

## **TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: STREETS AND SIDEWALKS

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## ***STREET EXCAVATIONS***

### **§ 90.01 WRITTEN PERMIT REQUIRED.**

No person, firm, or corporation shall make any excavation in any street, alley, easement, or other public place in the village, for any purpose whatsoever, without first obtaining a permit in writing from the Water and Sewer Superintendent of the village.

(Prior Code, § 52.01) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

### **§ 90.02 APPLICATION; ISSUANCE OF PERMIT UPON APPROVAL.**

(A) Written permits for excavation of traffic bearing, earth-surfaced parkways, alleys, or easements will be issued by the Superintendent upon written application filed with him or her for his or her approval.

(B) Combination application and permit forms shall be provided by the village.  
(Prior Code, § 52.02) (Ord. 149, passed 4-7-1975)

**§ 90.03 EXCEPTION; CASES OF EMERGENCY.**

(A) Except in cases of emergencies, permits must be obtained before the street opening is made.

(B) If an opening is made without a permit due to an emergency, the permit must be applied for on the first working day following the date of the opening.

(Prior Code, § 52.03) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

**§ 90.04 FEE REQUIRED.**

(A) The issuance of a written permit will require a reasonable fee attached to the application for the purpose of offsetting any expense incurred by the village in correcting any settlement occurring in a restored area after the final inspection and satisfactory completion of the permanent restoration by the permittee.

(B) The reasonable fee shall be fixed from time to time by the Board of Trustees of the village.

(Prior Code, § 52.04) (Ord. 149, passed 4-7-1975)

**§ 90.05 NOTIFICATION OF STARTING DATE.**

The permittee shall notify the Superintendent or other authorized representative not less than 24 hours in advance of the date that excavation is to start.

(Prior Code, § 52.05) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

**§ 90.06 INFORMATION REQUIRED ON PERMITS.**

The permits shall state the location and, in case of a new water service, the legal description or address of the property to be served and the dimensions of the proposed opening, the purpose for which the opening is to be made, the kind of pavement or surface to be opened, and the approximate date that the opening will be made.

(Prior Code, § 52.06) (Ord. 149, passed 4-7-1975)

**§ 90.07 RULES GOVERNING OPENING, CLOSING.**

The period of time allowed for opening and closing will be governed by the size and nature of the opening. If the work is not started and completed within the designated time on the permit, the permit will be cancelled and a cancellation charge of \$25 will be made.

(Prior Code, § 52.07) (Ord. 149, passed 4-7-1975)

**§ 90.08 CONTINUOUS WORK REQUIRED FOR COMPLETION OF EXCAVATION.**

(A) After the work is started, it shall be continuous until the opening is backfilled and the surface restored as provided in this subchapter.

(B) If, in the opinion of the Superintendent, the permittee is not following regulations, permits for future openings will not be issued.

(Prior Code, § 52.08) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

**§ 90.09 OPENINGS ON NEW STREETS OR PAVEMENTS.**

Openings made where new streets or pavements are being constructed will be inspected by the Superintendent, and must meet all requirements of the specifications for excavating the backfilling as stated in this subchapter.

(Prior Code, § 52.09) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

**§ 90.10 MINIMUM INTERFERENCE WITH TRAFFIC.**

(A) The permittee shall carry on the work authorized by the permit in a manner as to cause a minimum of interference with traffic.

(B) He or she shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness.

(Prior Code, § 52.10) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

**§ 90.11 TRENCHING.**

(A) Whenever culverts, sewers, manholes, valve chambers, catchbasin connections, water mains, gas pipe or electric conduits, or house connections therefor, or any type of subsurface facilities are exposed in excavating, the permittee shall, at his or her own expense, protect them from damage.

(B) (1) In all cases where an opening is to be located under or near any railroad, or in any way jeopardizes the safe operation of railroad equipment or any subsurface facility, the permittee shall notify the owner or operator thereof sufficiently in advance of the date on which opening is to be made.

(2) The entire cost of supporting and maintaining tracks or other facilities, and the entire cost of services necessary for safe operation of railroad or street railway equipment, shall be borne by the permittee.

(3) No obstructions of any nature shall be placed upon the tracks.

(C) (1) Excavated material shall be placed so as not to obstruct gutters or drains and in such a manner as will cause minimum inconvenience to the public.

(2) If necessary, temporary covers for gutters shall be installed to ensure adequate drainage.

(3) In all cases, it will be necessary to haul all of the excess excavated material from the street.

(D) (1) Openings shall be properly sheeted and braced if deemed necessary by Superintendent to prevent caving, slipping, or cracking of sides.

(2) Sheeting and bracing, used to support the sides of the opening, shall be carefully removed as the backfilling of the trench progresses, but if considered necessary by the Superintendent for the protection of the banks, the sheeting and bracing shall be cut off 2 feet below the surface of the subgrade and left in place.

(E) (1) Extreme care shall be taken in opening concrete pavements to prevent damage to the adjoining pavement.

(2) Unless specific approval is obtained from the Superintendent or Assistant Superintendent, pavement shall be opened with the use of pneumatic drills outlining the cut, followed by the use of paving breakers.

(F) If pavement, concrete or asphaltic, along the sides of the opening is or becomes undermined and unsupported, the permittee shall, at his or her own cost and expense, break down and remove the undermined pavement and the foundation thereof, and shall also remove all loose earth and replace with sand in the manner provided under § 90.12.

(Prior Code, § 52.11) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

**§ 90.12 BACKFILLING.**

(A) All excavations on asphaltic paved streets, alleys, or parking areas or travelled roadways shall be backfilled with clean sand to within 12 inches of the existing surface, and then 9 inches of No. 8 crushed road pack rock shall be thoroughly compacted on top of the sand, and the final 3 inches shall consist of bituminous or asphaltic mixture corresponding to standard specifications prepared by the state, properly tamped to a satisfactory smooth surface.

(B) (1) All excavations on earth surfaced parkways, alleys, or easements bearing traffic shall be backfilled with clean sand to within 8 inches of the existing road surface and the final 8 inches shall consist of No. 8 road pack rock.

(2) Nontraffic parkways designated by the Superintendent or Assistant Superintendent may be backfilled with the original earth compacted in place.

(3) The permittee shall notify the Superintendent or authorized representative before any backfilling is to start for his or her approval and observation.

(Prior Code, § 52.12) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

### **§ 90.13 TUNNELING.**

(A) Tunneling is often necessary where pipe or conduit passes under curbs or underground facilities.

(B) The permittee shall not do any tunneling except by permission of the Superintendent.

(C) Where tunneling has been resorted to, the permittee shall bed the pipe or conduit as specified under § 90.12.

(D) The remainder of the space from top of this fill to the roof of the tunnel shall be completely filled with Class X concrete, thoroughly tamped to fill the entire space, and to afford a rigid support for the tunnel roof for its entire area.

(E) The complete backfilling of a tunnel shall be performed under the supervision of an inspector assigned by the Superintendent.

(F) The permittee shall notify the Superintendent not less than 24 hours in advance of the date that the backfilling is to start.

(Prior Code, § 52.13) (Ord. 149, passed 4-7-1975) Penalty, see § 90.99

## ***HOUSE NUMBERING***

### **§ 90.25 NUMBERING BUILDINGS, STREETS, AND RESIDENCES.**

(A) For the purpose of numbering the buildings, streets, and residences of the village, Shafer Street shall constitute the base of all streets or parts of streets running north or south therefrom and U.S. Route 51 shall constitute the base of all streets or parts of streets running east and west therefrom.

(B) All streets or parts of streets extending north or northerly from Shafer Street shall be designated respectively by the prefix “north” to the names of the streets or parts of streets, and all streets and parts of the streets extending south or southerly from Shafer Street shall be designated respectively by the prefix “south” to the name of the streets or parts of streets; all streets or parts of streets extending east or easterly from U.S. Route 51 shall be designated respectively by the prefix “east” to the name of the streets or parts of streets, and all streets or parts of the streets extending west or westerly from U.S. Route 51 shall be designated respectively by the prefix “west” to the names of the streets or parts of streets.



(C) All buildings and lots situated on streets running north and south shall be numbered commencing at Shafer Street with the number 100 and increasing toward the north and south at the rate of 100 numbers to each and every block or square, the even numbers to be placed on the east side and the odd numbers to be placed on the west side of those streets.

