvement charge is for capital improvements, extensions, elimination of private water lines or reconstruction of the waterworks and is based on water usage as recorded by water meters. The capital improvement charge is computed by multiplying the water usage in 1,000 gallons per billing period by the capital improvements user rate. The development of the capital improvement user rate is identical to the development of the basic user rate per paragraph A,1, except that the projected annual revenue requirement for capital improvements and private line elimination is used.
- B. Wastewater Service Charge: The wastewater service charge shall consist of fixed charges and variable charges based on water usage as recorded by water meters and/or wastewater meters and shall consist of a basic user charge, a debt service charge, a capital improvement charge and a surcharge, if applicable.
 1. The basic user charge is for the operation, maintenance and replacement expenses and is based on water usage as recorded by water meters and/or wastewater meters for wastewater having the following normal domestic concentrations:
 - a. A five-day 20 degree centigrade biochemical oxygen demand (BOD 5) of 200 mg/L.

- b. A suspended solids (SS) content of 240 mg/L.
 2. The basic user charge is computed by multiplying the water/wastewater volume in 1,000 gallons by a basic user rate which is established as follows:
 - a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including equipment replacement.
 - b. Estimate the annual billable wastewater volume.
 - c. Compute the user rate in dollars per 1,000 gallons of billable wastewater volume.
 3. The debt service has a "fixed debt service charge" component and a "variable debt service charge" component. The "fixed debt service charge" is computed by proportioning 50 percent of the total annual debt service costs equally to all users as a fixed charge per billing period. The "variable debt service charge" is computed by multiplying the wastewater usage in 1,000 gallons per billing period by a water use rate developed as follows:
 - a. 50 percent of the total annual debt service is paid for through revenues from the "variable debt service charge."
 - b. Estimate the billable wastewater volume.
 - c. Compute the cost (rate) in dollars per 1,000 gallons of billable water volume.
 4. The capital improvement charge is for capital improvements, extensions, elimination of private sewer lines or reconstruction of the wastewater treatment works and is based on water usage as recorded by water meters and/or wastewater meters. The capital improvement charge is computed by multiplying the wastewater usage in 1,000 gallons per billing period by the capital improvement user rate. The development of the capital improvement user rate is identical to the development of the basic user rate per paragraph B,1, except that the projected annual revenue requirement for capital improvements and private line elimination is used.
 5. A surcharge will be levied to all users whose waters exceed the normal domestic concentrations for BOD 5 (200 mg/L) and/or SS (240 mg/L). The surcharge will be based on water usage as recorded by water meters and/or wastewater meters for all wastes which exceed 200 mg/L and 240 mg/L concentration for BOD 5 and SS respectively. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the ~~superintendent~~ public works director or his/her designee and shall be binding as a basis for surcharges.
- C. Adequacy Of Water And/Or Wastewater Service Charges: The adequacy of the water and/or wastewater service charges shall be reviewed annually and shall be revised periodically to reflect a change in the operation and maintenance costs, including equipment replacement or changes in the debt service and/or capital improvement costs.
- D. Annual Notification: Users of the water/wastewater systems will be notified annually, in conjunction with a regular bill, of the rates and that portion of the user charges

which are attributable to the water/wastewater treatment operation, maintenance and replacement.

E. Measurement Of Flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.

1. If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the ~~superintendent~~public works director or his/her designee for the purpose of determining the volume of water obtained from these other sources.
2. Devices for measuring the volume of waste discharged may be required by the ~~superintendent~~public works director or his/her designee if these volumes cannot otherwise be determined from the metered water consumption records.
3. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the ~~superintendent~~public works director or his/her designee.

(Code 1987, § 11-86; Ord. No. 1027, § 2, 9-28-1992; Ord. No. 1051, § 2, 5-23-1994; Ord. No. 1058, § 2, 8-22-1994; Ord. No. 1153, § 5, 11-13-2000)

SECTION 24: **AMENDMENT** “14.20.010 Unpolluted Waters; Proper Discharge” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.010 Unpolluted Waters; Proper Discharge

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

(Code 1987, § 11-100; Ord. No. 1027, § 5, 9-28-1992)

AFTER AMENDMENT

14.20.010 Unpolluted Waters; Proper Discharge

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the ~~superintendent~~public works director or his/her designee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the ~~superintendent~~public works director or

his/her designee, to a storm sewer or natural outlet.

(Code 1987, § 11-100; Ord. No. 1027, § 5, 9-28-1992)

SECTION 25: **AMENDMENT** “14.20.030 Restricted Discharges” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.030 Restricted Discharges

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies, including the NPDES permit of the city. The substances prohibited are:
1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
 4. Any waters or wastes containing strong acid, iron-pickling wastes, or concentrated plating solutions, whether neutralized or not.
 5. Any waters or wastes containing toxic substances, or wastes exerting an excessive chlorine requirements, to such degree that any such material received in composite sewage at the sewage treatment plant exceeds the limits established by the superintendent.
- B. The superintendent will evaluate each toxic or objectionable substance waste on a concentration-dilution basis and will establish maximum allowable discharge concentrations for each individual person to protect against the following:
1. Decreased sewage plant treatment process efficiencies and degraded effluent qualities exceeding the current requirements of the regulatory agencies;

2. Concentrations of any toxic or objectionable substance in the sewage treatment plant effluent exceeding the current maximum limits established by the regulatory agencies for such plant effluent flows;
3. Any concentrations of toxic or objectionable substances in plant effluent flows which will result in concentrations of such substances in the receiving waters which will exceed the regulatory agency's maximum allowable limits for these substances in the receiving waters. Unless otherwise authorized by the superintendent, the maximum acceptable concentration of certain substances in the waste discharged to the city sewers shall not exceed the following limitations:

Limits for Certain Substances

Waste or chemical	Stored number	Concentration (mg per liter)
Cadmium	01027	0.15
Chromium (total hexavalent)	01032	0.3
Chromium (total trivalent)	01033	1.0
Copper (total)	01042	1.0
Cyanide (total)	00720	0.10
Iron (total)	01045	2.0
Lead (total)	01051	0.1
Nickel (total)	01067	1.0
Zinc (total)	01092	1.0

4. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
5. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
6. Any waters or wastes having a pH in excess of 9.5.
7. Any mercury or any of its compounds in excess of 0.0005 milligrams per liter as Hg at any time except as permitted by the superintendent in compliance with applicable state and federal regulations.
8. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and

- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD 5, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. Unusual volume of flow or concentrations of wastes constituting slugs as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(Code 1987, § 11-102; Ord. No. 1027, § 5, 9-28-1992)

AFTER AMENDMENT

14.20.030 Restricted Discharges

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the ~~superintendent~~public works director or his/her designee that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the ~~superintendent~~public works director or his/her designee will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies, including the NPDES permit of the city. The substances prohibited are:
1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the ~~superintendent~~public works director or his/her designee.
 4. Any waters or wastes containing strong acid, iron-pickling wastes, or concentrated plating solutions, whether neutralized or not.
 5. Any waters or wastes containing toxic substances, or wastes exerting an excessive chlorine requirements, to such degree that any such material

received in composite sewage at the sewage treatment plant exceeds the limits established by the ~~superintendent~~public works director or his/her designee.

B. The ~~superintendent~~public works director or his/her designee will evaluate each toxic or objectionable substance waste on a concentration-dilution basis and will establish maximum allowable discharge concentrations for each individual person to protect against the following:

1. Decreased sewage plant treatment process efficiencies and degraded effluent qualities exceeding the current requirements of the regulatory agencies;
2. Concentrations of any toxic or objectionable substance in the sewage treatment plant effluent exceeding the current maximum limits established by the regulatory agencies for such plant effluent flows;
3. Any concentrations of toxic or objectionable substances in plant effluent flows which will result in concentrations of such substances in the receiving waters which will exceed the regulatory agency's maximum allowable limits for these substances in the receiving waters. Unless otherwise authorized by the ~~superintendent~~director of public works or his/her designee, the maximum acceptable concentration of certain substances in the waste discharged to the city sewers shall not exceed the following limitations:

Limits for Certain Substances

Waste or chemical	Stored number	Concentration (mg per liter)
Cadmium	01027	0.15
Chromium (total hexavalent)	01032	0.3
Chromium (total trivalent)	01033	1.0
Copper (total)	01042	1.0
Cyanide (total)	00720	0.10
Iron (total)	01045	2.0
Lead (total)	01051	0.1
Nickel (total)	01067	1.0
Zinc (total)	01092	1.0

4. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the ~~superintendent~~public works director or his/her designee as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
5. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the ~~superintendent~~public works director or his/her designee in compliance with applicable state or federal regulations.
6. Any waters or wastes having a pH in excess of 9.5.
7. Any mercury or any of its compounds in excess of 0.0005 milligrams per liter as Hg at any time except as permitted by the ~~superintendent~~public works director or his/her designee in compliance with applicable state and federal regulations.
8. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD 5, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. Unusual volume of flow or concentrations of wastes constituting slugs as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(Code 1987, § 11-102; Ord. No. 1027, § 5, 9-28-1992)

SECTION 26: **AMENDMENT** “14.20.040 Rejection Or Conditional Acceptance Of Restricted Wastes” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.040 Rejection Or Conditional Acceptance Of Restricted Wastes

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in OCC 14.20.030, and/or which are in violation of the standards for pretreatment provided in chapter 1, EPA Rules and Regulations, 40 CFR 403, Pretreatment Standards and any amendments thereto, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:
1. Reject the wastes and require the violator to cease and desist discharging the materials into the sewer system immediately;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of OCC 14.16.
- B. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and in accordance with 40 CFR 403 entitled Pretreatment Standards and all other ordinances and codes pertaining thereto.

(Code 1987, § 11-103; Ord. No. 1027, § 5, 9-28-1992)

AFTER AMENDMENT

14.20.040 Rejection Or Conditional Acceptance Of Restricted Wastes

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in OCC 14.20.030, and/or which are in violation of the standards for pretreatment provided in chapter 1, EPA Rules and Regulations, 40 CFR 403, Pretreatment Standards and any amendments thereto, and which in the judgment of the ~~superintendent~~public works director or his/her designee may have a deleterious effect upon the sewage works, processes equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~superintendent~~public works director or his/her designee may:
1. Reject the wastes and require the violator to cease and desist discharging the materials into the sewer system immediately;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of OCC 14.16.

- B. If the ~~superintendent~~public works director or his/her designee permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~superintendent~~public works director or his/her designee and in accordance with 40 CFR 403 entitled Pretreatment Standards and all other ordinances and codes pertaining thereto.

(Code 1987, § 11-103; Ord. No. 1027, § 5, 9-28-1992)

SECTION 27: AMENDMENT “14.20.050 Grease, Oil And Sand Interceptors” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.050 Grease, Oil And Sand Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Code 1987, § 11-104; Ord. No. 1027, § 5, 9-28-1992)

AFTER AMENDMENT

14.20.050 Grease, Oil And Sand Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the ~~superintendent~~public works director or his/her designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~superintendent~~public works director or his/her designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Code 1987, § 11-104; Ord. No. 1027, § 5, 9-28-1992)

SECTION 28: AMENDMENT “14.20.070 Control Manhole” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.070 Control Manhole

Each new industry shall be required to install a control manhole and, when required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Code 1987, § 11-106; Ord. No. 1027, § 5, 9-28-1992)

AFTER AMENDMENT

14.20.070 Control Manhole

Each new industry shall be required to install a control manhole and, when required by the ~~superintendent~~ public works director or his/her designee, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the ~~superintendent~~ public works director or his/her designee. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Code 1987, § 11-106; Ord. No. 1027, § 5, 9-28-1992)

SECTION 29: AMENDMENT “18.20.040 Permit” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.20.040 Permit

- A. Required: Private commercial use of public sidewalks for the purpose of operating a sidewalk cafe in the city is prohibited unless a permit is obtained from the city clerk

and approved by the city council.

B. Application:

1. Application for a permit to operate a sidewalk cafe shall be made at the city clerk's office. The request for permit shall minimally contain:
 - a. A completed application;
 - b. A scale diagram of the area for sidewalk cafe use, with dimensions shown;
 - c. A certificate of insurance; and
 - d. The location and description of the tables and materials requested to

be in the right-of-way.

2. Other information shall be provided as required by the street commissioner to carry out the purpose of this section.

C. Fees: A non-refundable permit fee as established by the city shall be paid upon completion of permit. The permit and fee shall be reviewed annually by the city council.

D. Location Rules And Review Criteria: The director of public works or his/her designee and the street commissioner shall review the application for its compliance with the following criteria:

1. The operation of a sidewalk cafe is limited to structures which are sited within ten feet of a public sidewalk, and which are located in the downtown commercial district.
2. The operation of a sidewalk cafe shall be located such that there is at least five feet of clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The street commissioner may require more than five feet if necessary to protect the public safety.
3. The sidewalk cafe may only be located in the adjacent sidewalk area to the applicant's business, but may extend in front of adjacent businesses with the written consent of both the property owner and the business owner, subject to review by the street commissioner.
4. The sidewalk cafe shall be located five feet from driveways and alleys, and ten feet from intersections. The street commissioner may modify these requirements where unusual circumstances exist.
5. The location of the sidewalk cafe shall be as approved by the street commissioner within the purpose of this section.

E. Liability And Insurance: Prior to the issuance of a permit, the permittee shall:

1. File with the city clerk a signed statement that the permittee shall defend, indemnify and hold harmless the city, its officers and employees, from any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit.
2. Furnish and maintain such public liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under

the Illinois Tort Claims Act. Such insurance shall be without prejudice to coverage otherwise existing, and shall name as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days' written notice to the city.

F. Forms And Conditions Of Permit: Requirements for all sidewalk cafes:

1. Each permit issued shall terminate December 31 of the year in which it is issued.
2. The permit issued shall be personal to the permittee only and is not transferable in any manner.
3. The street commissioner may temporarily suspend the permit if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose.
4. The permit is specifically limited to the area approved or as modified by the street commissioner, and will include a diagram indicating the area approved for the sidewalk cafe and the location of the tables and materials permitted to be in the right-of-way.
5. The operation of the sidewalk cafe shall be such that there is at least five feet from the outermost edge of the sidewalk cafe to the street curb, that also includes a minimum of five feet clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The street commissioner may require increased clearance distances if necessary to protect the public safety. The street commissioner may also reduce these requirements where unusual circumstances exist and where public safety would not be jeopardized.
6. The sidewalk and all things placed there shall at all times be maintained in a clean and orderly condition. All the tables and materials shall be removed after business hours.
7. The operation of a sidewalk cafe requires that trash containers be provided on site.
8. All required building modifications or parking improvements shall be completed prior to the commencement of the operation of the sidewalk cafe.
9. No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the sidewalk cafe.
10. Employees of the establishment shall continuously supervise sidewalk cafes.
11. Sidewalk cafes shall meet all requirements of the county health department.
12. Tables, chairs, and other structures associated with the sidewalk cafe shall be kept free of litter and other debris at all times.
13. Sidewalk cafes and adjoining sidewalks shall remain clear of litter, food scraps, and soiled dishes at all times. Where establishments provide take-out or self-service, an adequate number of employees must be maintained to clear sidewalk cafes on a regular basis. Sidewalk and flooring areas must be cleaned daily, including adjacent sidewalk areas and gutters, if necessary, due

to debris from cafe use.

14. The sidewalk cafe permit must be visibly displayed during business hours.
15. The city has the right to repeal or amend this title and thereby terminate or modify all sidewalk cafe operations. No permittee shall obtain any property right in the continued private commercial use of the public sidewalk.

G. Denials, Revocation, Or Suspension Of Permit:

1. The mayor, city council or chief of police, or their designee, may deny, revoke, or suspend the permit upon finding that any provision of this section or condition of approval will be or has been violated.
2. Upon denial, revocation, or suspension the street commissioner shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefore. The action shall be effective immediately, but the applicant or permittee may make written request, within ten calendar days after the notice is issued, for a hearing by the city council. Upon hearing the matter, the city council shall render a final decision concerning the permit within ten days thereafter.