(D) All buildings and lots situated on streets running east and west shall be numbered by commencing at U.S. Route 51 with number 100 and increasing toward the east or west at the rate of 100 numbers to each and every block or square, the even numbers to be placed on the north side and the odd numbers to be placed on the south side of streets.

(E) All streets of the village shall be so numbered as will best suit the original plat of the village and subsequent subdivisions and additions thereto as the same are now recorded in the County Recorder's office, and shall be 1 number for each 10 feet in each block or square except where the block or square is over 500 feet in length, and in the case there shall be 1 number for each 1/50 part of the length of that block or square, providing, however, that no building or lot need have more than 1 number for each street upon which it abuts.

(F) All streets that do not touch or cross with Shafer Street or U.S. Route 51 shall be numbered in the same manner.

(Prior Code, § 52.20) (Ord. 43, passed 4-16-1962)

**§ 90.26 ASSIGNMENT OF NUMBERS BY BUILDING INSPECTOR.**

The Building Inspector is authorized to assign to each and every building and lot its proper number in accordance with § 90.25 and to deliver to each occupant or owner thereof, free of charge, a certificate designating the number or numbers so assigned.

(Prior Code, § 52.21) (Ord. 43, passed 4-16-1962)

**§ 90.27 DISPLAY OF HOUSE NUMBER.**

Each building shall bear on or near the main entrance thereto the number thereof in figures of not less than 2 inches in height and be so marked as to be easily read.

(Prior Code, § 52.22) (Ord. 43, passed 4-16-1962) Penalty, see § 90.99

**§ 90.28 FAILURE TO DISPLAY NUMBER.**

(A) No owner or occupant of any building now erected in the village who, after receiving a certificate as provided in § 90.26, shall for 90 days neglect or refuse to number the building owned or occupied by him or her in conformity herewith, or shall number the same without having first obtained the proper number thereof.

(B) No owner or occupant of any building hereafter erected in the village, who shall 30 days after the same shall be erected, shall neglect or refuse to number the same according to provisions hereof, or shall number the same without first having obtained the proper number.  
(Prior Code, § 52.23) (Ord. 43, passed 4-16-1961) Penalty, see § 90.99

### ***STREET CLASSIFICATION; SETBACK***

#### **§ 90.40 TITLE.**

This subchapter shall be known and may be cited as the Street Classification/Setback Ordinance.  
(Prior Code, § 52.30) (Ord. 195, passed 10-10-1978)

#### **§ 90.41 PURPOSE.**

The purpose of this subchapter is to provide for the provisions of adequate light, pure air, and safety and to lessen and avoid congestion on public streets.  
(Prior Code, § 52.31) (Ord. 195, passed 10-10-1978)

#### **§ 90.42 POWERS.**

The powers of this subchapter shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it was lawfully devoted upon the adoption of this subchapter.  
(Prior Code, § 52.32) (Ord. 195, passed 10-10-1978)

#### **§ 90.43 CLASSIFICATION AND DESCRIPTION.**

(A) *Generally.* All streets within the limits of the comprehensive planning authority of the village shall be classified as either a major, collector, or local street according to the following descriptions, and the street classification map located in Appendix A.

(B) *Street descriptions.*

(1) *Major street.*

(a) Designed for medium to high speed traffic and serves cross town or inter-regional travel.

(b) These streets serve as primary routes for commercial and industrial truck traffic.

(c) Major streets should not have residential or commercial drives entering directly into them; local streets entering directly into major streets should be discouraged, or at least carefully controlled.

(2) *Collector street.*

(a) Designed for medium speed traffic and serves intra-regional-travel.

(b) Collector streets serve the purpose of channeling traffic between local and major streets with as direct routing as is possible.

(c) Collector streets should not have residential drives entering directly into them; where residential drives are permitted to enter into a collector street, measures must be taken to protect the public safety and welfare.

(3) *Local street.*

(a) Designed for low speed and local traffic.

(b) Serves the purpose of providing access to local properties, and connects to the collector street system.

(c) The local street should be designed to discourage through traffic, and should only be long enough to provide access to local property.  
(Prior Code, § 52.33) (Ord. 195, passed 10-10-1978)

**§ 90.44 SPECIAL SETBACKS.**

(A) *Generally.* Special setbacks are also hereby created in accordance with the following scheme.

(B) *Scheme.*

(1) *Major streets.* Fifty feet on each side from the existing right-of-way line as measured perpendicular to the centerline, or from the edge of pavement or easement line where right-of-way does not exist.

(2) *Collector streets.* Thirty-five feet on each side from the existing right-of-way line as measured perpendicular to the centerline, or from the edge of pavement or easement where right-of-way does not exist.

(3) *Local streets.* Setbacks shall be in accordance with the Zoning Ordinance. (Prior Code, § 52.34) (Ord. 195, passed 10-10-1978) Penalty, see § 90.99

#### **§ 90.45 VIOLATION; REMEDY.**

In case any structure is erected or constructed in violation of this subchapter, the proper officials of the village, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection or construction; to restrain, correct, or abate the violation; to prevent the occupancy of the structure; or to prevent any illegal act, conduct, business, or use in or about the premises.

(Prior Code, § 52.35) (Ord. 195, passed 10-10-1978) Penalty, see § 90.99

### ***PAVING RIGHT-OF-WAY***

#### **§ 90.60 WRITTEN PERMIT REQUIRED.**

(A) A property owner may pave the right-of-way adjacent to their property only after receiving a permit to do so from the Village Board.

(B) Written plans and specifications must be submitted with the application. (Ord. 513, passed 12-7-1998) Penalty, see § 90.99

#### **§ 90.61 CONSTRUCTION STANDARDS AND COMPLIANCE WITH LONG-RANGE PLAN.**

(A) Paving shall be constructed to the standards of the State of Illinois and Village of Forsyth and must be completed within 9 months of the date of the issuance of the permit, otherwise the right-of-way must be restored to its original condition.

(B) No right-of-way shall be paved if to do so would conflict with the long-range goals of the Village of Forsyth Comprehensive Plan. (Ord. 513, passed 12-7-1998) Penalty, see § 90.99

**§ 90.62 INSPECTION AND APPROVAL.**

(A) The Public Works Director shall inspect the completed paving project and advise the owner of any corrections necessary to meet the standards specified in § 90.61 or the conditions of the permit issued pursuant to § 90.60.

(B) Upon completion of the paving construction as required in this section, the Public Works Director shall approve the work.  
(Ord. 513, passed 12-7-1998)

**§ 90.63 MAINTENANCE.**

(A) The owner shall be responsible for the maintenance of the paving for a period of 1 year from the completion of construction.

(B) Thereafter, the Village of Forsyth shall accept the improvements and assume maintenance responsibility.  
(Ord. 513, passed 12-7-1998)

***ENCROACHMENTS***

**§ 90.75 DEFINITIONS.**

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

***CONSTRUCTION EASEMENT AREA.*** The area lying between the project right-of-way limits and the platted street limits within which the village, by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary construction operations.

***ENCROACHMENT.*** Any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located, or maintained, in, on, under, or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

***PERMISSIBLE ENCROACHMENT.***

(1) Any existing awning, marquee, or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway.

(2) The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

***PROJECT RIGHT-OF-WAY.*** Those areas within the project right-of-way lines established jointly by the village and state which will be free of encroachments, except as defined in this section.

***ROADWAY RIGHT-OF-WAY.*** Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

(Ord. 569, passed 4-15-2002)

**§ 90.76 UNLAWFUL ENCROACHMENT.**

It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (defined in § 90.75), except as provided in § 90.78, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

(Ord. 569, passed 4-15-2002) Penalty, see § 90.99

**§ 90.77 PERMISSIBLE ENCROACHMENTS.**

Revocable permits have been issued by the village for the temporary retention of the following permissible encroachments (defined in § 90.75): None.

(Ord. 569, passed 4-15-2002)

**§ 90.78 INTENT.**

This subchapter is intended to and shall be in addition to all other ordinances, rules, and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

(Ord. 569, passed 4-15-2002)

**§ 90.79 EFFECTIVE DATE.**

This subchapter shall be published in pamphlet form and shall be in full force and effect after its passage, publication, and approval as provided by law.  
(Ord. 569, passed 4-15-2002)

**§ 90.99 PENALTY.**

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

(B) (1) Any person, firm, or corporation who shall violate any of the provisions of §§ 90.01 through 90.13, for which another penalty is not provided for, shall, upon conviction, be fined not less than \$25 or more than \$200 for each offense.

(2) Each day on which a violation occurs or continues shall be considered as a separate offense.  
(Ord. 149, passed 4-7-1975)

(C) (1) Any person, firm, or corporation who shall violate any of the provisions of § 90.28(A) shall, upon conviction, be fined \$5 and to a further penalty of \$5 for every 30 days thereafter that he or she shall neglect or refuse to number a building or shall maintain thereon a number without having first obtained the proper numbers.

(2) Any person, firm, or corporation who shall violate any of the provisions of § 90.28(B) shall, upon conviction, be fined \$5 and to a further penalty of \$5 for every 30 days thereafter that a building shall be without its proper number.  
(Ord. 43, passed 4-16-1962)  
(Prior Code, § 52.99)

(D) Any person, firm, or corporation violating §§ 90.75 *et seq.* shall be fined not less than \$1 nor more than \$200 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.  
(Ord. 569, passed 4-15-2002)





**APPENDIX A: STREET CLASSIFICATION MAP**



## CHAPTER 91: ANIMALS

Section

### *General Provisions*

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### *Dogs*

91.15 Definitions

91.16 Running at large; muzzle required

91.17 Vicious or dangerous dogs

91.18 Dogs in heat

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### **GENERAL PROVISIONS**

#### **§ 91.01 PROHIBITING MAINTENANCE OF LIVESTOCK AND OTHER FARM ANIMALS IN VILLAGE.**

(A) It shall be unlawful and it is hereby declared to be a nuisance to keep or maintain within the village any cattle, horse, mule, fowl, sheep, swine, or goat.

(B) The provisions of this section shall not be applicable to an owner of real estate annexed to the village so long as the following conditions exist:

(1) The animal is owned by the landowner;

(2) The animal is not removed from the property for a period in excess of 6 months; and

(3) This exemption shall apply only to those animals kept or maintained on the annexed property at the time of annexation.

(Prior Code, § 91.01) (Ord. 360, passed 3-5-1990) Penalty, see § 91.99

*DOGS***§ 91.15 DEFINITIONS.**

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

**DOG.** All animals of the canine species upward of the age of 3 months.

**OWNER or KEEPER.** Any person who shall harbor, suffer, or permit any dog to remain on any premises within the village under his or her charge or control.

**RUNNING AT LARGE.** Suffering a dog to be off the premises of the owner or keeper and not under direction and actual control of the owner or keeper, or his or her agent or servant.  
(Prior Code, § 91.10) (Ord. 40, passed 6-19-1961)

**§ 91.16 RUNNING AT LARGE; MUZZLE REQUIRED.**

(A) (1) It shall be unlawful for the owner or keeper of any dog to permit the same to run at large upon any street, alley, or public place within the village.

(2) Any dog found in and upon any street, alley, or public place within the village which is not controlled by its owner or keeper with a leash shall be impounded and disposed of as provided in § 91.19.

(B) It shall be unlawful for the owner or keeper of any dog to permit the same to defecate on the private property of any person without that person's consent.  
(Prior Code, § 91.11) (Ord. 40, passed 6-19-1961; Am. Ord. 338, passed 4-4-1988) Penalty, see § 91.99

**§ 91.17 VICIOUS OR DANGEROUS DOGS.**

(A) Any dangerous, fierce, or vicious dog running at large in any street, alley, or other public place within the village or upon private premises of any person other than the owner or keeper thereof, or any dog which may in any manner unduly disturb the quiet of any person or neighborhood within the village, or shall bite any person or injure any person so as to cause an abrasion of the skin, is declared to be a nuisance.

(B) The dog shall be taken up and impounded in the manner provided for in § 91.19.  
(Prior Code, § 91.12) (Ord. 40, passed 6-19-1961) Penalty, see § 91.99

**§ 91.18 DOGS IN HEAT.**

No person or keeper of any bitch shall permit the same to run at large within the village while in heat. Any bitch running at large shall be taken up and impounded in the manner hereinafter provided in § 91.19.

(Prior Code, § 91.13) (Ord. 40, passed 6-19-1961) Penalty, see § 91.99

**§ 91.19 IMPOUNDMENT BY COUNTY.**

(A) The county has sole authority and control over all impoundments and impoundment procedures within the village. Furthermore, only the Village Administrator and the Deputy Sheriff have authority to authorize dog or other animal pickups by the county.

(B) Upon notification by a citizen of the village that a stray dog has been penned or tied up in the village and that the citizen desires the dog removed to the County Rabies Control Shelter, and upon determination by the Village Administrator that the action is proper, the Village Administrator, or the Village Clerk upon the Administrator's authorization, is authorized on behalf of the village to make arrangements for the removal of the stray dogs to the County Rabies Control Shelter.

(C) In instances in which the Village Administrator deems it proper, he or she is authorized to obligate the village for the payment of the charges of the County Rabies Control Shelter in picking up and boarding the stray dogs and other animals.

(Prior Code, § 91.14) (Ord. 373, passed 9-25-1991)

**§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm, or corporation who violates, disobeys, omits, or refuses to comply with or who resists enforcement of any of the provisions of § 91.01 shall, upon conviction, be fined not more than \$100 for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues.

(Prior Code, § 91.99) (Ord. 96, passed 11-20-1967)



## CHAPTER 92: NUISANCES

### Section

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**GENERAL PROVISIONS****§ 92.01 NUISANCES; ABATEMENT THEREOF.**

In all cases where ordinances of the village make no provision defining what are nuisances and how the same may be abated, removed, or prevented, in addition to those declared herein, those offenses known to the common law and to the state statutes as nuisances, may, in case the same exists within the jurisdiction of the village be treated as such and proceeded against as provided in this chapter or any other provision of law applicable thereto.

(Prior Code, § 92.01) (Ord. 67, passed 8-16-1965)

**§ 92.02 SERVING WRITTEN NOTICE; ABATEMENT WITHOUT NOTICE BY VILLAGE; EXPENSE.**

(A) In all cases where a nuisance shall be found in any building or premises within the jurisdiction of the village, elected or appointed officials of the village having knowledge thereof shall cause a written notice to be served upon the owner or occupant or person in charge thereof, if he or she can be found, requiring him or her to abate the same within a reasonable time.

(B) The notice may, but need not, specify the manner of abatement.

(C) If the person so notified shall neglect or refuse to comply with the notice, or whenever the owner, occupant, or person in charge is unknown or cannot be found, the official or officer of the village causing the notice to be served shall proceed to cause the nuisance to be abated without notice, and the expense thereof shall be collected from the person who may have created, continued, or suffered the nuisance to exist in addition to any fine or penalty.

(Prior Code, § 92.02) (Ord. 67, passed 8-16-1965)

**§ 92.03 AGENT TO DISCLOSE NAME OF PRINCIPAL.**

Every agent or other person having knowledge, control, or management, or who collects or receives the rents of any lands, premises, or other property in the village, shall disclose the name of the person for whom the agent or other person is acting, upon demand of any inspector, agent, or officer of the village.

(Prior Code, § 92.03) (Ord. 67, passed 8-16-1965) Penalty, see § 92.99



***PUBLIC NUISANCES*****§ 92.15 PUBLIC NUISANCES AFFECTING HEALTH.**

(A) Any factory, cannery, yard, building or structure of any kind, packing house, slaughter house, rendering establishment, carpet cleaning establishment, barn, garbage disposal plant or dump, uncovered pile of refuse, or pool of water which shall become nauseous, foul, or offensive is declared a nuisance.

(B) No person shall throw, place, leave, cause, or permit to be thrown, placed, or left, any filth or rubbish in or upon any street, alley, or public area of the village in front of or on the roof of or adjoining any building or premises owned or occupied by him or her, or subject to his or her control.  
(Prior Code, § 92.10) (Ord. 67, passed 8-16-1965) Penalty, see § 92.99

**§ 92.16 ABANDONED EXCAVATIONS.**

(A) Any abandoned excavation or excavation no longer in use which is open and undrained is declared to be a nuisance.