(Code 1987, §§ 4-602–4-610; Ord. No. 1229, 8-28-2006)

AFTER AMENDMENT

18.20.040 Permit

- A. Required: Private commercial use of public sidewalks for the purpose of operating a sidewalk cafe in the city is prohibited unless a permit is obtained from the city clerk and approved by the city council.
- B. Application:
 1. Application for a permit to operate a sidewalk cafe shall be made at the city clerk's office. The request for permit shall minimally contain:
 - a. A completed application;
 - b. A scale diagram of the area for sidewalk cafe use, with dimensions shown;
 - c. A certificate of insurance; and
 - d. The location and description of the tables and materials requested to be in the right-of-way.
 2. Other information shall be provided as required by the ~~street commissioner~~ public works director or his/her designee to carry out the purpose of this section.
- C. Fees: A non-refundable permit fee as established by the city shall be paid upon completion of permit. The permit and fee shall be reviewed annually by the city council.
- D. Location Rules And Review Criteria: The director of public works or his/her designee ~~and the street commissioner~~ shall review the application for its compliance with the following criteria:
 1. The operation of a sidewalk cafe is limited to structures which are sited within ten feet of a public sidewalk, and which are located in the downtown

commercial district.

2. The operation of a sidewalk cafe shall be located such that there is at least five feet of clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The ~~street commissioner~~public works director or his/her designee may require more than five feet if necessary to protect the public safety.
3. The sidewalk cafe may only be located in the adjacent sidewalk area to the applicant's business, but may extend in front of adjacent businesses with the written consent of both the property owner and the business owner, subject to review by the ~~street commissioner~~public works director or his/her designee.
4. The sidewalk cafe shall be located five feet from driveways and alleys, and ten feet from intersections. The ~~street commissioner~~public works director or his/her designee may modify these requirements where unusual circumstances exist.
5. The location of the sidewalk cafe shall be as approved by the ~~street commissioner~~public works director or his/her designee within the purpose of this section.

E. Liability And Insurance: Prior to the issuance of a permit, the permittee shall:

1. File with the city clerk a signed statement that the permittee shall defend, indemnify and hold harmless the city, its officers and employees, from any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit.
2. Furnish and maintain such public liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Illinois Tort Claims Act. Such insurance shall be without prejudice to coverage otherwise existing, and shall name as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days' written notice to the city.

F. Forms And Conditions Of Permit: Requirements for all sidewalk cafes:

1. Each permit issued shall terminate December 31 of the year in which it is issued.
2. The permit issued shall be personal to the permittee only and is not transferable in any manner.
3. The ~~street commissioner~~public works director or his/her designee may temporarily suspend the permit if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose.
4. The permit is specifically limited to the area approved or as modified by the ~~street commissioner~~public works director or his/her designee, and will include a diagram indicating the area approved for the sidewalk cafe and the location of the tables and materials permitted to be in the right-of-way.

5. The operation of the sidewalk cafe shall be such that there is at least five feet from the outermost edge of the sidewalk cafe to the street curb, that also includes a minimum of five feet clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The street commissioner may require increased clearance distances if necessary to protect the public safety. The street commissioner may also reduce these requirements where unusual circumstances exist and where public safety would not be jeopardized.
6. The sidewalk and all things placed there shall at all times be maintained in a clean and orderly condition. All the tables and materials shall be removed after business hours.
7. The operation of a sidewalk cafe requires that trash containers be provided on site.
8. All required building modifications or parking improvements shall be completed prior to the commencement of the operation of the sidewalk cafe.
9. No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the sidewalk cafe.
10. Employees of the establishment shall continuously supervise sidewalk cafes.
11. Sidewalk cafes shall meet all requirements of the county health department.
12. Tables, chairs, and other structures associated with the sidewalk cafe shall be kept free of litter and other debris at all times.
13. Sidewalk cafes and adjoining sidewalks shall remain clear of litter, food scraps, and soiled dishes at all times. Where establishments provide take-out or self-service, an adequate number of employees must be maintained to clear sidewalk cafes on a regular basis. Sidewalk and flooring areas must be cleaned daily, including adjacent sidewalk areas and gutters, if necessary, due to debris from cafe use.
14. The sidewalk cafe permit must be visibly displayed during business hours.
15. The city has the right to repeal or amend this title and thereby terminate or modify all sidewalk cafe operations. No permittee shall obtain any property right in the continued private commercial use of the public sidewalk.

G. Denials, Revocation, Or Suspension Of Permit:

1. The mayor, city council or chief of police, or their designee, may deny, revoke, or suspend the permit upon finding that any provision of this section or condition of approval will be or has been violated.
2. Upon denial, revocation, or suspension the ~~street commissioner~~public works director or his/her designee shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefore. The action shall be effective immediately, but the applicant or permittee may make written request, within ten calendar days after the notice is issued, for a hearing by the city council. Upon hearing the matter, the city council shall render a final decision concerning the permit within ten days thereafter.

(Code 1987, §§ 4-602–4-610; Ord. No. 1229, 8-28-2006)

SECTION 30: **AMENDMENT** “18.24.030 Permit Fee” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.24.030 Permit Fee

The street closure permit fee shall be as established by the city. The permit fee may be waived at the discretion of the street commissioner. No fee shall be required for open air assemblies.

(Code 1987, § 10-139; Ord. No. 2010-107, 6-14-2010)

AFTER AMENDMENT

18.24.030 Permit Fee

The street closure permit fee shall be as established by the city. The permit fee may be waived at the discretion of the ~~street commissioner~~ public works director or his/her designee. No fee shall be required for open air assemblies.

(Code 1987, § 10-139; Ord. No. 2010-107, 6-14-2010)

SECTION 31: **AMENDMENT** “18.24.060 Issuance Of Permits, Denial Of Application, Corrections” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.24.060 Issuance Of Permits, Denial Of Application, Corrections

Following receipt of an application, the city clerk shall immediately forward the application to the director of public works, or his/her designee for review. The director of public work or his/her designee, and the street commissioner shall, within 14 days, issue a permit, or deny the application for street closures. Applications may be denied on the basis that issuance thereof would require such services as to restrict fair service to the remainder of the city. The reasons for denial shall be made known to the applicant in writing, at the time of denial. The applicant shall be allowed to correct or complete an improper application, and resubmit it to the city clerk within 24 hours.

(Code 1987, § 10-142; Ord. No. 2010-107, 6-14-2010)

AFTER AMENDMENT

18.24.060 Issuance Of Permits, Denial Of Application, Corrections

Following receipt of an application, the city clerk shall immediately forward the application to the director of public works, or his/her designee for review. The director of public work or his/her designee, ~~and the street commissioner~~ shall, within 14 days, issue a permit, or deny the application for street closures. Applications may be denied on the basis that issuance thereof would require such services as to restrict fair service to the remainder of the city. The reasons for denial shall be made known to the applicant in writing, at the time of denial. The applicant shall be allowed to correct or complete an improper application, and resubmit it to the city clerk within 24 hours.

(Code 1987, § 10-142; Ord. No. 2010-107, 6-14-2010)

SECTION 32: AMENDMENT “18.08.040 Excavations; Barricades” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

18.08.040 Excavations; Barricades

- A. It shall be unlawful to dig or make any excavation in any city street, alley, sidewalk or public property without first furnishing a bond to the city as required by OCC 14.08.020 paragraph C and securing a written permit for such excavation work. It shall also be unlawful to dig or make any excavation on property immediately adjacent to any such city street, alley, sidewalk or other public property if such excavation may jeopardize said city improvements or property without first securing a written permit for such excavation work; and if, in the opinion of the superintendent of streets, the city property might be damaged by such excavation, a bond may be required as provided in OCC 14.08.020 paragraph C. A copy of the permit shall be available for inspection at the jobsite until all work is completed and approved.
- B. Barricades shall be erected while excavation work is progressing. Excavation sites shall have sufficient barricades and remain barricaded as long as the excavation shall remain open and uncovered. Warning lights shall be used during nighttime hours.
- C. Excavation upon any improved surface shall require said surface to be cut prior to excavation or prior to restoration as determined by the superintendent of streets. Material used to restore said surface shall also be determined by the superintendent.
- D. Any person violating any of the provisions of this section shall be deemed guilty of a violation of this Code.

(Code 1970, § 3-7-12; Code 1987, § 9-26; Ord. No. 985, 12-26-1989)

AFTER AMENDMENT

18.08.040 Excavations; Barricades

- A. It shall be unlawful to dig or make any excavation in any city street, alley, sidewalk or public property without first furnishing a bond to the city as required by OCC 14.08.020 paragraph C and securing a written permit for such excavation work. It shall also be unlawful to dig or make any excavation on property immediately adjacent to any such city street, alley, sidewalk or other public property if such excavation may jeopardize said city improvements or property without first securing a written permit for such excavation work; and if, in the opinion of the ~~superintendent of streets~~director of public works or his/her designee, the city property might be damaged by such excavation, a bond may be required as provided in OCC 14.08.020 paragraph C. A copy of the permit shall be available for inspection at the jobsite until all work is completed and approved.
- B. Barricades shall be erected while excavation work is progressing. Excavation sites shall have sufficient barricades and remain barricaded as long as the excavation shall remain open and uncovered. Warning lights shall be used during nighttime hours.
- C. Excavation upon any improved surface shall require said surface to be cut prior to excavation or prior to restoration as determined by the ~~superintendent of streets~~public works director or his/her designee. Material used to restore said surface shall also be determined by the ~~superintendent~~public works director or his/her designee.
- D. Any person violating any of the provisions of this section shall be deemed guilty of a violation of this Code.

(Code 1970, § 3-7-12; Code 1987, § 9-26; Ord. No. 985, 12-26-1989)

SECTION 33: **AMENDMENT** “20.04.020 Definitions - Stormwater Management And Erosion Control” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

20.04.020 Definitions - Stormwater Management And Erosion Control

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADVERSE IMPACTS: Any deleterious impact on water resources or wetlands affecting their beneficial uses including recreation, aesthetics aquatic habitat, quality, and quantity.

APPLICANT: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the city.

BASE FLOOD ELEVATION: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

BUILDING PERMIT: A permit issued by the city for the construction, erection or alteration of a structure or building.

BYPASS FLOWS: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

CERTIFY or CERTIFICATION: Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.

CHANNEL: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION: Alteration of a channel by changing the physical dimensions or materials or its bed or banks. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the clearing of debris or removal of trash.

COMMISSIONER OF THE WASTEWATER DEPARTMENT: The commissioner of the wastewater department for the city, or his authorized representative.

COMPENSATORY STORAGE: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

CONDUIT: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

CUBIC YARDS: The amount of material in excavation and/or fill measured by the method of "average end areas."

DETENTION BASIN: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

DETENTION TIME: The mean residence time of stormwater in a detention basin.

DEVELOPMENT: Any manmade change to real estate, including:

- A. Preparation of a plat of subdivision;
- B. Construction, reconstruction or placement of a building or any addition to a building;
- C. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days;
- D. Construction of parking lots, driveways or similar surfaces;
- E. Construction of roads, bridges, or similar projects;

- F. Redevelopment of a site;
- G. Filling, dredging, grading, clearing, excavating, paving, or other non-agricultural alterations of the ground surface;
- H. Storage of materials or deposit of solid or liquid waste; and
- I. Any other activity that might alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property.

DRAINAGE PLAN: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, as well as the drainage system and environmental features which are proposed after development of a property.

DRY BASIN: A detention basin designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

EROSION: The general process whereby earth is removed by flowing water or wave action.

EXCAVATION: Any act by which organic matter, earth, and gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXCESS STORMWATER RUNOFF: The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which pertained before urbanization.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

FILL: The act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

FINAL GRADE: The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FLOOD FRINGE: Means that portion of the floodplain outside of the regulatory floodway.

FLOODPLAIN: Means the land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. The floodplain is also known as the Special Flood Hazard Area (SFHA).

FLOODWAY: Means the channel and that portion of the floodplain adjacent to a stream or water-course which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to any loss of flood conveyance or storage and no more than a ten percent increase in velocities.

GRADING: Excavation or fill or any combination thereof and shall include the conditions

resulting from any excavation or fill.

HYDROGRAPH: A graph showing for a given location on a stream or conduit, the flow-rate with respect to time.

INFILTRATION: Means the passage or movement of water into the soil surfaces.

MAJOR DRAINAGE SYSTEM: Means that portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

MINOR DRAINAGE SYSTEM: Means that portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is usually designed to handle the ten-year runoff event or less.

MITIGATION: Includes those measures necessary to minimize those negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

NATURAL: A condition resulting from physical, chemical, and biological processes without intervention by man.

NATURAL DRAINAGE: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

ONE-HUNDRED-YEAR EVENT: A rainfall, runoff, or flood event having one percent chance of occurring in any given year.

PARCEL: All contiguous land in one ownership.

PEAK FLOW: The maximum rate of flow of water at a given point in a channel or conduit.

PERMITTEE: Any person to whom a site development permit is issued.

PERSON: Any individual, firm or corporation, public or private, the state and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

POSITIVE DRAINAGE: Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

PROPERTY: A parcel of real estate.

REMOVAL: Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

RETENTION BASIN: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass, or pumping.

SEDIMENTATION: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

STORM SEWER: A closed conduit for conveying collected stormwater.

STORMWATER DRAINAGE SYSTEM: All means, natural or manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes, but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

STORMWATER RUNOFF: The water derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

STRIPPING: Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

TIME OF CONCENTRATION: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

TRIBUTARY WATERSHED: All of the land surface area that contributes runoff to a given point.

TWO-YEAR EVENT: A runoff, rainfall or flood event having a 50 percent chance of occurring in any given year.

VACANT: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

WET BASIN: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

(Code 1987, § 7-38; Ord. No. 1215, § 5-603, 5-23-2005)

AFTER AMENDMENT

20.04.020 Definitions - Stormwater Management And Erosion Control

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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~~**COMMISSIONER OF THE WASTEWATER DEPARTMENT:** The commissioner of the wastewater department for the city, or his authorized representative.~~

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- G. Filling, dredging, grading, clearing, excavating, paving, or other non-agricultural alterations of the ground surface;

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FINAL GRADE: The vertical location of the ground or pavement surface after the grading

work is completed in accordance with the site development plan.

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political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

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SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

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STORMWATER DRAINAGE SYSTEM: All means, natural or manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes, but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

STORMWATER RUNOFF: The water derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

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TIME OF CONCENTRATION: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

TRIBUTARY WATERSHED: All of the land surface area that contributes runoff to a given point.

TWO-YEAR EVENT: A runoff, rainfall or flood event having a 50 percent chance of occurring in any given year.

VACANT: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

WET BASIN: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

(Code 1987, § 7-38; Ord. No. 1215, § 5-603, 5-23-2005)

SECTION 34: **AMENDMENT** “20.04.050 Stormwater Management” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

20.04.050 Stormwater Management

- A. Intent And Purpose: The purpose of this section is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and river resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land and as such this section regulates these activities to prevent adverse impacts. This section is adopted to accomplish the following objectives:
1. To ensure that new development does not increase the drainage or flood hazards to others, or create unstable conditions susceptible to erosion;
 2. To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
 3. To protect human life and health from the hazards of increased flooding on a watershed basis;
 4. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;
 5. To protect, conserve, and promote the orderly development of land and water resources;
 6. To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and
 7. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- B. Applicability:
1. A stormwater drainage plan shall be required for all subdivisions, special uses,

planned unit developments, residential properties of 1½ acres or more and for all commercial, industrial, institutional, or utility development in the city, or lying within 1½ miles of the limits of the city, and having a gross aggregate area, including roads, utility rights-of-way, parking facilities and other dedicated lands of one or more acres and all development having a gross aggregate impervious lot coverage of 50 percent or more.

2. A stormwater drainage plan shall be required for all public road construction projects resulting in more than 1½ acres of additional impervious surface area per mile on linear projects and for all non-linear public projects adding one or more acres of additional impervious surface area.
3. No final subdivision plat and no building permit shall be issued until and unless the drainage plan has been reviewed and approved by the city engineer.

C. Drainage Plan Submittal Requirements:

1. General Requirements: Each applicant shall submit the following information, depending on development size, to ensure that the provisions of this section are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed drainage plan in managing stormwater runoff.

- a. Each applicant shall be responsible for any and all costs incurred by the city for review of a submitted drainage plan.

- b. Properties smaller than ten acres shall submit only the basic drainage plan called for in paragraph D. Properties larger than ten acres shall comply with the submittal requirements of both the basic drainage plan and the advanced drainage plan of paragraph E.

2. Recording Of Drainage Plans: All approved drainage plans, maintenance agreements, and operations and maintenance plans shall be recorded with the recorder of deeds in the county in which the development occurs.

3. Certification:

- a. The applicant shall certify on the drainage plans that all clearing, grading, drainage and construction shall be accomplished in strict conformance with the drainage plan.

- b. All drainage plans shall require a certificate on the drainage plan as follows:

State of Illinois SS County of Ogle Engineer and Owner's Certificate
We hereby state that to the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this subdivision or development. Date: By: _____

Owner or duly authorized attorney for the owner

Date: By: _____ Registered
professional engineer

- D. Basic Drainage Plan: The following information shall be submitted for both existing and proposed property conditions:
1. Topographic Map: A topographic survey of the property at one-foot contours under existing and proposed conditions, and areas upstream and downstream, necessary to determine off-site impacts of the proposed drainage plan. The map shall be keyed to a consistent datum specified by the city.
 2. Drainage System: Mapping and descriptions, where relevant, of existing and proposed drainage system features of the property and immediate vicinity including:
 - a. The banks and centerline of streams and channels;
 - b. Shoreline of lakes, ponds, and detention basins;
 - c. Farm drains and files;
 - d. Sub-watershed boundaries within the property;
 - e. Watershed soil classifications;
 - f. The property's location within the larger watershed;
 - g. Location, size and slope of stormwater conduits and drainage swales;
 - h. Sanitary or combined sewers;
 - i. Depressional storage areas;
 - j. Delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
 - k. Detention facilities;
 - l. Roads, streets and associated stormwater inlets;
 - m. Base flood elevation, and regulatory floodway where identified for the property;
 - n. Basis of design for the final drainage network components; and
 - o. All existing and proposed utility and drainage system easements.
 3. Environmental Features: A depiction of environmental features of the property and immediate vicinity including the following:
 - a. The limits of wetland areas;
 - b. Any designated natural areas; and
 - c. Any proposed environmental mitigation features.
- E. Advanced Drainage Plan: The same information as required in paragraph D is required for properties larger than ten acres along with the following additional information for the minor drainage system's design runoff event and the 100-year runoff event of critical duration:
1. Elevations and maps of 100-year flooding;
 2. Cross-section data for open channel flow paths and designated overland flow paths;
 3. Direction of storm flows;
 4. Flow rates and velocities at representative points in the drainage system; and
 5. A statement by the design engineer of the drainage system's provisions for handling events greater than the 100-year's runoff.

F. Minimization Of Increase In Runoff Volumes And Rates: In the selection of a drainage plan for a development, the applicant shall evaluate and implement, where practicable, site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

1. Minimize impervious surfaces on the property, consistent with the needs of the project;
2. Attenuate flows by use of open vegetated swales and natural depressions and preserve existing natural stream channels;
3. Infiltrate runoff on-site;
4. Provide stormwater retention structures;
5. Provide stormwater detention structures; and
6. Construct storm sewers.

G. Water Quality And Multiple Uses:

1. The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Retention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.
2. The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), wetlands and water quality mitigation.

H. Design Criteria, Standards, And Methods:

1. Release Rates: The drainage system for a property shall be designed to control the peak rate of discharge from the property for a two-year and 100-year event of durations producing the maximum peak stormwater discharge to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.25 cfs per acre of property drained. The peak 100-year discharge shall not be greater than 0.80 cfs per acre of property drained. In the event the downstream drainage systems are inadequate to receive the release rate herein above provided, then the allowable release rate shall be reduced to that rate permitted by the receiving downstream sewers, streams, and channels; this means that additional detention may be required to store that portion of the runoff exceeding the capacity of the receiving sewers, streams, and channels.
2. Detention Basin Outlet Design: Backwater on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet.
3. Benchmark: A permanent reference elevation benchmark shall be established in the vicinity of the stormwater drainage facility.

I. Detention Storage Requirements: The design maximum storage to be provided in a detention basin shall be based on the runoff from the 100-year event of the duration producing the maximum peak stormwater discharge and reservoir (also called

modified Puls or level pool) routing or equal. Detention storage shall be computed using hydrograph methods as described in this section.

- J. Drainage System Design And Evaluation: The criteria specified in paragraphs K through S shall be used in evaluating and designing the drainage system. The underlying objective is to provide capacity to pass the ten-year peak flow in the minor drainage system and an overland flow path for flows in excess of the design capacity.
- K. Design Methodologies:
1. Major and minor conveyance systems for areas up to ten acres may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods as described in paragraph L must be used for major drainage system design for all systems with greater than ten acres of drainage area and for the design of all detention basins, where required by the city engineer.
 2. Positive Drainage: Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least one foot below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed six inches.
- L. Methods For Generating Runoff Hydrograph: A runoff hydrograph shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture:
1. Rainfall: All design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to 12 hours. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than 12 and less than or equal to 24 hours. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than 24 hours. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternate to the Huff distributions.
 2. Antecedent Moisture: Computations of runoff hydrographs shall assume Antecedent Moisture Condition 11 as defined by Soil Conservation Service (SCS) technical release 55.
- M. Wet Detention Basin Design: Wet detention basins shall be designed to be safe, aesthetically pleasing, and as much as feasible to be available for recreational use.
1. Wet Basin Depths: Wet basins shall be at least five feet deep, excluding near shore banks and safety ledges. If fish habitat is to be provided they shall be at least ten feet deep over 25 percent of the bottom area to prevent winter freezeout.
 2. Wet Basin Shoreline Slopes: The side slopes of wet basins at the normal pool elevation shall not be steeper than five to one (horizontal to vertical).
 3. Erosion Control: The area between low water and high water levels in wet basins shall be rip-rapped with stone, concrete, sod or other suitable material. Permanent pool volume. The permanent pool volume in a wet basin at normal

depth shall be equal to the runoff volume from its watershed for the two-year event.

4. Inlet And Outlet Orientation: To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.

N. Dry Detention Basin Design: In addition to the other requirements of this section, dry basins shall be designed to be safe and aesthetically pleasing and as much as feasible to be available for multiple uses.

1. Dry Basin Drainage: Dry basins shall be designed so that 80 percent of their bottom area shall have standing water no longer than 72 hours for any runoff event less than the 100-year event. Under drains directed to the outlet control shall be used, if necessary, to accomplish this requirement.
2. Velocity Dissipation: Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.
3. Inlet And Outlet Orientation: To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.
4. Low Flow Discharge: Dry bottom basins shall provide for a low-flow, bypass system to accommodate low intensity storms. The low-flow, bypass system or systems shall be constructed of suitable pipe with an inside diameter equal, in aggregate, to the carrying capacity of the outlet pipe but not less than six

inches. Cleanouts, manholes, or catch basins shall be appropriately placed in the low-flow bypass system and all changes in direction or slope to facilitate cleaning. Under drains installed under the bottom of a detention area shall be perforated and covered on all sides with a minimum of six inches of porous granular material, CA18 in accordance with the state standard specification for road and bridge construction. Whenever detention or retention basins are also intended for public acceptance, under drainage systems shall be installed.

5. Minimum Detention Outlet Size: Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of four inches. If this minimum orifice size permits release rates greater than those specified in this paragraph, and regional detention is not a practical alternative, alternative outlet designs shall be utilized which incorporate self-cleaning flow restrictions.

O. Detention In Floodplain: The placement of detention basins within the floodplain will not be permitted because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this section may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met.

1. Detention In Flood Fringe Areas: The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.2 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this paragraph. The applicant shall

demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention.

2. Detention In Floodways: Detention basins shall be placed in the floodway only in accordance with paragraph O,3.
3. On-stream Detention: On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this chapter with respect to water quality and control of the two-year and 100-year, 24-hour events from the property. Further criteria are presented in paragraph Q. If on-stream detention is used for watersheds larger than one square mile, the applicant shall perform hydrologic modeling and demonstrate that the design will not increase high water elevation for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
 - a. Shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - b. Shall not cause or contribute to the degradation of water quality or stream aquatic habitat;
 - c. Shall not involve any stream channelization or the filling of wetlands;
 - d. Shall not occur downstream of a wastewater discharge; and
 - e. Shall comply with 92 Ill. Admin. Code Part 702 and the floodplain ordinance OCC 12.12.020.

P. Streets, Parking Lot, And Culvert Drainage:

1. Streets: If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed six inches and shall not remain flooded for more than four hours for any event less than or equal to the 100-year event.
2. Parking Lots: The maximum stormwater ponding depth in any parking area shall not exceed six inches for more than four hours.
3. Culvert Road And Driveway Crossings: Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

Q. Infiltration Practices: To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement shall be located on soils in hydrologic soil groups "A" or "B" as designated by the U.S. Soil Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within 75 feet of a water supply well or a building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than 72 hours over 80 percent of a dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration facilities shall be a minimum of four feet above seasonally high groundwater and bedrock.

R. Safety Considerations: All drainage system components, especially detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

1. Side Slopes: The side slopes of all detention basins at 100-year capacity shall

be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than 4:1 (horizontal to vertical). Side slopes of wet-bottom facilities shall not be steeper than 5:1 (horizontal to vertical).

2. Safety Ledge: All wet detention basins shall have a level safety ledge at least four feet in width at a level not less than 2 1/2 to three feet below the normal water depth.
 3. Overflow Structures: All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least one foot below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the 100-year inflow rate.
- S. Maintenance Considerations: The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. (Pumping may be considered if drainage by gravity is not feasible). Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Access for heavy equipment shall be provided.
- T. Fences And Landscaping: Fences shall not be installed within drainage easements. Landscaping materials that impede the flow of stormwater or drainage shall not be permitted.
- U. Accommodating Flows From Upstream Tributary Areas: Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.
- V. Early Completion Of Detention Facilities: When detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant before project completion in order to maintain the design volume of the facilities. Further criteria are presented in OCC 20.04.060.
- W. Fee In Lieu Of On-Site Detention:
1. The city may require, or the applicant may request, the payment of a fee-in-lieu of on-site detention to fulfill all or part of the on-site detention requirements for a development. The city will request a fee-in-lieu of on-site detention or will reject its use within 30 days of the pre-application meeting unless additional engineering studies are required.
 2. The city may reject any request to use a fee-in-lieu of on-site detention by the applicant which the city determines does not benefit the drainage system.
 3. Fee-in-lieu of on-site detention shall be the estimated cost as verified by the city of the applicant's proposed and approved on-site detention, including land costs had the city allowed its construction.
 4. A fund will be maintained for the purpose of identifying and controlling all

revenues and expenses derived from stormwater drainage services resulting from fee-in-lieu of on-site detention exemptions. All fees-in-lieu of on-site detention received from each watershed shall be deposited in these funds. Disbursements for cost to mitigate stormwater impacts of developments shall be made from this fund.

5. Criteria: The following requirements must be met before a fee-in-lieu of on-site detention will be utilized:
 - a. The downstream drainage system has adequate stormwater capacity.
 - b. The elimination of on-site detention facilities is consistent with an approved stormwater master plan or the city determines that such an exemption will not result in negative impacts to the drainage system.

X. Maintenance Responsibility:

1. Maintenance Of Facilities: Maintenance of stormwater drainage facilities located on private property shall be the responsibility of the owner of that property. Before a building permit is obtained from the city the applicant shall execute a maintenance agreement with the city guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage system. The maintenance agreement shall also specifically authorize representatives of the city to enter onto the property for the purpose of inspections and maintenance of the drainage system. Such agreement shall be recorded with the recorder of deeds of the county in which the development occurs. The maintenance agreement shall include an operation and maintenance plan providing for the maintenance of each aspect of the property's stormwater drainage system and shall provide for access to the system for inspection by authorized personnel of the city. The maintenance agreement shall also stipulate that if the appropriate authorized personnel of the city notify the property owner in writing of maintenance problems which require correction, the property owner shall make such corrections within 30 calendar days of such notification. If the corrections are not made within this time period, the city may take legal action against the owner or have the necessary work completed and assess the cost to the property owner.
2. Operation And Maintenance Plan: An operation and maintenance plan shall be filed with the commissioner of the wastewater department. As a minimum, the operation and maintenance plan must address the following activities:
 - a. Structural repairs;
 - b. Dredging operations;
 - c. Debris removal;
 - d. Housekeeping and routine maintenance procedures (i.e., litter control, grass mowing, weed and brush removal);
 - e. Nuisance control (i.e., fish stocking, aeration, and spraying for control of mosquitoes and vegetation); and
 - f. List of persons responsible for handling these maintenance responsibilities.
3. Maintenance Bond: Based upon individual site conditions and system

complexity, the city retains the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage system, if required by the commissioner of the wastewater department.

Y. Assurances: Financial assurance of completion. Upon approval of the drainage plan, but before issuance of a building permit or subdivision plat approval, the commissioner of the wastewater department shall require the applicant to post a performance bond, cash escrow, certified check, letter of credit, or other acceptable form of performance security in an amount deemed sufficient, by the commissioner of wastewater department, to insure the execution of the drainage plan. After determination by the commissioner of the wastewater department that all facilities are constructed in compliance with the approved plan, the performance bond or other security shall be released.

Z. Inspections:

1. Inspections During Construction: General site grading shall not begin until the commissioner of the wastewater department has received certification, in writing, from the applicant that all necessary detention facilities are in place and operational. The commissioner of the wastewater department may also conduct periodic inspections of the work in progress. If any violations of the provisions or requirements of this paragraph are noted during such inspections, the city engineer shall notify the property owner of the necessary corrections. The property owner shall correct such deficiencies within ten calendar days unless, for good cause shown, the owner is given a specific extension of time in writing by the city engineer. Failure to make necessary corrections within the specified time period shall constitute a violation of this section. Upon receiving certification by the applicant that the system has been

built as designed, the city engineer shall issue in writing a notice of drainage system completion to the property owner.

2. Routine Inspections: All privately owned drainage systems may be inspected by representatives of the city. If an inspection is made, a written report shall be filed of the results of the inspection and a copy sent to the property owner detailing any problems which need correction, the time line for making said corrections, the appeals procedure and the penalties for not correcting these problems.

3. Maintenance Of Records: Maintenance and storage of all approved drainage plans and associated records shall be in city hall and city engineer's office.

(Code 1987, §§ 7-39–7-55.9; Ord. No. 1215, §§ 5-610–5-635, 5-23-2005)

AFTER AMENDMENT

20.04.050 Stormwater Management

A. Intent And Purpose: The purpose of this section is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of

damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and river resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land and as such this section regulates these activities to prevent adverse impacts. This section is adopted to accomplish the following objectives:

1. To ensure that new development does not increase the drainage or flood hazards to others, or create unstable conditions susceptible to erosion;
2. To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
3. To protect human life and health from the hazards of increased flooding on a watershed basis;
4. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;
5. To protect, conserve, and promote the orderly development of land and water resources;
6. To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and
7. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

B. Applicability:

1. A stormwater drainage plan shall be required for all subdivisions, special uses, planned unit developments, residential properties of 1½ acres or more and for all commercial, industrial, institutional, or utility development in the city, or lying within 1½ miles of the limits of the city, and having a gross aggregate area, including roads, utility rights-of-way, parking facilities and other dedicated lands of one or more acres and all development having a gross aggregate impervious lot coverage of 50 percent or more.
2. A stormwater drainage plan shall be required for all public road construction projects resulting in more than 1½ acres of additional impervious surface area per mile on linear projects and for all non-linear public projects adding one or more acres of additional impervious surface area.
3. No final subdivision plat and no building permit shall be issued until and unless the drainage plan has been reviewed and approved by the city engineer.

C. Drainage Plan Submittal Requirements:

1. General Requirements: Each applicant shall submit the following information, depending on development size, to ensure that the provisions of this section are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed drainage plan in managing stormwater runoff.
 - a. Each applicant shall be responsible for any and all costs incurred by the city for review of a submitted drainage plan.

b. Properties smaller than ten acres shall submit only the basic drainage plan called for in paragraph D. Properties larger than ten acres shall comply with the submittal requirements of both the basic drainage plan and the advanced drainage plan of paragraph E.

2. Recording Of Drainage Plans: All approved drainage plans, maintenance agreements, and operations and maintenance plans shall be recorded with the recorder of deeds in the county in which the development occurs.