(B) Any such excavation must be filled or drained so that water shall not stand therein and it shall be the duty of the owner, occupant, or agent or any property on which any such excavation is located, to fill or drain the same.  
(Prior Code, § 92.11) (Ord. 67, passed 8-16-1965) Penalty, see § 92.99

**§ 92.17 OPEN WELLS AND CISTERNS.**

(A) Any open well, cistern, hole, or pit is declared to be a nuisance.

(B) Any such open well, cistern, hole, or pit must be filled or securely and tightly covered and it shall be the duty of the owner, occupant, or agent of any property on which the open well, cistern, hole, or pit is located to fill or keep the same securely and tightly covered.  
(Prior Code, § 92.12) (Ord. 67, passed 8-16-1965) Penalty, see § 92.99

**§ 92.18 USE OF PREMISES FOR UNRULY PURPOSES.**

No person owning or in possession, charge, or control of any building or premises shall use the same, or permit the same to be used, for any business or employment or any purpose, if such shall, from its boisterous nature, disturb or destroy the peace of the neighborhood, or shall be dangerous or detrimental to health, or shall be the occasion of any nuisance.  
(Prior Code, § 92.13) (Ord. 67, passed 8-16-1965) Penalty, see § 92.99

**§ 92.19 WEED CONTROL.**

(A) Weeds, grass, or other underbrush which have grown to a height of 10 inches or more or allowed to flower are declared to be a nuisance, and any owner, lessee, occupant, or agent having control of any lot or ground thereof within the village shall cut or cause the same to be cut within 7 calendar days from the date of the notice to do so by the Village Code Enforcement Officer.

(B) *Property owners responsibility.* Individual property owners are responsible for mowing and ground maintenance of all areas within their property and within the areas adjacent to their property located between their property line and the edge of the street/curb.

(C) *Exceptions.* Those properties located along Stevens Creek shall be permitted to allow grass or native vegetation located directly adjacent to the creek to exceed the 10-inch requirement to provide bank stabilization for Stevens Creek. Weeds that are allowed to flower shall still be considered a nuisance.

(D) If the person shall fail to comply with the notice set forth in § 92.19(A), the village shall cause the same to be cut and expense thereof shall be repaid to the village by the owner or person in control of the premises.

(E) Should the property owner or occupant fail to pay the charges as required by § 92.19(A) and (D) when billed by the village, the Village Administrator shall cause a lien to be recorded on the owner's property following the procedures set forth in § 92.40 or § 97.04. Such lien shall remain in force until all costs are paid in full, including any and all legal costs incurred in filing and recording such liens, and any release thereof.

(Prior Code, § 92.14) (Ord. 373, passed 9-25-1991; Am. Ord. 2016-4, passed 4-4-2016) Penalty, see § 92.99

**§ 92.20 DUMPING OR DEPOSITING GARBAGE, WASTE MATTER.**

(A) (1) No person, firm, or corporation shall dump or deposit anywhere within the village any garbage, ashes, miscellaneous waste, manure, or other substances which may contain disease germs, be scattered by the wind, decompose, or become filthy, noxious, or unhealthy and the dumping is declared to be a nuisance.

(2) No person, firm, or corporation shall dump or deposit any waste matter upon private property within the village except upon written consent of the owner or his or her authorized agent.

(B) No person shall deposit or cause to be deposited, sort, scatter, or leave any waste, rubbish, or garbage on any public or private place in the village.

(Prior Code, § 92.15) (Ord. 67, passed 8-16-1965) Penalty, see § 92.99

**§ 92.21 INOPERABLE MOTOR VEHICLES AND UNOCCUPIED MOBILE HOMES.**

(A) Any inoperable motor vehicle or unoccupied mobile home, whether on public or private property and in view of the general public, is declared to be a nuisance.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***INOPERABLE MOTOR VEHICLE.*** Any motor vehicle from which for a period of at least 7 days or any greater period, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. ***INOPERABLE MOTOR VEHICLE*** shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

(C) Any owner or occupant who shall fail to remove an inoperable motor vehicle or unoccupied mobile home within 7-days' notice from the Village Clerk shall be subject to the penalties provided in § 92.99.

(D) (1) In the event that the vehicle is not removed within the 7-day period, the village may cause it to be removed at the owner or occupant's expense.

(2) No vehicle shall be removed by the village until the owner or occupant is provided with the opportunity to appear before the Board of Trustees.

(E) (1) Notice for the purpose of this section may be given by first-class mail or posting on the vehicle which is the subject of the notice.

(2) Whenever a bill for the removal remains unpaid for 60 days after it has been rendered, the Village Clerk shall file a lien as provided by state statute.

(Prior Code, § 92.16) (Ord. 313, passed 12-1-1986) Penalty, see § 92.99

**§ 92.22 PUBLIC NUISANCE NOISE.**

(A) *Definition.* For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PUBLIC NUISANCE NOISE.*** Any noise which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property within the village.

(B) *Public nuisance noise prohibited.* It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow to originate from the property, public nuisance noise.

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(C) *Illustrative enumeration.* Noises constituting a public nuisance may, depending upon location, include, but are not necessarily limited to, the following sounds or combination of sounds:

(1) Loud and frequent, repetitive or intermittently continuous sounds made by the use of a musical instrument or instruments or other device capable of producing sounds, or of a sound amplifier or other device capable of producing, amplifying, or reproducing sounds;

(2) Loud and raucous, or frequent, repetitive or continuous sounds made by any horn or siren attached to a motor vehicle, except such sounds that are made to warn of danger or that are specifically permitted or required by law;

(3) Loud and frequent, repetitive or intermittently continuous sounds made in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, race vehicle, off-highway vehicle or internal combustion engine;

(4) Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m.;

(5) Sound from a motor vehicle audio system, such as a radio, tape player or compact disc player, which is operated at such a volume that it can be clearly heard by a person of normal hearing at a distance of 50 feet or more from the vehicle itself.

(D) *Prima facie violation.* It shall be considered a nuisance affecting public peace to use, operate or permit to be used, played or operated, any radio, receiving set, musical instrument, phonograph, microphone, recording, tape player, compact disc, MP3-type device, or other machine for the producing or reproducing of sound in such a manner as to unreasonably disturb the peace, quiet and comfort of neighboring inhabitants. The operation of any such machine, device or component in such a manner as to be plainly audible at a distance of 100 feet from a property line of the lot containing the building, structure, or apparatus from which the sound emanates shall be prima facie evidence of a violation of this section.

(E) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Regularly-scheduled community events at parks, which may include public address systems for sporting events, public concerts, or public ceremonies, and shall not apply to regularly-scheduled parades held in the village;

(2) Construction or maintenance activities in the village's right-of-way that have been conditioned by the Village Administrator or designee to minimize the impact on adjacent property owners.

(Ord. 827, passed 7-18-2011)

**§ 92.23 GARBAGE AND DEBRIS.**

(A) Garbage and debris are declared to be a nuisance and the village is authorized to remove garbage and debris from any parcel of private property within the village if, after notice as set forth herein, the owners of the parcel refuse or neglect to remove the garbage and/or debris from the property. Any owner, lessee, occupant, or agent having control of any lot or ground thereof within the village shall remove garbage and/or debris from their property within 7 calendar days from the date of the notice to do so by the Village Code Enforcement Officer.

(B) If the person shall fail to comply with the notice set forth in § 92.23(A), the village shall cause the same to be removed and the expense thereof shall be repaid to the village by the owner or person in control of the premises.

(C) Should the property owner or occupant fail to pay the charges as required by § 92.23(A) and (C) when billed by the village, the Village Administrator shall cause a lien to be recorded on the owner's property following the procedures set forth in § 92.40 or § 97.04. Such lien shall remain in force until all costs are paid in full, including any and all legal costs incurred in filing and recording such liens, and any release thereof.

(Ord. 2016-4, passed 4-4-2016)

**§ 92.24 PEST EXTERMINATION.**

(A) As defined herein, *PESTS* shall mean undesirable arthropods (including certain insects, spiders, mites, ticks, and related organisms), wood infesting organisms, rats, mice, and other obnoxious undesirable animals, but does not include a feral cat, a "companion animal" as that term is defined in the Humane Care for Animals Act (ILCS, Ch. 510, Act 70), "animals" as that term is defined in the Illinois Diseased Animals Act (ILCS Ch. 510, Act 50), or animals protected by the Wildlife Code (ILCS Ch. 520, Act 5).

(B) The village may provide pest-control activities on any parcel of private property in the village if, after notice as set forth herein, the owners of the parcel refuse or neglect to prevent the ingress of pests to their property or to exterminate the pests on their property. The owner, lessee, occupant, or agent having control of any lot or ground thereof within the village shall cause such removal or extermination within 7 calendar days from the date of the notice to do so by the Village Code Enforcement Officer.

(C) If the person shall fail to comply with the notice set forth in § 92.24(B), the village shall cause the pests to be removed or exterminated and the expense thereof shall be repaid to the village by the owner or person in control of the premises.

(D) Should the property owner or occupant fail to pay the charges as required by § 92.24(B) and (C) when billed by the village, the Village Administrator shall cause a lien to be recorded on the owner's

property following the procedures set forth in § 92.40 or § 97.04. Such lien shall remain in force until all costs are paid in full, including any and all legal costs incurred in filing and recording such liens, and any release thereof.

(Ord. 2016-4, passed 4-4-2016)

### § 92.25 INFECTED AND NUISANCE TREES.

(A) The village may provide for the treatment or removal of elm trees infected with Dutch elm disease or ash trees infected with the emerald ash borer (*Agrilus planipennis* Fairmaire) from any parcel of private property within the village if the owners of that parcel, after the notice set forth herein, refuse or neglect to treat or remove the infected trees. The village may collect, from the owners of the parcel, the reasonable removal cost. The owner, lessee, occupant, or agent having control of any lot or ground thereof within the village shall cause such treatment or removal within 15 calendar days from the date of the notice to do so by the Village Code Enforcement Officer.

(B) It shall be unlawful for the owner of any property in the village to maintain any nuisance greenery/trees upon said property.

(1) For the purpose of this section *NUISANCE GREENERY/TREES* shall mean:

- (a) One or more trees infected with Dutch Elm disease;
- (b) One or more trees infected with Oak Wilt disease;
- (c) One or more trees infected by the Emerald Ash borer; or

(d) Any tree, shrub or part thereof (including firewood) existing anywhere in the village

that is:

- 1. Interfering with the use of any public area;
- 2. Infected with a plant disease;
- 3. Infested with insects; or
- 4. Endangering the life, health or safety of other trees/shrubs, persons or property.

(2) The village may provide for the treatment or removal of nuisance trees from any parcel of private property within the village if the owners of that parcel, after the notice set forth herein, refuse or neglect to treat or remove the infected trees. The village may collect, from the owners of the parcel, the reasonable removal cost. The owner, lessee, occupant, or agent having control of any lot or ground thereof within the village shall cause such treatment or removal within 15 calendar days from the date of the notice to do so by the Village Code Enforcement Officer.

(C) If the person shall fail to comply with the notice set forth in § 92.25(A) or (B), the village shall cause the treatment or removal of the infected tree(s) and the expense thereof shall be repaid to the village by the owner or person in control of the premises.

(D) Should the property owner or occupant fail to pay the charges as required by § 92.24(A) or (B) and (C) when billed by the village, the Village Administrator shall cause a lien to be recorded on the owner's property following the procedures set forth in § 92.40 or § 97.04. Such lien shall remain in force until all costs are paid in full, including any and all legal costs incurred in filing and recording such liens, and any release thereof.

(Ord. 2016-4, passed 4-4-2016)

### ***BURNING RESTRICTIONS***

#### **§ 92.35 DEFINITIONS.**

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

***GARBAGE.*** Refuse resulting from the handling, processing, preparation, packaging, cooling, and consumption of food and food products.

***LANDSCAPE WASTE.*** Any vegetable or plant refuse, including, but not limited to, tree trimmings, weeds, leaves, grass, yard trimmings, and crop residues.

***OPEN BURNING.*** The combustion of any matter in such a way that the product of the combustion is emitted to the open air.

(Prior Code, § 92.17)

#### **§ 92.36 GENERALLY.**

(A) The burning of any garbage, waste, refuse, rubbish, or substance of any kind other than landscape waste within the village limits is hereby declared a nuisance and prohibited.

(Ord. 441, passed 11-7-1994)

(B) The term of this section shall not be construed to prohibit the burning of fuels for cooking purposes, fuels in a domestic fireplace, campfires, ceremonial bonfires authorized by the Village Administration and the Idickory Point Fire Protection District, or any fire authorized by a valid IEPA permit, provided, however, that no garbage shall be burned in any such cases.

(Prior Code, § 92.18) Penalty, see § 92.99

**§ 92.37 EXCEPTIONS TO PROVISIONS.**

(A) Open burning shall be prohibited within the corporate limits of the village, except as permitted under the following conditions and subject to any other laws adopted by the village.

(B) The open burning of landscape waste shall be permitted, but only:

(1) Between the hours of 9:00 a.m. prevailing time and sunset daily;

(2) When there is sufficient air movement to dissipate the contaminants, but not when winds are of the velocity to constitute a hazard of airborne sparks or embers which could spread fires;

(3) When the landscape waste has a moisture content sufficiently low enough to allow an open and visible flame to burn;

(4) On the premises on which the waste is generated;

(5) When the burning is constantly attended by a competent and responsible person until the burning is extinguished. The person shall have a fire extinguishing equipment readily available to use as deemed necessary by the enforcing party;

(6) When the burning does not become or create a safety hazard, nuisance, annoyance, or discomfort to any person by reason of the flames, emission of smoke, fumes, fly ash, dust, soot, or noxious odor;

(7) When the burning does not create a visibility hazard on streets, roadways, alleys, public sidewalks, railroad tracks, or air fields; and

(8) When crop residue are ignited and burned more than 305 meters (1,000 feet) from residential or other populated areas.

(Prior Code, § 92.19) Penalty, see § 92.99

***ENFORCEMENT*****§ 92.40 LIENS.**

(A) If the village elects to incur a removal cost under this Chapter 92, then that cost is a lien upon the underlying parcel. To perfect such a lien, the village must, within one year after the removal cost is incurred, file a notice of lien in the office of the recorder in the county in which the underlying parcel is located. The notice must consist of a sworn statement setting out:



(1) A description of the underlying parcel that sufficiently identifies the parcel;

(2) The amount of the removal cost; and

(3) The date or dates when the removal cost was incurred by the village. If, for any one parcel, the village engaged in any removal activity on more than one occasion during the course of one year, then the village may combine any or all of the costs of each of those activities into a single notice of lien.

(B) The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. The notice must be delivered or sent after the removal activities have been performed, and it must:

(1) State the substance of this section and the substance of any ordinance of the municipality implementing this section;

(2) Identify the underlying parcel, by common description; and

(3) Describe the removal activity.

(C) Upon payment of the lien cost by the owner of the underlying parcel after notice of lien has been filed, the village (or its agent) shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing a notice of lien.

(D) The provisions of the Illinois Municipal Code, specifically ILCS Ch. 65, Act 5, § 11-20-15, shall be followed and shall apply to all liens filed hereunder.

(E) A lien under this section may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens. An action to foreclose a lien under this section must be commenced within 2 years after the date of filing notice of lien.

(Ord. 2016-4, passed 4-4-2016)

**§ 92.99 PENALTY.**

(A) (1) Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be fined not less than \$25 nor more than \$500 for each offense, and each day on which a violation occurs or continues shall be considered to be a separate offense.

(2) In addition, the village may, at its sole discretion, seek any other remedy at law or in equity to restrain or enjoin violations of this chapter.

(B) The enforcement of §§ 92.35 *et seq.* and 92.99 shall be at the discretion of the Law Enforcement Offices and/or Hickory Point Fire Protection District. (Sections 92.21, 92.35 *et seq.*, and 92.99 provided for by Ord. 441, passed 11-7-1994.)  
(Prior Code, § 92.99)

## CHAPTER 93: PUBLIC LIBRARY

### Section

- 93.01 Establishment of library
- 93.02 Name of public library
- 93.03 Library Commission
- 93.04 Funds for operations and maintenance

### § 93.01 ESTABLISHMENT OF LIBRARY.

(A) Under the terms of ILCS Ch. 75, Act 40, §§ 0.01 *et seq.*, there is hereby established a public library for the village.