3. Certification:

a. The applicant shall certify on the drainage plans that all clearing, grading, drainage and construction shall be accomplished in strict conformance with the drainage plan.

b. All drainage plans shall require a certificate on the drainage plan as follows:

State of Illinois SS County of Ogle Engineer and Owner's Certificate
We hereby state that to the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this subdivision or development. Date: By: _____
Owner or duly authorized attorney for the owner
Date: By: _____ Registered
professional engineer

D. Basic Drainage Plan: The following information shall be submitted for both existing and proposed property conditions:

1. Topographic Map: A topographic survey of the property at one-foot contours under existing and proposed conditions, and areas upstream and downstream, necessary to determine off-site impacts of the proposed drainage plan. The map shall be keyed to a consistent datum specified by the city.
2. Drainage System: Mapping and descriptions, where relevant, of existing and proposed drainage system features of the property and immediate vicinity including:
 - a. The banks and centerline of streams and channels;
 - b. Shoreline of lakes, ponds, and detention basins;
 - c. Farm drains and files;
 - d. Sub-watershed boundaries within the property;
 - e. Watershed soil classifications;
 - f. The property's location within the larger watershed;
 - g. Location, size and slope of stormwater conduits and drainage swales;
 - h. Sanitary or combined sewers;
 - i. Depressional storage areas;

- j. Delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
 - k. Detention facilities;
 - l. Roads, streets and associated stormwater inlets;
 - m. Base flood elevation, and regulatory floodway where identified for the property;
 - n. Basis of design for the final drainage network components; and
 - o. All existing and proposed utility and drainage system easements.
 - 3. Environmental Features: A depiction of environmental features of the property and immediate vicinity including the following:
 - a. The limits of wetland areas;
 - b. Any designated natural areas; and
 - c. Any proposed environmental mitigation features.
- E. Advanced Drainage Plan: The same information as required in paragraph D is required for properties larger than ten acres along with the following additional information for the minor drainage system's design runoff event and the 100-year runoff event of critical duration:
 - 1. Elevations and maps of 100-year flooding;
 - 2. Cross-section data for open channel flow paths and designated overland flow paths;
 - 3. Direction of storm flows;
 - 4. Flow rates and velocities at representative points in the drainage system; and
 - 5. A statement by the design engineer of the drainage system's provisions for handling events greater than the 100-year's runoff.
- F. Minimization Of Increase In Runoff Volumes And Rates: In the selection of a drainage plan for a development, the applicant shall evaluate and implement, where practicable, site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:
 - 1. Minimize impervious surfaces on the property, consistent with the needs of the project;
 - 2. Attenuate flows by use of open vegetated swales and natural depressions and preserve existing natural stream channels;
 - 3. Infiltrate runoff on-site;
 - 4. Provide stormwater retention structures;
 - 5. Provide stormwater detention structures; and
 - 6. Construct storm sewers.
- G. Water Quality And Multiple Uses:
 - 1. The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Retention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.
 - 2. The drainage system should incorporate multiple uses where practicable. Uses

considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), wetlands and water quality mitigation.

H. Design Criteria, Standards, And Methods:

1. Release Rates: The drainage system for a property shall be designed to control the peak rate of discharge from the property for a two-year and 100-year event of durations producing the maximum peak stormwater discharge to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.25 cfs per acre of property drained. The peak 100-year discharge shall not be greater than 0.80 cfs per acre of property drained. In the event the downstream drainage systems are inadequate to receive the release rate herein above provided, then the allowable release rate shall be reduced to that rate permitted by the receiving downstream sewers, streams, and channels; this means that additional detention may be required to store that portion of the runoff exceeding the capacity of the receiving sewers, streams, and channels.
2. Detention Basin Outlet Design: Backwater on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet.
3. Benchmark: A permanent reference elevation benchmark shall be established in the vicinity of the stormwater drainage facility.

I. Detention Storage Requirements: The design maximum storage to be provided in a detention basin shall be based on the runoff from the 100-year event of the duration producing the maximum peak stormwater discharge and reservoir (also called modified Puls or level pool) routing or equal. Detention storage shall be computed using hydrograph methods as described in this section.

J. Drainage System Design And Evaluation: The criteria specified in paragraphs K

through S shall be used in evaluating and designing the drainage system. The underlying objective is to provide capacity to pass the ten-year peak flow in the minor drainage system and an overland flow path for flows in excess of the design capacity.

K. Design Methodologies:

1. Major and minor conveyance systems for areas up to ten acres may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods as described in paragraph L must be used for major drainage system design for all systems with greater than ten acres of drainage area and for the design of all detention basins, where required by the city engineer.
2. Positive Drainage: Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least one foot below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed six inches.

- L. Methods For Generating Runoff Hydrograph: A runoff hydrograph shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture:
1. Rainfall: All design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to 12 hours. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than 12 and less than or equal to 24 hours. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than 24 hours. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternate to the Huff distributions.
 2. Antecedent Moisture: Computations of runoff hydrographs shall assume Antecedent Moisture Condition 11 as defined by Soil Conservation Service (SCS) technical release 55.
- M. Wet Detention Basin Design: Wet detention basins shall be designed to be safe, aesthetically pleasing, and as much as feasible to be available for recreational use.
1. Wet Basin Depths: Wet basins shall be at least five feet deep, excluding near shore banks and safety ledges. If fish habitat is to be provided they shall be at least ten feet deep over 25 percent of the bottom area to prevent winter freezeout.
 2. Wet Basin Shoreline Slopes: The side slopes of wet basins at the normal pool elevation shall not be steeper than five to one (horizontal to vertical).
 3. Erosion Control: The area between low water and high water levels in wet basins shall be rip-rapped with stone, concrete, sod or other suitable material. Permanent pool volume. The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the two-year event.
 4. Inlet And Outlet Orientation: To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.
- N. Dry Detention Basin Design: In addition to the other requirements of this section, dry basins shall be designed to be safe and aesthetically pleasing and as much as feasible to be available for multiple uses.
1. Dry Basin Drainage: Dry basins shall be designed so that 80 percent of their bottom area shall have standing water no longer than 72 hours for any runoff event less than the 100-year event. Under drains directed to the outlet control shall be used, if necessary, to accomplish this requirement.
 2. Velocity Dissipation: Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.
 3. Inlet And Outlet Orientation: To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.
 4. Low Flow Discharge: Dry bottom basins shall provide for a low-flow, bypass

system to accommodate low intensity storms. The low-flow, bypass system or systems shall be constructed of suitable pipe with an inside diameter equal, in aggregate, to the carrying capacity of the outlet pipe but not less than six inches. Cleanouts, manholes, or catch basins shall be appropriately placed in the low-flow bypass system and all changes in direction or slope to facilitate cleaning. Under drains installed under the bottom of a detention area shall be perforated and covered on all sides with a minimum of six inches of porous granular material, CA18 in accordance with the state standard specification for road and bridge construction. Whenever detention or retention basins are also intended for public acceptance, under drainage systems shall be installed.

5. Minimum Detention Outlet Size: Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of four inches. If this minimum orifice size permits release rates greater than those specified in this paragraph, and regional detention is not a practical alternative, alternative outlet designs shall be utilized which incorporate self-cleaning flow restrictions.

O. Detention In Floodplain: The placement of detention basins within the floodplain will not be permitted because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this section may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met.

1. Detention In Flood Fringe Areas: The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.2 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this paragraph. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention.
2. Detention In Floodways: Detention basins shall be placed in the floodway only in accordance with paragraph O,3.
3. On-stream Detention: On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this chapter with respect to water quality and control of the two-year and 100-year, 24-hour events from the property. Further criteria are presented in paragraph Q. If on-stream detention is used for watersheds larger than one square mile, the applicant shall perform hydrologic modeling and demonstrate that the design will not increase high water elevation for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
 - a. Shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - b. Shall not cause or contribute to the degradation of water quality or

stream aquatic habitat;

- c. Shall not involve any stream channelization or the filling of wetlands;
- d. Shall not occur downstream of a wastewater discharge; and
- e. Shall comply with 92 Ill. Admin. Code Part 702 and the floodplain ordinance OCC 12.12.020.

P. Streets, Parking Lot, And Culvert Drainage:

- 1. Streets: If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed six inches and shall not remain flooded for more than four hours for any event less than or equal to the 100-year event.
- 2. Parking Lots: The maximum stormwater ponding depth in any parking area shall not exceed six inches for more than four hours.
- 3. Culvert Road And Driveway Crossings: Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

Q. Infiltration Practices: To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement shall be located on soils in hydrologic soil groups "A" or "B" as designated by the U.S. Soil Conservation Service.

Infiltration basins and trenches designed to recharge groundwater shall not be located within 75 feet of a water supply well or a building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than 72 hours over 80 percent of a dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration facilities shall be a minimum of four feet above seasonally high groundwater and bedrock.

R. Safety Considerations: All drainage system components, especially detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

- 1. Side Slopes: The side slopes of all detention basins at 100-year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than 4:1 (horizontal to vertical). Side slopes of wet-bottom facilities shall not be steeper than 5:1 (horizontal to vertical).
- 2. Safety Ledge: All wet detention basins shall have a level safety ledge at least four feet in width at a level not less than 2 1/2 to three feet below the normal water depth.
- 3. Overflow Structures: All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least one foot below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the 100-year inflow rate.

S. Maintenance Considerations: The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. (Pumping may be considered if drainage by gravity is not feasible). Pre-

sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Access for heavy equipment shall be provided.

- T. Fences And Landscaping: Fences shall not be installed within drainage easements. Landscaping materials that impede the flow of stormwater or drainage shall not be permitted.
- U. Accommodating Flows From Upstream Tributary Areas: Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.
- V. Early Completion Of Detention Facilities: When detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant before project completion in order to maintain the design volume of the facilities. Further criteria are presented in OCC 20.04.060.
- W. Fee In Lieu Of On-Site Detention:
 - 1. The city may require, or the applicant may request, the payment of a fee-in-lieu of on-site detention to fulfill all or part of the on-site detention requirements for a development. The city will request a fee-in-lieu of on-site detention or will reject its use within 30 days of the pre-application meeting unless additional engineering studies are required.
 - 2. The city may reject any request to use a fee-in-lieu of on-site detention by the applicant which the city determines does not benefit the drainage system.
 - 3. Fee-in-lieu of on-site detention shall be the estimated cost as verified by the city of the applicant's proposed and approved on-site detention, including land costs had the city allowed its construction.
 - 4. A fund will be maintained for the purpose of identifying and controlling all revenues and expenses derived from stormwater drainage services resulting from fee-in-lieu of on-site detention exemptions. All fees-in-lieu of on-site detention received from each watershed shall be deposited in these funds. Disbursements for cost to mitigate stormwater impacts of developments shall be made from this fund.
 - 5. Criteria: The following requirements must be met before a fee-in-lieu of on-site detention will be utilized:
 - a. The downstream drainage system has adequate stormwater capacity.
 - b. The elimination of on-site detention facilities is consistent with an approved stormwater master plan or the city determines that such an exemption will not result in negative impacts to the drainage system.
- X. Maintenance Responsibility:
 - 1. Maintenance Of Facilities: Maintenance of stormwater drainage facilities located on private property shall be the responsibility of the owner of that property. Before a building permit is obtained from the city the applicant shall execute a maintenance agreement with the city guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage

system. The maintenance agreement shall also specifically authorize representatives of the city to enter onto the property for the purpose of inspections and maintenance of the drainage system. Such agreement shall be recorded with the recorder of deeds of the county in which the development occurs. The maintenance agreement shall include an operation and maintenance plan providing for the maintenance of each aspect of the property's stormwater drainage system and shall provide for access to the system for inspection by authorized personnel of the city. The maintenance agreement shall also stipulate that if the appropriate authorized personnel of the city notify the property owner in writing of maintenance problems which require correction, the property owner shall make such corrections within 30 calendar days of such notification. If the corrections are not made within this time period, the city may take legal action against the owner or have the necessary work completed and assess the cost to the property owner.

2. Operation And Maintenance Plan: An operation and maintenance plan shall be filed with the ~~commissioner of the wastewater department~~director of public works or his/her designee. As a minimum, the operation and maintenance plan must address the following activities:
 - a. Structural repairs;
 - b. Dredging operations;
 - c. Debris removal;
 - d. Housekeeping and routine maintenance procedures (i.e., litter control, grass mowing, weed and brush removal);
 - e. Nuisance control (i.e., fish stocking, aeration, and spraying for control of mosquitoes and vegetation); and
 - f. List of persons responsible for handling these maintenance responsibilities.

3. Maintenance Bond: Based upon individual site conditions and system complexity, the city retains the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage system, if required by the ~~commissioner of the wastewater department~~director of public works or his/her designee.

Y. Assurances: Financial assurance of completion. Upon approval of the drainage plan,

but before issuance of a building permit or subdivision plat approval, the ~~commissioner of the wastewater department~~public works director or his/her designee shall require the applicant to post a performance bond, cash escrow, certified check, letter of credit, or other acceptable form of performance security in an amount deemed sufficient, by the ~~commissioner of wastewater department~~director of public works or his/her designee, to insure the execution of the drainage plan. After determination by the ~~commissioner of the wastewater department~~public works director or his/her designee that all facilities are constructed in compliance with the approved plan, the performance bond or other security shall be released.

Z. Inspections:

1. Inspections During Construction: General site grading shall not begin until the

~~commissioner of the wastewater department~~ director of public works or his/her designee has received certification, in writing, from the applicant that all necessary detention facilities are in place and operational. The ~~commissioner of the wastewater department~~ director of public works or his/her designee may also conduct periodic inspections of the work in progress. If any violations of the provisions or requirements of this paragraph are noted during such inspections, the city engineer shall notify the property owner of the necessary corrections. The property owner shall correct such deficiencies within ten calendar days unless, for good cause shown, the owner is given a specific extension of time in writing by the city engineer. Failure to make necessary corrections within the specified time period shall constitute a violation of this section. Upon receiving certification by the applicant that the system has been built as designed, the city engineer shall issue in writing a notice of drainage system completion to the property owner.

2. Routine Inspections: All privately owned drainage systems may be inspected by representatives of the city. If an inspection is made, a written report shall be filed of the results of the inspection and a copy sent to the property owner detailing any problems which need correction, the time line for making said corrections, the appeals procedure and the penalties for not correcting these problems.
3. Maintenance Of Records: Maintenance and storage of all approved drainage plans and associated records shall be in city hall and city engineer's office.

(Code 1987, §§ 7-39–7-55.9; Ord. No. 1215, §§ 5-610–5-635, 5-23-2005)

SECTION 35: **AMENDMENT** “22.04.020 Regulations” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

22.04.020 Regulations

It shall be unlawful for any person to erect or cause to be erected within the city any broadcast receiving antenna without first submitting plans for such antenna to the commissioner of public health and safety for approval, and the commissioner shall issue a permit for the erection of an antenna complying with the provisions of this chapter. There shall be no charge for the permit. The permit procedure shall be for the purpose of insuring that an antenna is installed in conformance to the requirements of this chapter. The commissioner shall be guided by the following standards in the approval of the antenna plans:

- A. The center part of the broadcast receiving antenna shall not extend to a height of more than five feet above the nearest manmade structure and shall be braced to the

supporting structure every seven feet.

- B. No part of the broadcast receiving antenna structure shall be located in the front yard nor on any easements, across an alley or street or attached to existing utility poles.
- C. Where a broadcast receiving antenna is to be placed on a lot corner, no part of the broadcast receiving antenna structure shall be placed in the side yard.
- D. A broadcast receiving antenna to be placed in a commercial district may be placed on the roof of the commercial business.
- E. A broadcast receiving antenna to be placed in a residential district shall only be installed for a noncommercial purpose and shall serve only the property on which installation is located and contiguous property.
- F. For a six-foot dish or over, if the supporting pipe is ten feet or more above the ground, a minimum of three and one-half-inch cement-filled steel pipe shall be used.

(Code 1987, § 3-42; Ord. No. 893, § 2, 11-26-1984; Ord. No. 905, § 6-3-2, 8-26-1985)

AFTER AMENDMENT

22.04.020 Regulations

It shall be unlawful for any person to erect or cause to be erected within the city any broadcast receiving antenna without first submitting plans for such antenna to the ~~commissioner of public health and safety~~ city building inspector for approval, and the ~~commissioner~~ city building inspector shall issue a permit for the erection of an antenna complying with the provisions of this chapter. There shall be no charge for the permit. The permit procedure shall be for the purpose of insuring that an antenna is installed in conformance to the requirements of this chapter. The commissioner shall be guided by the following standards in the approval of the antenna plans:

- A. The center part of the broadcast receiving antenna shall not extend to a height of more than five feet above the nearest manmade structure and shall be braced to the supporting structure every seven feet.
- B. No part of the broadcast receiving antenna structure shall be located in the front yard nor on any easements, across an alley or street or attached to existing utility poles.
- C. Where a broadcast receiving antenna is to be placed on a lot corner, no part of the broadcast receiving antenna structure shall be placed in the side yard.
- D. A broadcast receiving antenna to be placed in a commercial district may be placed on the roof of the commercial business.
- E. A broadcast receiving antenna to be placed in a residential district shall only be installed for a noncommercial purpose and shall serve only the property on which installation is located and contiguous property.
- F. For a six-foot dish or over, if the supporting pipe is ten feet or more above the ground, a minimum of three and one-half-inch cement-filled steel pipe shall be used.

(Code 1987, § 3-42; Ord. No. 893, § 2, 11-26-1984; Ord. No. 905, § 6-3-2, 8-26-1985)

SECTION 36: AMENDMENT “24.04.040 Signs; Markers” of the City of

Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.04.040 Signs; Markers

The commissioner of streets and public improvements is authorized and directed to cause to be placed and maintained appropriate signs or markers indicating the speed limit zones within the corporate limits of the city.

(Code 1970, § 9-3-2; Code 1987, § 10-4)

State Law reference— Traffic signs, 625 ILCS 5/11-208.

AFTER AMENDMENT

24.04.040 Signs; Markers

The ~~commissioner of streets and public improvements~~ public works director or his/her designee is authorized and directed to cause to be placed and maintained appropriate signs or markers indicating the speed limit zones within the corporate limits of the city.

(Code 1970, § 9-3-2; Code 1987, § 10-4)

State Law reference— Traffic signs, 625 ILCS 5/11-208.

SECTION 37: **AMENDMENT** “24.12.010 Stop Streets” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.12.010 Stop Streets

The commissioner of streets and public improvements is hereby directed to cause to be installed or posted signs, which shall bear the words "Cross traffic does not stop" in letters not less than three inches in height, at the intersections designated by ordinance from time to time.

(Code 1970, § 9-6-1; Code 1987, § 10-26)

AFTER AMENDMENT

24.12.010 Stop Streets

The ~~commissioner of streets and public improvements~~ director of public works or his/her designee is hereby directed to cause to be installed or posted signs, which shall bear the words "Cross traffic does not stop" in letters not less than three inches in height, at the intersections

designated by ordinance from time to time.

(Code 1970, § 9-6-1; Code 1987, § 10-26)

SECTION 38: **AMENDMENT** “24.16.010 Parking Generally” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.16.010 Parking Generally

A. Fines: The following fines are hereby set for parking violations:

1. Two-hour zone: per city fine schedule.
2. Double parked: per city fine schedule.
3. Blocking alley: per city fine schedule.
4. Blocking driveway: per city fine schedule.
5. 3:00 a.m.-5:30 a.m.: per city fine schedule.
6. Fire hydrant: per city fine schedule.
7. No-parking zone: per city fine schedule.
8. Improper parking: per city fine schedule.
9. Yellow line: per city fine schedule.
10. On sidewalk or terrace: per city fine schedule.
11. Handicap parking: per city fine schedule.
12. All other violations: per city fine schedule.
13. Parking after a snow storm: per city fine schedule.
14. Improper Parking [Municipal or School parking lots].

It shall be unlawful for any person to park a vehicle in any Municipal or School Parking lot other than in the authorized parking area and within a designated parking stall. No vehicle shall be parked in a traffic lane or parked in any area not marked or designated for vehicle parking. No vehicle shall park in an area designated as employee or student parking only unless such vehicle displays a current and valid parking permit for such designated space: per city fine schedule.

15. Unauthorized use of parking places reserved for electric vehicles: per city fine schedule.

- B. Separate and Continuous Offenses: All multiple acts shall constitute separate offenses, each subject to penalties as set forth in this Article, and each day that an offense of a continuing nature continues, shall constitute a separate offense.
- C. Notice Of Violation: Each police officer shall attach to a vehicle in violation of this chapter a notice to the owner or operator thereof that such vehicle has been parked in violation of this chapter and instructing such owner or operator to report to the city hall in regard to such violation.
- D. Signs To Be Posted: The commissioner of streets and public improvements shall cause

to be posted on each side within each city block within the commercial district one sign for every 250 feet, the letters of which shall be at least two inches in height, setting forth the hours and time limits within which parking is permitted by this chapter. Said commissioner shall likewise, by appropriate signs or markings, indicate the prohibited parking areas.

- E. Prohibited Parking; Generally: No person shall park any vehicle on any street in violation of parking restrictions designated on the street map of the commissioner of streets and public improvements, which is on file in the office of the clerk.
- F. Prohibited Parking; Certain Restrictions Of Locations: Notwithstanding any other section of this chapter, no person shall stop, stand, or park a vehicle or any obstacles except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.
- G. Diagonal Parking: Authority is hereby conferred upon the commissioner of streets and public improvements to determine the angle at which vehicles may be parked and said angle shall be indicated by white lines painted upon the streets or highways where diagonal parking is permitted by this chapter. Notwithstanding anything to the contrary in this chapter permitting diagonal parking, no vehicle exceeding 19 feet in length, measured from the front bumper to the rear bumper of said vehicle, shall be parked diagonally to the curb.
- H. City Municipal Parking Lots:
 - 1. It shall be unlawful for any person to park any vehicle in any city parking lot in violation of any ordinance or contrary to the rules established by the council for the use of such lot or in any place or manner other than that designated by appropriate signs, the letters of which shall be at least two inches in height and posted at the entrance to each lot.
 - 2. It shall be unlawful to park any vehicle in a city municipal parking lot for an uninterrupted period longer than 12 hours.
 - 3. No commercial or freight-carrying vehicle or trailer shall be parked in a city parking lot, except with the consent of a police officer.
 - 4. All rows in city municipal parking lots are numerically marked with signs. Odd/Even Parking will be in effect April 1st - November 1st on Fridays from 3:00 a.m. - 7:00 a.m. Odd/Even parking will also be in effect after 1" (inch) of snowfall from 7:00 p.m.- 7:00 a.m. to accommodate snow removal. Any vehicle parked in violation of this provision shall be subject to the towing and penalty provisions of this chapter.
- I. Time Limit Parking Zones:
 - 1. Authority is hereby conferred upon the commissioner of streets and public improvements to designate within the limited parking district, not to exceed 20 parking spaces, each of which shall be sufficient to accommodate one vehicle not exceeding 19 feet in length. When said commissioner has designated parking spaces as aforesaid, he shall make said designation in writing under his name, and file the same with the clerk.
 - 2. No vehicle shall be parked or stopped in any of said parking spaces so designated by said commissioner in excess of the posted time limit.
 - 3. The commissioner of streets and public improvements shall also cause durable

signs, the letters of which shall be at least two inches in height, to be posted at each of the parking spaces designated by him, which signs shall indicate that parking is limited to the posted time limit and shall state the hours between which said parking limit shall apply.

J. Taxicab Stands: Notwithstanding anything in this chapter to the contrary, authority is hereby conferred upon the commissioner of streets and public improvements to designate, within the limited parking district, not to exceed three parking spaces to be used exclusively for parking purposes by the owners or operators of taxicabs licensed by the city to operate as such within the city.

K. Parking On Street After Snowstorm:

1. After a snowfall of one inch or more has accumulated on the public streets the following rules will apply:
 - a. Vehicles must be parked on the side of the street where the even-numbered building or house would be located between the hours of 7:00 a.m. on that day and 7:00 a.m. of the following day on even calendar days.
 - b. Vehicles must be parked on that side of the street where odd-numbered building or house would be located between the hours of 7:00 a.m. that day and 7:00 a.m. of the following day on odd calendar days.
 - c. Any person who violates this paragraph shall be fined per the fine schedule.
2. The police departments, and all members thereof assigned to traffic duty, are hereby authorized to remove and tow away by a towing service, any vehicle that is parked except in conformity with the above schedule. Vehicles so towed for illegal parking shall be restored to the owner or operator of such vehicle after the original ticket is paid in full, plus all towing, storage and related costs if such payment is made within 48 hours after the vehicle was removed. For any payment made subsequent to the first 48-hour period, there shall be paid an additional sum established by the city for each additional 48-hour period. Vehicles not restored to their owners within 15 days shall be considered abandoned vehicles.

L. Restricted Parking, Tenth Street:

1. The following areas are designated as resident-only parking zones:
 - a. Tenth Street, both sides, between Washington Street and Adams Street.
 - b. Jefferson Street, both sides, west of Eighth Street between Eighth and Tenth Streets.
 - c. Madison Street, both sides, between Eighth Street and Tenth Street.
 - d. Ninth Street, both sides, between Washington Street and Adams Street.
2. It is unlawful to park any vehicle in the zones listed above which is not registered in the name of a person that resides within 300 feet of the location in which the vehicle is parked or is not registered in the name of a person who is visiting a resident who lives within 300 feet of the location in which the

vehicle is parked. The residence of the registrant of the vehicle shall be the address listed in the most recent state registration of the vehicle.

3. The fine for the first parking violation under this paragraph in any 12-month period shall be per the fine schedule; the fine for up to three additional violations for a total of four in any 12-month period will be per the fine schedule each; and the fine for any violations exceeding four in number in any 12-month period will be per the fine schedule each.

4.

M. Parking In Residential Areas Restricted:

1. Truck tractors, semitrailers, or any combination thereof will only be allowed to park on the street or alley in a residential district for pickup or delivery purposes only.
2. Restricted units other than truck tractors, semitrailers, or any combination thereof will be allowed to park on the city street in a residential district from 6:00 a.m. to 8:00 p.m.
3. The units to which the restrictions apply are truck tractors, recreational vehicles, vehicles with a gross weight rating in excess of 16,000 pounds, camping trailers, semitrailers, recreational trailers, construction trailers, any other trailer, or any equipment that is towed.

4. The penalty for violation of any provision of this paragraph shall be per the fine schedule.

N. Penalties:

1. The fines for violations in this chapter shall be paid to the city within seven (7) business days of the posting of such notice, and two times the original fine if paid more than fourteen (14) business days after the posting of such notice but prior to the filing of a complaint.
2. If the penalty specified in this chapter is not paid within seven days of the posting of such notice, the chief of police shall send notice to the registered owner of the vehicle by regular U.S. Postal Service, postage paid. Such notice shall be in the form approved by the council. Failure to send such notice or failure of the registered owner to receive same shall not excuse the payment of such penalty nor shall the chief of police be prohibited from initiating prosecution for any violation of this chapter. If the penalty is paid within seven days after the mailing of such notice, the chief of police is authorized to refrain from instituting prosecution of the alleged offense involved.
3. It shall be unlawful for either the owner or operator of the vehicle to fail to pay the penalties prescribed in this chapter or to violate any provision of this chapter.

(Code 1970, §§ 9-5-1, 9-5-3, 9-5-8–9-5-11, 9-5-13, Code 1987, §§ 10-41–10-50, 10-54–10-56; Ord. No. 875, § 9-5-18, 1-24-1983; Ord. No. 1080, 7-24-1995; Ord. No. 1151, 9-25-2000; Ord. of 9-8-2003; Ord. No. 2008-6, 9-8-2008; Ord. No. 09-111, 9-14-2009; Ord. No. 2012-107, 7-24-2012; Ord. No. 2012-108, 8-14-2012)

State Law reference— Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq.

AFTER AMENDMENT

24.16.010 Parking Generally

A. Fines: The following fines are hereby set for parking violations:

1. Two-hour zone: per city fine schedule.
2. Double parked: per city fine schedule.
3. Blocking alley: per city fine schedule.
4. Blocking driveway: per city fine schedule.
5. 3:00 a.m.-5:30 a.m.: per city fine schedule.
6. Fire hydrant: per city fine schedule.
7. No-parking zone: per city fine schedule.
8. Improper parking: per city fine schedule.
9. Yellow line: per city fine schedule.
10. On sidewalk or terrace: per city fine schedule.
11. Handicap parking: per city fine schedule.
12. All other violations: per city fine schedule.
13. Parking after a snow storm: per city fine schedule.
14. Improper Parking [Municipal or School parking lots].

It shall be unlawful for any person to park a vehicle in any Municipal or School Parking lot other than in the authorized parking area and within a designated parking stall. No vehicle shall be parked in a traffic lane or parked in any area not marked or designated for vehicle parking. No vehicle shall park in an area designated as employee or student parking only unless such vehicle displays a current and valid parking permit for such designated space: per city fine schedule.

15. Unauthorized use of parking places reserved for electric vehicles: per city fine schedule.
- B. Separate and Continuous Offenses: All multiple acts shall constitute separate offenses, each subject to penalties as set forth in this Article, and each day that an offense of a continuing nature continues, shall constitute a separate offense.
- C. Notice Of Violation: Each police officer shall attach to a vehicle in violation of this chapter a notice to the owner or operator thereof that such vehicle has been parked in

violation of this chapter and instructing such owner or operator to report to the city hall in regard to such violation.

- D. Signs To Be Posted: The ~~commissioner of streets and public improvements~~ director of public works or his/her designee shall cause to be posted on each side within each city block within the commercial district one sign for every 250 feet, the letters of which shall be at least two inches in height, setting forth the hours and time limits within which parking is permitted by this chapter. Said ~~commissioner~~ director of public works or his/her designee shall likewise, by appropriate signs or markings, indicate the prohibited parking areas.
- E. Prohibited Parking; Generally: No person shall park any vehicle on any street in violation of parking restrictions designated on the street map of the ~~commissioner of streets and public improvements~~ director of public works or his/her designee, which is on file in the office of the clerk.
- F. Prohibited Parking; Certain Restrictions Of Locations: Notwithstanding any other section of this chapter, no person shall stop, stand, or park a vehicle or any obstacles except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.
- G. Diagonal Parking: Authority is hereby conferred upon the ~~commissioner of streets and public improvements~~ public works director or his/her designee to determine the angle at which vehicles may be parked and said angle shall be indicated by white lines painted upon the streets or highways where diagonal parking is permitted by this chapter. Notwithstanding anything to the contrary in this chapter permitting diagonal parking, no vehicle exceeding 19 feet in length, measured from the front bumper to the rear bumper of said vehicle, shall be parked diagonally to the curb.
- H. City Municipal Parking Lots:
1. It shall be unlawful for any person to park any vehicle in any city parking lot in violation of any ordinance or contrary to the rules established by the council for the use of such lot or in any place or manner other than that designated by appropriate signs, the letters of which shall be at least two inches in height and posted at the entrance to each lot.
 2. It shall be unlawful to park any vehicle in a city municipal parking lot for an uninterrupted period longer than 12 hours.
 3. No commercial or freight-carrying vehicle or trailer shall be parked in a city parking lot, except with the consent of a police officer.
 4. All rows in city municipal parking lots are numerically marked with signs. Odd/Even Parking will be in effect April 1st - November 1st on Fridays from 3:00 a.m. - 7:00 a.m. Odd/Even parking will also be in effect after 1" (inch) of snowfall from 7:00 p.m.- 7:00 a.m. to accommodate snow removal. Any vehicle parked in violation of this provision shall be subject to the towing and penalty provisions of this chapter.
- I. Time Limit Parking Zones:
1. Authority is hereby conferred upon the ~~commissioner of streets and public improvements~~ director of public works or his/her designee to designate within the limited parking district, not to exceed 20 parking spaces, each of which

shall be sufficient to accommodate one vehicle not exceeding 19 feet in length. When said ~~commissioner~~director of public works or his/her designee has designated parking spaces as aforesaid, he/she shall make said designation in writing under his/her name, and file the same with the clerk.

2. No vehicle shall be parked or stopped in any of said parking spaces so designated by said ~~commissioner~~director of public works or his/her designee in excess of the posted time limit.
3. The ~~commissioner of streets and public improvements~~director of public works or his/her designee shall also cause durable signs, the letters of which shall be at least two inches in height, to be posted at each of the parking spaces designated by him/her, which signs shall indicate that parking is limited to the posted time limit and shall state the hours between which said parking limit shall apply.

J. Taxicab Stands: Notwithstanding anything in this chapter to the contrary, authority is hereby conferred upon the ~~commissioner of streets and public improvements~~public works director or his/her designee to designate, within the limited parking district, not to exceed three parking spaces to be used exclusively for parking purposes by the owners or operators of taxicabs licensed by the city to operate as such within the city.