(B) The public library shall be established and maintained in the premises provided for that purpose by the village.

(Prior Code, § 93.01) (Ord. 265, passed 5-16-1983)

### § 93.02 NAME OF PUBLIC LIBRARY.

The public library of the village shall be known as and called the Forsyth Public Library.

(Prior Code, § 93.02) (Ord. 265, passed 5-16-1983)

### § 93.03 LIBRARY COMMISSION.

(A) The public library shall be governed by a Library Commission of 7 members, with the advice and consent of the members of the Village Board of Trustees. No person appointed to the Library Commission shall hold any other office within the village. Commissioners shall hold office for 3 years, except that terms shall be staggered so that no more than 3 commissioners terms expire in any single year. Initial appointments may therefore be for less than 3 years to meet the requirements of Section 2 of the Village Library Act.

(B) The Commissioners shall elect a chairperson and secretary, from their own, on an annual basis.

(C) Members of the Library Commission shall receive no compensation as such, but shall be reimbursed by the village for expenses incurred in the performance of their duties. The Commission shall conduct the library in accordance with rules adopted by it.

(D) The Library Commission of the public library shall have and carry out those powers and duties given it by the Village Board of Trustees.

(Prior Code, § 93.03) (Ord. 265, passed 5-16-1983; Am. Ord. 491, passed 4-21-1997; Am. Ord. 852, passed 5-21-2012)

#### **§ 93.04 FUNDS FOR OPERATIONS AND MAINTENANCE.**

The Village Board shall provide the necessary funds for the operation and maintenance of the public library out of the funds of the village, as the Village Board deems proper for that purpose.

(Prior Code, § 93.04) (Ord. 265, passed 5-16-1983)

## CHAPTER 94: PARKS AND RECREATION

### Section

#### *General Provisions*

- 94.001 Scope
- 94.002 Supplemental regulations
- 94.003 Definitions

#### *Plants, Trees, and Shrubs*

- 94.015 Damaging park property prohibited
- 94.016 Bringing in plants, trees, or shrubs

#### *Littering; Noxious Materials; Air Pollution*

- 94.030 Depositing unauthorized waste in park
- 94.031 Noxious or deleterious materials prohibited
- 94.032 Air pollution damage and sanitary facilities

#### *Animals and Wildlife*

- 94.045 Bringing in and leaving animals, fish, or fowl
- 94.046 Molesting wildlife
- 94.047 Riding and driving of horses and other animals
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#### *Indecent and Disorderly Conduct*

- 94.060 Defacement, destruction, or removal of park property
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***Traffic***

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- 94.081 Storage of vehicles in park prohibited
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***Fires; Firearms; Fireworks***

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94.155 Hours for trick or treat activities

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**GENERAL PROVISIONS**

**§ 94.001 SCOPE.**

(A) This chapter shall generally be effective within and upon the area designated as any park within the village and to specific parks where indicated herein.

(B) Any requirement or provisions of this chapter relating to any act shall respectively extend to and include the causing, procuring, aiding, or abetting, directly or indirectly, of the act; of the permitting or the allowing of any unemancipated minor the doing of any willful or malicious act prohibited by the provisions of this chapter by the parent or legal guardian of the minor.

(C) No provision of this chapter shall make unlawful any act necessarily performed by any officers or employees of the village in the line of duty or work as such, or by any person, his or her agents or employees, in the proper and necessary execution of the terms of any agreement with the Board of Trustees.

(Prior Code, § 95.001) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015)

**§ 94.002 SUPPLEMENTAL REGULATIONS.**

(A) This chapter is in addition to and supplemental to all municipal, state, and federal laws and ordinances.

(B) The meaning of any term not otherwise defined in this chapter shall be construed and interpreted to mean the same as the term is otherwise construed or interpreted in any applicable municipal, state, and federal law and ordinance.

(Prior Code, § 95.002) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998)

**§ 94.003 DEFINITIONS.**

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

**ALCOHOLIC LIQUOR.** As defined in the Illinois Liquor Control Act, ILCS Ch. 235, Act 5, and as amended from time to time.

**BOARD.** The Forsyth Village Board, Macon County, Illinois.

**CONTROLLED SUBSTANCE.** As defined in the Illinois Controlled Substance Act, ILCS Ch. 720, Act 570, and as amended from time to time.

**GROUP.** An assemblage of 2 or more persons.

**PARK.** Any park area designated as a park within the Village of Forsyth.

**PARK JOGGING TRAIL.** The asphalt trail north of the tennis courts.

**PERMIT.** Includes any authorization issued by the Village Administrator or his or her designee pursuant to the authority of the Board for a specified park privilege, activity, or event or permitting the performance of a specified act or acts in the park.

**POLICE OFFICER.** Any person, persons, agents, employees, patrolmen, police officers, and other law enforcement officers appointed, designated, or employed by the Board to enforce the rules and regulations adopted by the Board.

**RULES AND REGULATIONS.** Includes any regulation adopted by the Board.

**SPECIAL EVENTS.** An organized function where a group, expected to exceed 50 or more people, is brought together to watch or participate. Examples may include festivals and concerts, races, celebrations, sporting competitions, exhibitions, tractor pulls, music and dramatic performances, radio or television broadcasts, and events that utilize amplified sound systems (not including personal sound devices designed for one's personal enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by any other person). However, for purposes of this chapter, a **SPECIAL EVENT** does not include any events sponsored by the Village of Forsyth, local sport leagues, or events sponsored by a local school.

**VEHICLE.** Any device, conveyance, or combination of conveyances, wheeled or without wheels, propelled, towed, or unpropelled, that in, around, or on which a person or thing is or may be carried and shall include without limitations bicycles, scooters, minibikes, motorcycles, and snowmobiles. (Prior Code, § 95.003) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015)



*PLANTS, TREES, AND SHRUBS*

**§ 94.015 DAMAGING PARK PROPERTY PROHIBITED.**

No person shall maliciously cut down, destroy, or injure a standing or growing vine, brush, shrub, sapling, tree, flower, or other vegetation, fruit, or seed growing on park property, or maliciously injure, destroy, disturb, or sever from the park a product standing or growing, such as rock minerals, attached thereto or a part thereof.

(Prior Code, § 95.015) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.016 BRINGING IN PLANTS, TREES, OR SHRUBS.**

Unless authorized by the Village Administrator, no person shall bring into or upon the park any tree, shrub, plant, or any newly plucked branch or portion thereof.

(Prior Code, § 95.016) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

*LITTERING; NOXIOUS MATERIAL; AIR POLLUTION*

**§ 94.030 DEPOSITING UNAUTHORIZED WASTE IN PARK.**

No person, without authorization of the Village Administrator, shall bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage, and other material arising from the normal use and enjoyment of a picnic, camp, or other permitted activity, provided the material is deposited in receptacles or pits provided for those purposes. Nor shall any material of any kind be left or deposited without or near the park so as to pollute the land, waters, or air coursing through or over the park or otherwise to interfere with proper use and enjoyment of the park.

(Prior Code, § 95.025) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.031 NOXIOUS OR DELETERIOUS MATERIALS PROHIBITED.**

No person shall, either within or outside of the park, place or permit to be placed in any ditch or drain that is maintained in or flows into or through the park any noxious or deleterious material which may render park waters harmful to the public health, or to animal, vegetation, or aquatic life, or which

may prevent, limit, or interfere with the use of the waters for domestic, industrial, or agricultural purposes, or which may lessen to an unreasonable degree the use and enjoyment of the waters for park recreational or other uses.

(Prior Code, § 95.026) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

#### **§ 94.032 AIR POLLUTION DAMAGE AND SANITARY FACILITIES.**

(A) No person, occupant, owner, or person in charge, by himself or herself, his or her agent, or employee shall cause, suffer, or allow the burning of garbage, refuse, waste material, trash, motor vehicles or any part thereof, or other combustibles within or adjacent to the park so as to cause smoke, haze, odor, sparks, dust, dirt, or other type matter or gaseous substance to come upon, pass through, or over the park which would cause an air pollution nuisance or damages to persons or property.

(B) For large events or activities, portable restrooms and garbage dumpsters may be required as set forth in this chapter or as deemed necessary by the Village Administrator.