K. Parking On Street After Snowstorm:

1. After a snowfall of one inch or more has accumulated on the public streets the following rules will apply:
 - a. Vehicles must be parked on the side of the street where the even-numbered building or house would be located between the hours of 7:00 a.m. on that day and 7:00 a.m. of the following day on even calendar days.
 - b. Vehicles must be parked on that side of the street where odd-numbered building or house would be located between the hours of 7:00 a.m. that day and 7:00 a.m. of the following day on odd calendar days.
 - c. Any person who violates this paragraph shall be fined per the fine schedule.
2. The police departments, and all members thereof assigned to traffic duty, are hereby authorized to remove and tow away by a towing service, any vehicle that is parked except in conformity with the above schedule. Vehicles so towed for illegal parking shall be restored to the owner or operator of such vehicle after the original ticket is paid in full, plus all towing, storage and related costs if such payment is made within 48 hours after the vehicle was removed. For any payment made subsequent to the first 48-hour period, there shall be paid an additional sum established by the city for each additional 48-hour period. Vehicles not restored to their owners within 15 days shall be considered abandoned vehicles.

L. Restricted Parking, Tenth Street:

1. The following areas are designated as resident-only parking zones:
 - a. Tenth Street, both sides, between Washington Street and Adams Street.

- b. Jefferson Street, both sides, west of Eighth Street between Eighth and Tenth Streets.
 - c. Madison Street, both sides, between Eighth Street and Tenth Street.
 - d. Ninth Street, both sides, between Washington Street and Adams Street.
2. It is unlawful to park any vehicle in the zones listed above which is not registered in the name of a person that resides within 300 feet of the location in which the vehicle is parked or is not registered in the name of a person who is visiting a resident who lives within 300 feet of the location in which the vehicle is parked. The residence of the registrant of the vehicle shall be the address listed in the most recent state registration of the vehicle.
 3. The fine for the first parking violation under this paragraph in any 12-month period shall be per the fine schedule; the fine for up to three additional violations for a total of four in any 12-month period will be per the fine schedule each; and the fine for any violations exceeding four in number in any 12-month period will be per the fine schedule each.
 - 4.

M. Parking In Residential Areas Restricted:

1. Truck tractors, semitrailers, or any combination thereof will only be allowed to park on the street or alley in a residential district for pickup or delivery purposes only.
2. Restricted units other than truck tractors, semitrailers, or any combination thereof will be allowed to park on the city street in a residential district from 6:00 a.m. to 8:00 p.m.
3. The units to which the restrictions apply are truck tractors, recreational vehicles, vehicles with a gross weight rating in excess of 16,000 pounds, camping trailers, semitrailers, recreational trailers, construction trailers, any other trailer, or any equipment that is towed.
4. The penalty for violation of any provision of this paragraph shall be per the fine schedule.

N. Penalties:

1. The fines for violations in this chapter shall be paid to the city within seven (7) business days of the posting of such notice, and two times the original fine if paid more than fourteen (14) business days after the posting of such notice but prior to the filing of a complaint.

2. If the penalty specified in this chapter is not paid within seven days of the posting of such notice, the chief of police shall send notice to the registered owner of the

vehicle by regular U.S. Postal Service, postage paid. Such notice shall be in the form approved by the council. Failure to send such notice or failure of the registered owner to receive same shall not excuse the payment of such penalty nor shall the chief of police be prohibited from initiating prosecution for any violation of this chapter. If the penalty is paid within seven days after the mailing of such notice, the chief of police is authorized to refrain from instituting prosecution of the alleged offense involved.

3. It shall be unlawful for either the owner or operator of the vehicle to fail to pay the penalties prescribed in this chapter or to violate any provision of this chapter.

(Code 1970, §§ 9-5-1, 9-5-3, 9-5-8–9-5-11, 9-5-13, Code 1987, §§ 10-41–10-50, 10-54–10-56; Ord. No. 875, § 9-5-18, 1-24-1983; Ord. No. 1080, 7-24-1995; Ord. No. 1151, 9-25-2000; Ord. of 9-8-2003; Ord. No. 2008-6, 9-8-2008; Ord. No. 09-111, 9-14-2009; Ord. No. 2012-107, 7-24-2012; Ord. No. 2012-108, 8-14-2012)

State Law reference— Penalties for ordinance violations, 65 ILCS 5/1-2-1 et seq.

SECTION 39: **AMENDMENT** “26.04.010 Stop Order” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

26.04.010 Stop Order

The building code official or an agent designated by the building code official shall have the power to order all work stopped on construction, alteration or repair of buildings within the city if such work is being done in violation of any provision of the code. Work shall not be resumed after the issuance of a stop order except on the written permission of the building code official and countersigned by either the commissioner of public health and safety or the mayor. Such stop order may be served by the building code official or any police officer.

(Code 1987, § 2-105; Ord. No. 1095, § 2, 8-12-1996)

AFTER AMENDMENT

26.04.010 Stop Order

The building code official or an agent designated by the building code official shall have the power to order all work stopped on construction, alteration or repair of buildings within the city if such work is being done in violation of any provision of the code. Work shall not be resumed after the issuance of a stop order except on the written permission of the building code official and countersigned by ~~either the commissioner of public health and safety or the mayor~~ the City Manager. Such stop order may be served by the building code official or any police officer.

(Code 1987, § 2-105; Ord. No. 1095, § 2, 8-12-1996)

SECTION 40: **AMENDMENT** “26.04.050 Awnings” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

26.04.050 Awnings

- A. All awnings erected over any street or sidewalk in the city shall be elevated at least eight feet at the lowest part thereof above the top of the sidewalk and shall not project over such sidewalk to exceed three-fourths of the width thereof, and the roof or covering of all such awnings shall be of duck, canvas, metal or other fire-resistant material, and they shall be supported without posts, by brackets or framework attached firmly and safely to the building so as to leave the sidewalk wholly unobstructed thereby. It shall be unlawful to erect or construct any awning in any other manner, or with any other material than as specified in this paragraph.
- B. When any awning shall become decayed, broken or insecure, the same shall be taken down and removed within 24 hours after notice so to do from the mayor or the commissioner of streets and public improvements.

(Code 1970, §§ 6-1-1, 6-1-2; Code 1987, § 3-3)

State Law reference— Municipal regulation of awnings, 65 ILCS 5/11-80-14.

AFTER AMENDMENT

26.04.050 Awnings

- A. All awnings erected over any street or sidewalk in the city shall be elevated at least eight feet at the lowest part thereof above the top of the sidewalk and shall not project over such sidewalk to exceed three-fourths of the width thereof, and the roof or covering of all such awnings shall be of duck, canvas, metal or other fire-resistant material, and they shall be supported without posts, by brackets or framework attached firmly and safely to the building so as to leave the sidewalk wholly unobstructed thereby. It shall be unlawful to erect or construct any awning in any other manner, or

with any other material than as specified in this paragraph.

- B. When any awning shall become decayed, broken or insecure, the same shall be taken down and removed within 24 hours after notice ~~so to do~~ from the ~~mayor or the commissioner of streets and public improvements~~building code official or the city manager.

(Code 1970, §§ 6-1-1, 6-1-2; Code 1987, § 3-3)

State Law reference— Municipal regulation of awnings, 65 ILCS 5/11-80-14.

SECTION 41: **AMENDMENT** “26.04.080 Building Demolition” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

26.04.080 Building Demolition

The following requirements shall be met before tearing down any building and/or disposing of debris, lumber, brick, etc., within the corporate limits of the city:

- A. Backfilling Of Excavations: Any excavation work in or under city sidewalks or streets shall be backfilled in accordance with specifications required by the city director of public works or his/her designee.
- B. Water And Sewer Mains: All water and sewer mains to abandoned buildings are to be as follows:
 - 1. Water mains must be shut off at the city main connection, or at the curb stop, and to the satisfaction of the superintendent of water and sewers.
 - 2. Sewer mains must be properly plugged and remain uncovered until approved by the superintendent of water and sewers.
- C. Burying Of Debris Prohibited: No burying of building materials at excavation or demolition site within the corporate limits.
- D. Barricades: Barricades to be erected while demolition work is progressing. Excavation or demolition in or upon any unenclosed lot or ground bounded by any street shall have sufficient fence as long as excavation or demolition shall remain open.
- E. Plan Submittal; Time Estimate; Extensions Of Time: The applicant shall submit his plan for taking down buildings to be razed, including the basic requirements to level and backfill and the time limit for executing the demolition at least ten days prior to demolition. If an extension of time is necessary, the city must be so notified and an extension granted.
- F. Insurance Required: No applicant shall commence excavation or demolition work until the insurance requirements have been obtained and paid for. Homeowner's insurance with liability limits not less than \$100,000.00 for any death or injury to a person and for property damage occurring during the course of the demolition work and cleanup work, including legal fees. A copy of said policy is to be deposited with the clerk of

the city.

(Code 1987, § 3-6; Ord. No. 943, 7-30-1987)

AFTER AMENDMENT

26.04.080 Building Demolition

The following requirements shall be met before tearing down any building and/or disposing of debris, lumber, brick, etc., within the corporate limits of the city:

- A. Backfilling Of Excavations: Any excavation work in or under city sidewalks or streets shall be backfilled in accordance with specifications required by the city director of public works or his/her designee.
- B. Water And Sewer Mains: All water and sewer mains to abandoned buildings are to be as follows:
 - 1. Water mains must be shut off at the city main connection, or at the curb stop, and to the satisfaction of the ~~superintendent of water and sewers~~ public works director or his/her designee.
 - 2. Sewer mains must be properly plugged and remain uncovered until approved by the ~~superintendent of water and sewers~~ public works director or his/her designee.
- C. Burying Of Debris Prohibited: No burying of building materials at excavation or demolition site within the corporate limits.
- D. Barricades: Barricades to be erected while demolition work is progressing. Excavation or demolition in or upon any unenclosed lot or ground bounded by any street shall have sufficient fence as long as excavation or demolition shall remain open.
- E. Plan Submittal; Time Estimate; Extensions Of Time: The applicant shall submit his plan for taking down buildings to be razed, including the basic requirements to level and backfill and the time limit for executing the demolition at least ten days prior to demolition. If an extension of time is necessary, the city must be so notified and an extension granted.
- F. Insurance Required: No applicant shall commence excavation or demolition work until the insurance requirements have been obtained and paid for. Homeowner's insurance with liability limits not less than \$100,000.00 for any death or injury to a person and for property damage occurring during the course of the demolition work and cleanup work, including legal fees. A copy of said policy is to be deposited with the clerk of the city.

(Code 1987, § 3-6; Ord. No. 943, 7-30-1987)

SECTION 42: AMENDMENT “28.08.030 Unsafe And Unlawful Signs” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

28.08.030 Unsafe And Unlawful Signs

If the commissioner of public health and safety shall find that any sign in the city is unsafe and unsecured, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this title, he shall give written notice to the owner or occupant of the property upon which said sign is located or to which said sign is affixed, ordering the removal or alteration of this structure within five days so as to comply with the standards herein set forth. Failure to comply with such order shall constitute a violation of this title and each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be penalized under OCC 1.16.030. Upon failure to comply with notice and within the time specified the commissioner may declare said sign to be a public nuisance and may abate same pursuant to the provisions of this Code.

(Code 1987, § 3-54; Ord. No. 1017, 3-23-1992)

AFTER AMENDMENT

28.08.030 Unsafe And Unlawful Signs

If the building code official ~~commissioner of public health and safety~~ shall find that any sign in the city is unsafe and unsecured, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this title, he shall give written notice to the owner or occupant of the property upon which said sign is located or to which said sign is affixed, ordering the removal or alteration of this structure within five days so as to comply with the standards herein set forth. Failure to comply with such order shall constitute a violation of this title and each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be penalized under OCC 1.16.030. Upon failure to comply with notice and within the time specified the ~~commissioner~~building code official may declare said sign to be a public nuisance and may abate same pursuant to the provisions of this Code.

(Code 1987, § 3-54; Ord. No. 1017, 3-23-1992)

SECTION 43: AMENDMENT “28.12.030 Marquee And Projecting Signs”
of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

28.12.030 Marquee And Projecting Signs

In only those areas of the city zoned commercial or industrial, there shall be permitted marquee and projecting signs as follows:

- A. Height Above Sidewalk: No portion of a marquee or projecting sign shall be less than eight feet above the level of the sidewalk, street, or other surface immediately under

the sign.

- B. Setback From Curb Line: No sign shall be permitted to extend beyond a point three feet inside the curb line if a curb line is established.
- C. Maximum Overhang: No sign shall project beyond six feet of the face of the building to which it is attached and shall in no event extend over any public driveway, alley or thoroughfare used for vehicular traffic.
- D. Bracing And Supports: Marquee and projecting signs shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefor. All anchors, bolts, supports, rods and braces shall be constructed of noncombustible materials and subject to written approval of the commissioner of public health and safety.
- E. Other Requirements: No marquee or projecting signs shall be permitted in a residential district. Marquee and projecting signs are limited to a maximum gross surface area of not more than 18 square feet, including all surfaces thereof. All signs in the fire district shall have a surface or facing of noncombustible material, and if illuminated, shall be internally illuminated and shall be two-faced. No glare or direct light shall shine upon the street or adjacent property.
- F. Awnings: Awnings that contain advertising or a business name are considered a marquee or projecting sign.

(Code 1987, § 3-58; Ord. No. 1017, 3-23-1992)

AFTER AMENDMENT

28.12.030 Marquee And Projecting Signs

In only those areas of the city zoned commercial or industrial, there shall be permitted marquee and projecting signs as follows:

- A. Height Above Sidewalk: No portion of a marquee or projecting sign shall be less than eight feet above the level of the sidewalk, street, or other surface immediately under the sign.
- B. Setback From Curb Line: No sign shall be permitted to extend beyond a point three feet inside the curb line if a curb line is established.
- C. Maximum Overhang: No sign shall project beyond six feet of the face of the building to which it is attached and shall in no event extend over any public driveway, alley or thoroughfare used for vehicular traffic.
- D. Bracing And Supports: Marquee and projecting signs shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefor. All anchors, bolts, supports, rods and braces shall be constructed of noncombustible materials and subject to written approval of the [building code official](#)~~commissioner of public health and safety~~.
- E. Other Requirements: No marquee or projecting signs shall be permitted in a residential district. Marquee and projecting signs are limited to a maximum gross surface area of not more than 18 square feet, including all surfaces thereof. All signs in the fire district shall have a surface or facing of noncombustible material, and if illuminated, shall be internally illuminated and shall be two-faced. No glare or direct light shall shine upon

the street or adjacent property.

F. Awnings: Awnings that contain advertising or a business name are considered a marquee or projecting sign.

(Code 1987, § 3-58; Ord. No. 1017, 3-23-1992)

SECTION 44: AMENDMENT “30.16.150 Street Signs” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

30.16.150 Street Signs

An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and the location thereof shall be subject to the approval and direction of the commissioner of streets and public improvements.

(Code 1970, § 11-3-15; Code 1987, § 7-120)

AFTER AMENDMENT

30.16.150 Street Signs

An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and the location thereof shall be subject to the approval and direction of the ~~commissioner of streets and public improvements~~ director of public works or his/her designee.

(Code 1970, § 11-3-15; Code 1987, § 7-120)

SECTION 45: AMENDMENT “30.16.160 Trees” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

30.16.160 Trees

If any trees are proposed to be planted on any part of the subdivision devoted to public use, the species of trees and the location thereof shall be subject to the approval and direction of the commissioner of streets and public improvements.

(Code 1970, § 11-3-16; Code 1987, § 7-121)

AFTER AMENDMENT

30.16.160 Trees

If any trees are proposed to be planted on any part of the subdivision devoted to public use, the species of trees and the location thereof shall be subject to the approval and direction of the ~~commissioner of streets and public improvements~~ director of public works or his/her designee.

(Code 1970, § 11-3-16; Code 1987, § 7-121)

SECTION 46: AMENDMENT “30.16.050 Pipe Connections; Inspection” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

30.16.050 Pipe Connections; Inspection

- A. No construction of water mains connected with the mains of the city shall be made whether within the city limits or a territory adjacent thereto unless such extension or connection shall be copper pipe, or plastic pipe and, if more than service for two families, each living unit requires such pipe shall be at least 1½ inches in diameter. If for two families or more, such pipe service will require some type of shutoff mechanism in such manner that if one service needs to be shut off it can be done without affecting the service of others.
- B. No connection of sanitary sewer mains made to the sewer system of the city, whether within the city or within territory adjacent thereto, shall be less than eight inches inside diameter and all private connections thereto shall not be less than four inches inside diameter; no surface water shall be directed into the sanitary sewer system, and all such connections for water and sewer shall first have the approval of the superintendent of water and sewers for the city.