(Prior Code, § 95.027) (Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

### ***ANIMALS AND WILDLIFE***

#### **§ 94.045 BRINGING IN AND LEAVING ANIMALS, FISH, OR FOWL.**

Unless authorized by the Village Administrator, no person shall bring into and leave in the park any animal, fish, or fowl.

(Prior Code, § 95.040) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

#### **§ 94.046 MOLESTING WILDLIFE.**

No person within the confines of the parks shall hunt, pursue with dogs, trap, or in any other way molest any wild bird or animal found within the confines of the parks, or rob or molest any animal den or bird nest, or take the eggs of any bird.

(Prior Code, § 95.041) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.047 RIDING AND DRIVING OF HORSES AND OTHER ANIMALS.**

No person shall use, ride, or drive any horse or other animal within the park.  
(Prior Code, § 95.042) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.048 HOUSEHOLD PETS.**

(A) Dogs shall be on a leash not more than 8 feet in length.

(B) Cats and other pets shall be under the owner's control at all times.

(C) No person shall permit his or her dog, cat, or other pet to interfere in any manner with the enjoyment or use of any area by others.  
(Prior Code, § 95.043) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.049 FISHING.**

(A) Fishing shall be permitted only in park ponds, 1 fishing pole per person.

(B) Any person 15 years of age or younger may take up to 5 fish.

(C) Any person 16 years of age or older must catch and release all fish taken.  
(Ord. 512, passed 11-16-1998) Penalty, see § 94.999

***INDECENT AND DISORDERLY CONDUCT***

**§ 94.060 DEFACEMENT, DESTRUCTION, OR REMOVAL OF PARK PROPERTY.**

No person shall injure, deface, destroy, disturb, befoul, or remove any part of the parks, or any building, sign, equipment, or other property found therein.  
(Prior Code, § 95.055) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.061 INDECENT CONDUCT.**

No person shall commit, perform, or engage in deviate sexual conduct or an act of public indecency. (Prior Code, § 95.056) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.062 SOLICITATION.**

No person shall solicit or attempt to solicit another to engage in deviate sexual conduct or solicit or ask anyone to commit, perform, or engage in an act of public indecency. (Prior Code, § 95.057) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.063 DISTURBING THE PEACE.**

(A) No person shall, either by word or act, indulge in any noise, boisterous, disorderly, or indecent conduct, or in any manner disturb the peace or good order of the community within the parks by loud playing of record players, televisions, radios, tape recorders, noisemakers, sound equipment, musical instruments, fighting, quarreling or wrangling with a loud voice or shouts, threatening violence to the person or property of others, or engaging in a riotous clamor or tumult. Certain exemptions apply for special events as allowed by this chapter.

(B) No person shall disturb or intrude upon a picnic or gathering in the park without consent of those composing the group, except law enforcement, peace officers or village employees in the proper pursuit of their duties. (Prior Code, § 95.058) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.064 UNLAWFUL ASSEMBLAGE.**

No group shall collect or assemble within the park to do an unlawful act or for the purpose of inflicting injury to persons or property within the park. (Prior Code, § 95.059) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.065 SALE OF MERCHANDISE.**

Except as otherwise provided herein, no person shall offer or exchange for sale any service, privilege, or article of merchandise or do any hawking, peddling, or solicitation, or buy or offer to buy

any article of merchandise, or take up any collection, or solicit or receive contributions of money or articles of value, within any of the village's parks. Nothing herein shall prohibit solicitations allowed under § 110.23(D), (E) or (F) of the Village Code within village parks or the sale of merchandise or solicitations when done in accordance with a village sponsored event and as expressly authorized by the Village Board in furtherance of said event.

(Prior Code, § 95.060) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

#### **§ 94.066 ALCOHOLIC LIQUOR AND CONTROLLED SUBSTANCES.**

(A) No person shall drink, sell, possess, make a gift of or offer for sale any controlled substance within the park. Except as provided in division (B) below, no person shall drink, sell, possess, make a gift of or offer for sale any alcoholic beverage within the park.

(B) A person or organization desiring to acquire special event license under § 111.05(A)(5) may request the Village Board approve holding the special event on park property. If a majority of the Village Board approves the use of the park property for the special event, and a special event license is thereafter issued in accordance with § 111.05(A)(5), beer or wine may be sold, gifted, dispensed and consumed within the park as set forth in the license and pursuant to the regulations set forth in Chapter 111: Alcoholic Beverages, but only within the area designated in the special event license and within the area temporarily fenced in for such event Notwithstanding the ability of the holder of the license to transport the beer or wine to the special event, in no circumstance, may beer or wine otherwise be taken outside of the fenced area, whether to sell, gift, dispense or consume.

(C) Except as may be allowed in division (B) in relation to beer and/or wine at special events, no person under the influence of alcoholic liquor or a controlled substance shall enter or remain within the park, nor shall any person within the park use, administer, receive, offer for sale, possess, or make available to himself or herself or any person or animal, any alcoholic liquor or controlled substance.

(D) Any person or organization desiring to have beer or wine at a special event on park property must first apply in writing to the village and obtain approval by a majority of the Village Board. The Village Board may approve such an event if a liquor license is available under Chapter 111: Alcoholic Beverages and the Village Board finds that the proposed special event is likely to draw tourists to the village and can be conducted in a safe manner without damage to village property. In no event, however, can the Village Board approve the provision of beer or wine at a special event on park property when the special event involves primarily youth related activities, including specifically youth sporting events. Any person or organization granted approval herein must comply with any and all laws, including Chapter 111: Alcoholic Beverages.

(E) Any person or organization holding a special event on park property is liable for any and all property or other damage occurring in relation to the special event and must sign all liability and

indemnification agreements as may be required by the village and provide proof of insurance, including dram shop liability insurance as required by § 111.03(B)(5), in an amount determined by the village.

(F) In approving any special event to be held on park property, the Village Board may require certain conditions be met to ensure the health and safety of the event, including but not limited to necessary fencing, barriers, security, restroom facilities, and noise and time restrictions. (Prior Code, § 95.061) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 895, passed 10-7-2013) Penalty, see § 94.999

#### **§ 94.067 PERSONS ACTING UNLAWFULLY TO BE REMOVED FROM PARK.**

(A) No person shall remain within the park who does not abide by conditions adopted and posted by the Board of Trustees for the preservation of good order and the protection of property within the park.

(B) No person shall remain within the park who does not abide by the instructions and directions of duly authorized police officers or employees and agents of the Board in the lawful performance of their duties.

(C) Any person directed by a police officer or an employee or agent of the Board to leave the park shall do so promptly and peaceably. (Prior Code, § 95.062) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

### ***TRAFFIC***

#### **§ 94.080 SPEED LIMITS.**

No person shall drive, propel, or cause to be driven along or over any road within the park, any vehicle or conveyance at a rate of speed greater than speed limit signs erected along the right-of-way nor, in the absence of signs, at a speed in excess of 10 mph nor, in all events, at a greater speed than is reasonable and proper with regard to traffic conditions and the use of the roads, or endangers the safety of any person or property.

(Prior Code, § 95.075) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.081 STORAGE OF VEHICLES IN PARK PROHIBITED.**

(A) No person shall park in excess of 24 consecutive hours or store any vehicle within the park.

(B) A vehicle parked in the park in excess of 24 consecutive hours will be towed away at the expense of the owner thereof.

(Prior Code, § 95.076) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.082 VEHICLES RESTRICTED TO ROADWAYS.**

(A) No person shall ride or operate any vehicle on, over, along, or upon the park except roadways, driveways, and parking areas designated for the use of vehicles, or except in specially limited areas designated by the Village Administrator from time to time for particular type vehicles.

(B) No person shall drive a vehicle of any kind upon or along any park area, roads, or drives which have been closed or posted with appropriate signs or barricades.

(C) The Village Administrator shall have authority to order areas, roads, or drives closed during the process of construction, reconstruction, repair, or when, on the basis of engineering investigation, weather or other conditions render travel either unsafe or duly destructive to the area, road, or drive. No person shall drive a vehicle of any kind or bicycle on the park jogging trail.

(Prior Code, § 95.077) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.083 HOURS FOR VEHICULAR TRAFFIC.**

No vehicle shall be allowed in the park between the hours of 10:00 p.m. and 7:00 a.m.