(Code 1970, § 11-3-5; Code 1987, § 7-110)

AFTER AMENDMENT

30.16.050 Pipe Connections; Inspection

- A. No construction of water mains connected with the mains of the city shall be made whether within the city limits or a territory adjacent thereto unless such extension or connection shall be copper pipe, or plastic pipe and, if more than service for two families, each living unit requires such pipe shall be at least 1½ inches in diameter. If for two families or more, such pipe service will require some type of shutoff mechanism in such manner that if one service needs to be shut off it can be done without affecting the service of others.
- B. No connection of sanitary sewer mains made to the sewer system of the city, whether within the city or within territory adjacent thereto, shall be less than eight inches inside diameter and all private connections thereto shall not be less than four inches inside

diameter; no surface water shall be directed into the sanitary sewer system, and all such connections for water and sewer shall first have the approval of the

~~superintendent of water and sewers~~ director of public works or his/her designee for the city.

(Code 1970, § 11-3-5; Code 1987, § 7-110)

SECTION 47: AMENDMENT “32.04.020 Definitions - Zoning” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

32.04.020 Definitions - Zoning

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a

cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ALLEY: A narrow thoroughfare upon which abut generally the rear of premises, or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of 30 feet in width at its intersection with a street.

APARTMENT: A room or suite of rooms in a multiple-family building, which is arranged, designed, used or intended to be used as a housekeeping unit. Complete kitchen facilities permanently installed, shall always be included for each apartment. (See Dwelling, multiple-family.)

APARTMENT HOUSE: A building which is used or intended to be used as a home or residence for two or more families living in separate suites or sets of rooms.

BASEMENT: A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining ground, a basement shall be counted as a story for the purpose of height measurement.

BED AND BREAKFAST ESTABLISHMENT: An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a 12-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boardinghouses or food service establishments.

BLOCK: The property abutting on a street on a side of such street and lying between the two nearest intersections or intersecting streets, or nearest intersecting street and railroad right-of-way.

BOARDINGHOUSE: A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than 12 who are not members of the keeper's family.

BUILDING: Any structure having a roof supported by columns or walls and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattel.

BUILDING AREA: The space remaining on a lot after the minimum open space requirements of this chapter have been met.

BUILDING HEIGHT: The vertical distances measured from the sidewalk level of its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

CLINIC: A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, and/or x-ray facilities, but shall not include in-patient care of operating rooms for major surgery.

CLUB or LODGE, PRIVATE: A nonprofit association or persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, to members and their guests, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization and further provided that such sale of food and alcoholic beverages is in compliance with the applicable federal, state, county and municipal laws.

COLLEGE: Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business school including instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees meeting the requirements and recognized as such under ILCS chapter 110.

COMMUNITY CENTER: A building, together with lawful accessory buildings and uses for recreational or cultural activities and not operated for profit. Membership shall be restricted to persons living in a specified geographical area but shall not be based upon any other criteria.

COMMUNITY CENTER, THEATRICAL: A building or portion thereof, used for a not-for-profit organization chartered by the state, or local political jurisdiction, which has as its purpose the promotion, instruction, study and production of theater art forms.

CONDOMINIUM: A form of real estate ownership in which designated units, including volumes of space, are owned by individual owners who, by virtue of their unit ownership have joint use of, interest in, and ownership of halls, entrance ways, terrace facilities, lands and such other improvement as may be included in the condominium declaration required by this Condominium Property Act (765 ILCS 605/1 et seq.). (See Dwelling, multiple-family.)

DAY CARE CENTER: An institution or place in which are received three or more children, not of common parentage, apart from their parents or guardian, for part or all of a day, but not later than 9:00 p.m. The term "day care center" includes, but is not limited, to the following: nursery schools, child care centers, day nursery schools, kindergartens and play groups, provided it meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the state department of children and family services.

DEVELOPMENTALLY DISABLED PERSON: A person suffering from a developmentally disabling condition or disease, including, but not limited to, epilepsy, autism, cerebral palsy or dyslexia.

DISTRICT: A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

DWELLING: A building or portion thereof, but not including a house trailer or mobile home designed or used exclusively for residential occupancy, including one- and two-family dwelling units and multiple-family dwelling units but not including hotels, motels, boardinghouses or lodginghouses or group homes occupied by nine or more persons.

DWELLING, MULTIPLE-FAMILY: A multiple-family dwelling unit is a building or portion thereof, consisting of three or more dwelling units with varying arrangements of entrance and party walls. The definition of multiple-family dwelling unit may include, but shall not be limited to, the following terms: apartment, condominium, cooperative, quadrominium, three-flat and triplex.

DWELLING, ONE- or TWO-FAMILY: A detached building designed exclusively for occupancy by one or two families.

DWELLING UNIT: One or more rooms in a residential building which are arranged, designed, used or intended for use by one family, for living or sleeping purposes and which includes complete kitchen facilities and bathroom permanently installed, shall be included in each dwelling unit.

ESTABLISHED GRADE: See Grade.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, living together as a single housekeeping unit in a dwelling.

FAMILY CARE HOME FOR THE DEVELOPMENTALLY DISABLED: A dwelling for eight or fewer developmentally disabled persons, in which the program size and content are structured to meet the individual social habilitative, and respite needs of the person residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall

comply with applicable licensing standards of the appropriate federal, state, or local agencies, and may in addition, house such minimum staff persons as may be received to meet the standards of the licensing agencies.

FINISHED GRADE: See Grade.

FRONT STREET LINE: See Street line.

FRONT YARD: An open unoccupied space between the front line of the building proper and the street line. Covered or enclosed porches not exceeding seven feet in depth shall be excluded.

GARAGE: Any premises used for the housing or storage of motor-driven vehicles or where such vehicles are equipped for operation, repaired, or kept for hire or sale, not including exhibition or showroom for cars.

GRADE: The finished grade of the premises improved by a building is the elevation of the surface of the ground adjoining the building. The established grade of premises, whether vacant or improved, is the elevation of the sidewalk at the property line as fixed by the city. Where the finished grade is below the level of the established grade, the grade shall be used for all purposes of this chapter.

GROUP DWELLINGS: A group dwelling is a residential building providing a common kitchen and/or bathroom facilities for five or more unrelated persons. Examples of group dwellings include roominghouses, boardinghouses, fraternities, sororities, dormitories, family care homes for developmentally disabled occupied by nine or more persons and group homes occupied by nine or more persons. A residential alternative for the developmentally disabled shall not be considered a group dwelling.

GROUP HOME: A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis or present whenever residents are present at the dwelling, shall be required unless a special use approval is obtained to eliminate the requirement of supervision.

HALFWAY HOUSE: A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times that residents are present, for the following purposes:

- A. To help them recuperate from the effects of drugs or alcohol addiction;
- B. To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, pre-release, work release, and probationary programs;
- C. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- D. To provide temporary shelter for persons who are victims of domestic abuse.

HEALTH CARE FACILITY: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of nine or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical condition.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling or permitted accessory building and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family, or the gross revenue of which is less than ten percent of the gross revenue from the home occupation. Clinics, doctors' offices, hospitals, any food service, overnight accommodations, animal hospitals, kennels and vehicle repair of any kind shall not be deemed home occupations under any circumstances except bed and breakfast establishments or guest houses as defined in this Code shall be permitted as home occupations provided there are not more than five guest rooms.

HOSPICE: A temporary residential living arrangement for persons who have a disease that requires full-time support, therapy and/or treatment.

HOSPITAL: A hospital is any institution, place, building or agency, public or private whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care or illness, disease, injury, infirmity or deformity. The term "hospital," without regard to length of stay, also includes:

- A. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment and care of two or more unrelated persons suffering from emotional or nervous disease; and
- B. All places where pregnant women are received, cared for, or treated during delivery irrespective of the number of patients received.
- C. The term "hospital" includes general and specialized hospitals, tuberculosis, sanitarium, mental or physical hospitals and sanitarium, and includes maternity homes, laying in homes and homes for unwed mothers in which aid is given during delivery.

HOTEL: A building which is used as a temporary abiding place, for remuneration, with or without meals, containing five or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, and which provides maid, butler and linen service and which maintains a hotel register.

HOTEL, APARTMENT: A hotel in which at least 90 percent of the hotel accommodations are for occupancy by permanent guests. An apartment hotel having not less than 50 guest rooms, may have a dining room open to the public which is accessible only from an inner lobby or corridor.

INSTITUTIONAL USES: Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental to thereto; public libraries; museums; art

galleries; public parks; public playgrounds and public community centers; including customary park activities and functions.

LOT, CORNER: A lot situated at the intersection of two or more streets.

MOTEL: A series of attached, semi-attached or detached guest rooms or suites for the accommodation primarily of automobile transient guests which does not include individual cooking or kitchen facilities and which provides the unit with convenient access to off-street parking spaces for the exclusive use of the guests or occupants of the premises.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use which does not conform with the regulations of this title.

NURSING HOME: A commercial establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders.

OCCUPANCY CERTIFICATE: A certificate issued by the commissioner of public health and safety or other designated official stating the occupancy and use of land or a building or structure referred to therein, complies with the provisions of this title.

PARKING SPACE: An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, which has adequate access to a public street or alley and permits satisfactory ingress and egress of an automobile.

REST HOME: See Nursing home.

ROOMINGHOUSE: A residence or dwelling, other than a motel, apartment hotel, hotel, or bed and breakfast establishment as those are defined in this Code, wherein three or more rooms, not containing standard facilities for cooking, dining, food preparation and food storage, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence.

SCHOOL: An institution, either public or private, other than trade or vocational school which offers systematic instruction in any branch or branches of knowledge for elementary or secondary education.

SCHOOL, TRADE or VOCATIONAL: A school which offers instruction in skilled subjects such as typing, shorthand, business machines, carpentry, drafting, automobile and aircraft mechanics.

SPECIAL USE: The use of land, or a building or structure thereon which does not comply with all of the regulations of this chapter governing the use for the zoning district in which that use is located except that such use may be permitted by a special use permit.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered

as an additional story for each 14 feet or fraction thereof.

STREET LINE: The dividing line between the street and the lot. The front street line shall be deemed to be the shortest street line.

SHORT-TERM RENTAL - A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare, or similar joint property ownership arrangement that is rented for a fee for less than 30 consecutive days. Short-term includes vacation rentals. Short-term rental does not include: A) a unit that is used for any non-rental purpose, including educational, health care, retail, restaurant, banquet space, event center or another similar uses; B) a bed and breakfast establishment as defined in this section; or C) transient accommodations, including hotels, and motels that are not classified as residential property or real property taxation purposes.

USE: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USE, LAWFUL: The use of any building, structure or land that conforms with all of the regulations of this title or any amendment hereto, and which conforms with all codes, ordinances and other legal requirements, as existing at the time of the enactment of this title or any amendment hereto, for the structure or land that is being considered.

USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of this title for the district in which such use is located.

USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permitted or special use.

USE, SPECIAL: See OCC 32.08.020.

ZONING DISTRICTS: The districts into which the incorporated areas of Oregon, Illinois have been divided as set forth on the zoning district map for the purpose of zoning regulations and requirements.

ZONING MAP: The City of Oregon, Ogle County, Illinois Zoning Map incorporated herein as a part hereof, designating zoning districts, as may be amended from time to time.

(Code 1970, § 10-1-2; Code 1987, § 7-161; Ord. No. 967, 8-22-1988; Ord. No. 1067, 11-28-1994; Ord. No. 1099, 3-24-1997; Ord. No. 09-13, 10-26-2009; Ord. No. 2010-101, 8-23-2010)

AFTER AMENDMENT

32.04.020 Definitions - Zoning

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time,

and regulations promulgated thereunder.

ALLEY: A narrow thoroughfare upon which abut generally the rear of premises, or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of 30 feet in width at its intersection with a street.

APARTMENT: A room or suite of rooms in a multiple-family building, which is arranged, designed, used or intended to be used as a housekeeping unit. Complete kitchen facilities permanently installed, shall always be included for each apartment. (See Dwelling, multiple-family.)

APARTMENT HOUSE: A building which is used or intended to be used as a home or residence for two or more families living in separate suites or sets of rooms.

BASEMENT: A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining ground, a basement shall be counted as a story for the purpose of height measurement.

BED AND BREAKFAST ESTABLISHMENT: An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a 12-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boardinghouses or food service establishments.

BLOCK: The property abutting on a street on a side of such street and lying between the two nearest intersections or intersecting streets, or nearest intersecting street and railroad right-of-way.

BOARDINGHOUSE: A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than 12 who are not members of the keeper's family.

BUILDING: Any structure having a roof supported by columns or walls and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattel.

BUILDING AREA: The space remaining on a lot after the minimum open space requirements of this chapter have been met.

BUILDING HEIGHT: The vertical distances measured from the sidewalk level of its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

CLINIC: A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, and/or x-ray facilities, but shall not include in-patient care of operating rooms for major surgery.

CLUB or LODGE, PRIVATE: A nonprofit association or persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, to members and their guests, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization and further provided that such sale of food and alcoholic beverages is in compliance with the applicable federal, state, county and municipal laws.

COLLEGE: Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business school including instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees meeting the requirements and recognized as such under ILCS chapter 110.

COMMUNITY CENTER: A building, together with lawful accessory buildings and uses for recreational or cultural activities and not operated for profit. Membership shall be restricted to persons living in a specified geographical area but shall not be based upon any other criteria.

COMMUNITY CENTER, THEATRICAL: A building or portion thereof, used for a not-for-profit organization chartered by the state, or local political jurisdiction, which has as its purpose the promotion, instruction, study and production of theater art forms.

CONDOMINIUM: A form of real estate ownership in which designated units, including volumes of space, are owned by individual owners who, by virtue of their unit ownership have joint use of, interest in, and ownership of halls, entrance ways, terrace facilities, lands and such other improvement as may be included in the condominium declaration required by this Condominium Property Act (765 ILCS 605/1 et seq.). (See Dwelling, multiple-family.)

DAY CARE CENTER: An institution or place in which are received three or more children, not of common parentage, apart from their parents or guardian, for part or all of a day, but not later than 9:00 p.m. The term "day care center" includes, but is not limited, to the following: nursery schools, child care centers, day nursery schools, kindergartens and play groups, provided it meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the state department of children and family services.

DEVELOPMENTALLY DISABLED PERSON: A person suffering from a developmentally disabling condition or disease, including, but not limited to, epilepsy, autism, cerebral palsy or

dyslexia.

DISTRICT: A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

DWELLING: A building or portion thereof, but not including a house trailer or mobile home designed or used exclusively for residential occupancy, including one- and two-family dwelling units and multiple-family dwelling units but not including hotels, motels, boardinghouses or lodginghouses or group homes occupied by nine or more persons.

DWELLING, MULTIPLE-FAMILY: A multiple-family dwelling unit is a building or portion thereof, consisting of three or more dwelling units with varying arrangements of entrance and party walls. The definition of multiple-family dwelling unit may include, but shall not be limited to, the following terms: apartment, condominium, cooperative, quadrominium, three-flat and triplex.

DWELLING, ONE- or TWO-FAMILY: A detached building designed exclusively for occupancy by one or two families.

DWELLING UNIT: One or more rooms in a residential building which are arranged, designed, used or intended for use by one family, for living or sleeping purposes and which includes complete kitchen facilities and bathroom permanently installed, shall be included in each dwelling unit.

ESTABLISHED GRADE: See Grade.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, living together as a single housekeeping unit in a dwelling.

FAMILY CARE HOME FOR THE DEVELOPMENTALLY DISABLED: A dwelling for eight or fewer developmentally disabled persons, in which the program size and content are structured to meet the individual social habilitative, and respite needs of the person residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall comply with applicable licensing standards of the appropriate federal, state, or local agencies, and may in addition, house such minimum staff persons as may be received to meet the standards of the licensing agencies.

FINISHED GRADE: See Grade.

FRONT STREET LINE: See Street line.

FRONT YARD: An open unoccupied space between the front line of the building proper and the street line. Covered or enclosed porches not exceeding seven feet in depth shall be excluded.

GARAGE: Any premises used for the housing or storage of motor-driven vehicles or where such vehicles are equipped for operation, repaired, or kept for hire or sale, not including

exhibition or showroom for cars.

GRADE: The finished grade of the premises improved by a building is the elevation of the surface of the ground adjoining the building. The established grade of premises, whether vacant or improved, is the elevation of the sidewalk at the property line as fixed by the city. Where the finished grade is below the level of the established grade, the grade shall be used for all purposes of this chapter.