(Prior Code, § 95.078) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.084 PARKING; PARKING LIGHTS.**

(A) No vehicle shall be parked upon any area other than a properly designated parking lot or parking area. No vehicle shall be parked in any manner which will block in whole or in part any road, driveway, doorway, trail, water way, or recreational area. No person shall park or leave standing any vehicle or conveyance whether attended or unattended, between the hours of 10:00 p.m. and 7:00 a.m., provided, however, that this restriction shall not apply to the driver or occupants of any vehicle or conveyance which is disabled in the manner and to the extent that parking is necessary.

(B) When any person shall occupy any parked vehicle in the parks between the hours of sunset and sunrise, the parking lights of the vehicle shall be lighted at all times.

(Prior Code, § 95.079) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

#### **§ 94.085 TRUCKS AND BUSES.**

Except by authority of special permit granted by the Village Administrator, no person shall drive or operate a vehicle in excess of 3/4 ton designed, used, or maintained primarily for the transportation of property, or a bus except a school or recreational vehicle, or a truck tractor including mechanized farming machinery over any road or drive within the parks. This section shall not apply to vehicles servicing authorized park functions or concessionaires.

(Prior Code, § 95.080) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

### ***FIRES; FIREARMS; FIREWORKS***

#### **§ 94.100 STARTING FIRES.**

(A) (1) No person shall start a fire in the parks except small fires for culinary purposes in park grills, privately-owned grills, or in a place or designated area approved by the Village Administrator or his or her designee, except that the Village Administrator or his or her designee may, at his or her discretion, prohibit fires for limited periods at any location or for any purpose when necessary for the protection of park property.

(2) Any fire shall be continuously attended under the care and direction of a competent person.

(3) All fires shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire.

(B) No tanks or devices containing over 20 lb. of propane, gasoline, fuel oil, or any other volatile fuel may be used on park grounds without special permission from the Village Administrator or his or her designee in his or her discretion. If permit is issued for the devices, a qualified person must be in attendance at all times while device remains on park grounds.

(Prior Code, § 95.090) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999



**§ 94.101 DUMPING OF ASHES.**

(A) The dumping of hot ashes or fire from portable picnic grills onto grass or plants is prohibited.

(B) Ashes from stationary grills shall be removed by park employees only.

(C) Hot ashes shall be deposited only in specified areas or designated receptacles, but not in picnic refuse receptacles.

(Prior Code, § 95.091) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.102 FIREARMS, EXPLOSIVES, MISSILES, AND ARCHERY.**

(A) The use of shotguns, rifles, pistols, or other type firearms shall not be allowed in the parks.

(B) No person shall carry firearms of any description, air or gas guns, slingshots, explosives, fireworks, or missile-throwing or missile-propelling devices within the parks without specific written permit from the Village Administrator or his or her designee, except police officers, enforcement officers of the Board of Trustees, or other authorized law enforcement and peace officers while in the line of duty.

(C) No person shall discharge or cause to be discharged any firearm, missile-throwing or -propelling device, fireworks, air, electric, or gas horns, explosives, corrosive or volatile materials, or air, or gas gun within the parks without specific written permit from the Board of Trustees, except police officers, enforcement officers of the Board of Trustees, or other authorized law enforcement officers while in the line of duty.

(D) The use of bows and arrows of any kind in the parks is prohibited.

(Prior Code, § 95.092) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

***CAMPING***

**§ 94.115 CAMPING IN PARK.**

No person shall camp within the park.

(Prior Code, § 95.100) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.116 SLEEPING IN PARK.**

No person shall sleep in the park between the hours of 10:00 p.m. and 7:00 a.m. (Prior Code, § 95.101) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.117 SWIMMING, WADING, ICE SKATING, AND FLOATATION DEVICES.**

No person shall swim, wade, ice skate, or use floatation devices in or on park ponds. (Ord. 512, passed 11-16-1998) Penalty, see § 94.999

***GAMES AND SPORTS*****§ 94.130 DESIGNATED AREAS; CONFORMANCE TO RULES AND REGULATIONS.**

No person shall engage in any sports, game, or amusement except in the area as may be designated by the Village Board and then only under the rules and regulations as may be prescribed by it. (Prior Code, § 95.115) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.131 GOLF.**

No person shall swing or make use of any golf club or play golf (excluding disc golf where authorized), hit, or putt golf balls within or into the parks. (Prior Code, § 95.116) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.132 SNOWMOBILES.**

No person shall operate a self-propelled vehicle which is designed to travel on snow-covered surfaces within the park. (Prior Code, § 95.118) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998) Penalty, see § 94.999

**§ 94.133 UNMANNED AERIAL VEHICLES, POWER MODEL AND TOY ENGINE.**

Engine-powered model and toy airplanes, unmanned aerial vehicles, boats, cars, sirens, or other noise-making devices are not permitted to be operated within the confines of the parks.  
(Prior Code, § 95.119) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015) Penalty, see § 94.999

**§ 94.134 ROLLER BLADES, BICYCLES, AND SKATEBOARDS.**

No person shall engage in roller blading, bicycling, or skateboarding except in designated areas.  
(Ord. 512, passed 11-16-1998) Penalty, see § 94.999

***GENERAL PARK USES; PAVILIONS; PERMITS AND RESERVATIONS; FEES***

**§ 94.145 GENERAL PARK USE.**

Unless a permit is required by another provision of this chapter and except as otherwise regulated by this chapter, all village park facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of village property.  
(Ord. 955, passed 9-21-2015)

**§ 94.146 PARK PAVILION RESERVATION.**

To ensure the ability to utilize a park pavilion, a reservation must first be obtained from the Village Administrator or his or her designee on a form prescribed by the Village Administrator or his or her designee and filed in accordance with any established rules by the Village Administrator or his or her designee. Pavilions must be reserved in advance for a specified time by a group. Users of the pavilions will be responsible for leaving them in a clean condition. Unless the use of a sound system for entertainment will be utilized, permits are not required unless the reservation is for a group of more than 50 people. Even if a permit is required based on the size of the event at a park pavilion, insurance shall only be required as deemed necessary by the Village Administrator or his or her designee.  
(Ord. 955, passed 9-21-2015)

**§ 94.147 SPECIAL EVENTS.**

No person or group shall conduct a special event on village property without first obtaining a permit as provided in this chapter. In issuing any special event permit, the Village Administrator or his/her designee may require certain conditions be met to ensure the health and safety of the event, including but not limited to necessary fencing, barriers, security, restroom facilities, noise and time restrictions, and parking restrictions.

(Ord. 955, passed 9-21-2015)

**§ 94.148 GENERAL PERMIT REQUIREMENTS.**

(A) *Permitting process and application.* Any time a permit is required in this chapter, the standards and procedures for obtaining the permit, as well as the issuance of the permit, shall be governed by this section. Any person seeking the issuance of a permit shall apply for a permit by filing a written application for permit on a form prescribed by the Village Administrator. Except as otherwise provided, applications for permits shall be filed with the Village Administrator or his/her designee at least 30 days prior to the event.

(B) *Indemnification, insurance, reimbursement and security deposits.* To comply with indemnification and insurance requirements, applicants seeking permits must comply with Village Resolution 12-05, a Resolution Approving Participant Waivers and Indemnification Agreements for Events or Activities on Village Property and Adopting Policies Requiring Same. In addition, applicants must agree to reimburse the village for any damage and the cost of any cleanup. For any special event, a security deposit shall be required equal to the estimated cost of cleaning up and restoring the park upon conclusion of the use or activity, as determined by the Village Administrator or his or her designee.

(Ord. 955, passed 9-21-2015)

**§ 94.149 PROCESSING OF APPLICATION FOR PERMITS.**

(A) *Order.*

(1) Priority for the use of village property shall generally be given as follows:

- (a) Village sponsored, organized and/or supervised programs and activities;
- (b) Local school sponsored, organized and/or supervised programs and activities;
- (c) Village approved activities sponsored by residents of the village or organizations within the village;

(d) Village approved activities sponsored by non-residents of the village or organizations outside of the village.

(2) Unless a permit for a specific event has already been granted, where a conflict arises in events, the above priority shall be utilized.

(B) *Approvals.* Applications for permits will be reviewed by the