GROUP DWELLINGS: A group dwelling is a residential building providing a common kitchen and/or bathroom facilities for five or more unrelated persons. Examples of group dwellings include roominghouses, boardinghouses, fraternities, sororities, dormitories, family care homes for developmentally disabled occupied by nine or more persons and group homes occupied by nine or more persons. A residential alternative for the developmentally disabled shall not be considered a group dwelling.

GROUP HOME: A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis or present whenever residents are present at the dwelling, shall be required unless a special use approval is obtained to eliminate the requirement of supervision.

HALFWAY HOUSE: A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times that residents are present, for the following purposes:

- A. To help them recuperate from the effects of drugs or alcohol addiction;
- B. To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, pre-release, work release, and probationary programs;
- C. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- D. To provide temporary shelter for persons who are victims of domestic abuse.

HEALTH CARE FACILITY: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of nine or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical condition.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling or permitted accessory building and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family, or the gross revenue of which is less than ten percent of the gross revenue from the home occupation. Clinics, doctors' offices, hospitals, any food service, overnight accommodations, animal hospitals,

kennels and vehicle repair of any kind shall not be deemed home occupations under any circumstances except bed and breakfast establishments or guest houses as defined in this Code shall be permitted as home occupations provided there are not more than five guest rooms.

HOSPICE: A temporary residential living arrangement for persons who have a disease that requires full-time support, therapy and/or treatment.

HOSPITAL: A hospital is any institution, place, building or agency, public or private whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care or illness, disease, injury, infirmity or deformity. The term "hospital," without regard to length of stay, also includes:

- A. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment and care of two or more unrelated persons suffering from emotional or nervous disease; and
- B. All places where pregnant women are received, cared for, or treated during delivery irrespective of the number of patients received.
- C. The term "hospital" includes general and specialized hospitals, tuberculosis, sanitarium, mental or physical hospitals and sanitarium, and includes maternity homes, laying in homes and homes for unwed mothers in which aid is given during delivery.

HOTEL: A building which is used as a temporary abiding place, for remuneration, with or without meals, containing five or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, and which provides maid, butler and linen service and which maintains a hotel register.

HOTEL, APARTMENT: A hotel in which at least 90 percent of the hotel accommodations are for occupancy by permanent guests. An apartment hotel having not less than 50 guest rooms, may have a dining room open to the public which is accessible only from an inner lobby or corridor.

INSTITUTIONAL USES: Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental to thereto; public libraries; museums; art galleries; public parks; public playgrounds and public community centers; including customary park activities and functions.

LOT, CORNER: A lot situated at the intersection of two or more streets.

MOTEL: A series of attached, semi-attached or detached guest rooms or suites for the accommodation primarily of automobile transient guests which does not include individual cooking or kitchen facilities and which provides the unit with convenient access to off-street

parking spaces for the exclusive use of the guests or occupants of the premises.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use which does not conform with the regulations of this title.

NURSING HOME: A commercial establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders.

OCCUPANCY CERTIFICATE: A certificate issued by the ~~commissioner of public health and safety~~ **building code official** or other designated official stating the occupancy and use of land or a building or structure referred to therein, complies with the provisions of this title.

PARKING SPACE: An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, which has adequate access to a public street or alley and permits satisfactory ingress and egress of an automobile.

REST HOME: See Nursing home.

ROOMINGHOUSE: A residence or dwelling, other than a motel, apartment hotel, hotel, or bed and breakfast establishment as those are defined in this Code, wherein three or more rooms, not containing standard facilities for cooking, dining, food preparation and food storage, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence.

SCHOOL: An institution, either public or private, other than trade or vocational school which offers systematic instruction in any branch or branches of knowledge for elementary or secondary education.

SCHOOL, TRADE or VOCATIONAL: A school which offers instruction in skilled subjects such as typing, shorthand, business machines, carpentry, drafting, automobile and aircraft mechanics.

SPECIAL USE: The use of land, or a building or structure thereon which does not comply with all of the regulations of this chapter governing the use for the zoning district in which that use is located except that such use may be permitted by a special use permit.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

STREET LINE: The dividing line between the street and the lot. The front street line shall be deemed to be the shortest street line.

SHORT-TERM RENTAL - A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare, or similar joint property ownership arrangement that is rented for a fee for less than 30 consecutive days. Short-term includes vacation rentals. Short-term rental does not include: A) a unit that is used for any non-rental

purpose, including educational, health care, retail, restaurant, banquet space, event center or another similar uses; B) a bed and breakfast establishment as defined in this section; or C) transient accommodations, including hotels, and motels that are not classified as residential property or real property taxation purposes.

USE: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USE, LAWFUL: The use of any building, structure or land that conforms with all of the regulations of this title or any amendment hereto, and which conforms with all codes, ordinances and other legal requirements, as existing at the time of the enactment of this title or any amendment hereto, for the structure or land that is being considered.

USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of this title for the district in which such use is located.

USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permitted or special use.

USE, SPECIAL: See OCC 32.08.020.

ZONING DISTRICTS: The districts into which the incorporated areas of Oregon, Illinois have been divided as set forth on the zoning district map for the purpose of zoning regulations and requirements.

ZONING MAP: The City of Oregon, Ogle County, Illinois Zoning Map incorporated herein as a part hereof, designating zoning districts, as may be amended from time to time.

(Code 1970, § 10-1-2; Code 1987, § 7-161; Ord. No. 967, 8-22-1988; Ord. No. 1067, 11-28-1994; Ord. No. 1099, 3-24-1997; Ord. No. 09-13, 10-26-2009; Ord. No. 2010-101, 8-23-2010)

SECTION 48: AMENDMENT “32.08.030 Application For Variations” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

32.08.030 Application For Variations

The city council, upon recommendation of the plan commission may vary regulations imposed by this Code in harmony with the general purpose and intent of the chapter, but only in specific instances herein described. No variation shall be permitted unless the council shall make a finding of fact based upon the standards herein prescribed, that there are difficulties or hardships involved in the strict application of these regulations.

- A. Application Of Variation: An application for variation shall be made in duplicate and filed with the city clerk and shall include:
1. Applicant's name.
 2. Applicant's address.
 3. Address of property for which variance is being requested.
 4. Nature of variance.
 5. A drawing to scale to include existing buildings, sizes, setbacks, unusual characteristics and variation as requested. The plan commission has the right to request a survey at the landowners expense if so needed.
 6. Signed affidavit from adjoining landowners stating their position with regard to the variance request.
- B. Application Fee: There shall be a fee as established by the city for each variance applied for.
- C. Public Hearing: The city clerk shall refer all such applications to the plan commission and the plan commission shall cause a public hearing to be held as set by ordinance in this Code. The landowner shall place a public hearing notice in the paper of record for the city not less than 14 days prior to the public hearing. The land owner shall also send certified notice to all adjoining properties and shall turn over return signature cards to the city clerk for public record.
- D. Standards: The plan commission and the city council shall not vary the regulations of this chapter unless both bodies find that based upon the evidence presented to them, the plight of the owner is due to unique circumstances and the variation, if granted, will not alter the essential character of the locality or cause substantial injury to the value of the property in the area of the city in which it is located. In determining whether the strict application of this chapter creates practical difficulties or particular hardships, the plan commission and the city council shall consider the extent to which the following facts have been established by the evidence:
1. Denial of the variation requested would cause a particular hardship upon the owner of the property; financial or otherwise.
 2. The alleged hardship has not been created by any person presently having an interest in the property for which the variance is requested.
 3. The variance requested is the minimum necessary.
 4. Approval of the variation would cause a particular hardship upon owners of adjoining property; financial or otherwise.
 5. Approval of the variation would cause a quality of life hardship on adjoining or surrounding land owners.
 6. The proposed variation will not impair an adequate supply of light and air to adjacent property nor substantially increase traffic hazards. The variation will not increase the danger of fire nor endanger the public safety nor diminish or impair property values of the adjacent properties.
 7. The conditions upon which the variance is based are unique only to the property for which the variance is being requested and are generally not applicable to other property within the same zoning district.
 8. The plan commission shall review the application and the evidence established at the public hearing and shall apply the standards aforementioned and within five days after said public hearing make written recommendation to the city

council advising that the variation should be allowed, disallowed, or further hearing had on the same.

- E. Conditions: The plan commission may recommend and the city council may impose such conditions and restrictions upon the premises benefited by a variation as may be reasonably necessary to comply with the purpose of this chapter.
- F. Action By The City Council: The city council shall take action on the application and the recommendation of the plan commission at its next regularly scheduled meeting after receipt of said recommendation. The council may grant or deny the application in whole or in part, with or without modification or may resubmit the application to the plan commission for further study. If the city council does not take final action on said application at the second meeting succeeding after the date upon which the recommendation of the plan commission is filed with the council, said application shall be deemed to have been denied.
- G. Changes And Modifications: Charges and fees are as established by the city for variances, special uses, zoning change, map amendments, planned unit development, and/or text amendments. The amount of the variance will be determined by the public health and safety commissioner and the building inspector, based upon the expected complexity of the proposed application.
- H. Duration Of Permit For Variation: Any permit for variance heard by the plan commission and approved by the city council which has not been acted upon within one year of approval shall become null and void.
- I. Building Permit: No approval of the city council for any variation shall be construed as approval of a final building permit. All variances requiring building permits must make application to the city building inspector.

(Code 1987, § 7-176; Ord. of 12-15-2003; Ord. No. 2013-110, 11-26-2013)

AFTER AMENDMENT

32.08.030 Application For Variations

The city council, upon recommendation of the plan commission may vary regulations imposed by this Code in harmony with the general purpose and intent of the chapter, but only in specific instances herein described. No variation shall be permitted unless the council shall make a finding of fact based upon the standards herein prescribed, that there are difficulties or hardships involved in the strict application of these regulations.

- A. Application Of Variation: An application for variation shall be made in duplicate and filed with the city clerk and shall include:
 - 1. Applicant's name.
 - 2. Applicant's address.
 - 3. Address of property for which variance is being requested.
 - 4. Nature of variance.
 - 5. A drawing to scale to include existing buildings, sizes, setbacks, unusual characteristics and variation as requested. The plan commission has the right to request a survey at the landowners expense if so needed.
 - 6. Signed affidavit from adjoining landowners stating their position with regard

to the variance request.

- B. Application Fee: There shall be a fee as established by the city for each variance applied for.
- C. Public Hearing: The city clerk shall refer all such applications to the plan commission and the plan commission shall cause a public hearing to be held as set by ordinance in this Code. The landowner shall place a public hearing notice in the paper of record for the city not less than 14 days prior to the public hearing. The land owner shall also send certified notice to all adjoining properties and shall turn over return signature cards to the city clerk for public record.
- D. Standards: The plan commission and the city council shall not vary the regulations of this chapter unless both bodies find that based upon the evidence presented to them, the plight of the owner is due to unique circumstances and the variation, if granted, will not alter the essential character of the locality or cause substantial injury to the value of the property in the area of the city in which it is located. In determining

whether the strict application of this chapter creates practical difficulties or particular hardships, the plan commission and the city council shall consider the extent to which the following facts have been established by the evidence:

1. Denial of the variation requested would cause a particular hardship upon the owner of the property; financial or otherwise.
 2. The alleged hardship has not been created by any person presently having an interest in the property for which the variance is requested.
 3. The variance requested is the minimum necessary.
 4. Approval of the variation would cause a particular hardship upon owners of adjoining property; financial or otherwise.
 5. Approval of the variation would cause a quality of life hardship on adjoining or surrounding land owners.
 6. The proposed variation will not impair an adequate supply of light and air to adjacent property nor substantially increase traffic hazards. The variation will not increase the danger of fire nor endanger the public safety nor diminish or impair property values of the adjacent properties.
 7. The conditions upon which the variance is based are unique only to the property for which the variance is being requested and are generally not applicable to other property within the same zoning district.
 8. The plan commission shall review the application and the evidence established at the public hearing and shall apply the standards aforementioned and within five days after said public hearing make written recommendation to the city council advising that the variation should be allowed, disallowed, or further hearing had on the same.
- E. Conditions: The plan commission may recommend and the city council may impose such conditions and restrictions upon the premises benefited by a variation as may be reasonably necessary to comply with the purpose of this chapter.
 - F. Action By The City Council: The city council shall take action on the application and the recommendation of the plan commission at its next regularly scheduled meeting after receipt of said recommendation. The council may grant or deny the application in

whole or in part, with or without modification or may resubmit the application to the plan commission for further study. If the city council does not take final action on said application at the second meeting succeeding after the date upon which the recommendation of the plan commission is filed with the council, said application shall be deemed to have been denied.

- G. Changes And Modifications: Charges and fees are as established by the city for variances, special uses, zoning change, map amendments, planned unit development, and/or text amendments. The amount of the variance will be determined by the ~~public health and safety commissioner~~ city manager and the building inspector, based upon the expected complexity of the proposed application.
- H. Duration Of Permit For Variation: Any permit for variance heard by the plan commission and approved by the city council which has not been acted upon within one year of approval shall become null and void.
- I. Building Permit: No approval of the city council for any variation shall be construed as approval of a final building permit. All variances requiring building permits must make application to the city building inspector.

(Code 1987, § 7-176; Ord. of 12-15-2003; Ord. No. 2013-110, 11-26-2013)

SECTION 49: AMENDMENT “6.08.030 Issuance” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.08.030 Issuance

All licenses which shall be issued shall be subject to all provisions of this Code that may be in force at the time of the issuing thereof, or which may be passed subsequent thereto, and shall be subject to revocation in the discretion of the mayor at any time, upon refunding the fee paid for the unexpired period of such license. Upon the conviction of the person holding any such license of a breach of this Code, regulating the business thereby licensed, the council may declare such forfeited without the repayment above required.

(Code 1970, § 5-1-4; Code 1987, § 4-18)

AFTER AMENDMENT

6.08.030 Issuance

All licenses which shall be issued shall be subject to all provisions of this Code that may be in force at the time of the issuing thereof, or which may be passed subsequent thereto, and shall be subject to revocation in the discretion of the ~~mayor~~ city manager at any time, upon refunding the fee paid for the unexpired period of such license. Upon the conviction of the person holding any such license of a breach of this Code, regulating the business thereby licensed, the council may declare such forfeited without the repayment above required.

(Code 1970, § 5-1-4; Code 1987, § 4-18)

SECTION 50: AMENDMENT “6.08.060 Transfer” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.08.060 Transfer

No license issued under the provisions of this Code shall be assigned or transferred without the written permission of the mayor endorsed thereon, nor shall any such license authorize any person, other than the one named therein, to do business or act under it; nor shall such license authorize any person to act under it at more than one place at the same time. Whoever shall violate any of the provisions of this section shall be deemed to be acting without license and shall be deemed guilty of a violation of this Code.

(Code 1970, § 5-1-6; Code 1987, § 4-21)

AFTER AMENDMENT

6.08.060 Transfer

No license issued under the provisions of this Code shall be assigned or transferred without the written permission of the ~~city manager~~ ~~mayor~~ endorsed thereon, nor shall any such license authorize any person, other than the one named therein, to do business or act under it; nor shall such license authorize any person to act under it at more than one place at the same time. Whoever shall violate any of the provisions of this section shall be deemed to be acting without license and shall be deemed guilty of a violation of this Code.

(Code 1970, § 5-1-6; Code 1987, § 4-21)

SECTION 51: AMENDMENT “6.16.030 Investigation; Approval By Council” of the City of Oregon Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.16.030 Investigation; Approval By Council

The clerk shall at once transmit the application and attached papers to the mayor, who shall cause an investigation to be made and shall deliver the same, together with his findings, to the council. If such application is granted by the council, the clerk shall thereupon deliver to the applicant a written license signed by the mayor and attested by the clerk, all in conformity with the provisions of this Code.

(Code 1970, § 5-8-3; Code 1987, § 4-88)

AFTER AMENDMENT

6.16.030 Investigation; Approval By Council

The clerk shall at once transmit the application and attached papers to the ~~mayor~~city manager, who shall cause an investigation to be made and shall deliver the same, together with his/her findings, to the council. If such application is granted by the council, the clerk shall thereupon deliver to the applicant a written license signed by the mayor and attested by the clerk, all in conformity with the provisions of this Code.

(Code 1970, § 5-8-3; Code 1987, § 4-88)

SECTION 52: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 53: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


SECTION 54: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from 04/25/2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF OREGON COUNCIL APRIL 25, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Commissioner Kurt Wilson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Terry Schuster	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Tim Krug	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Mel Cozzi	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Ken Williams	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Ken Williams, Mayor, City of Oregon



Cheryl Hilton, City Clerk, City of Oregon

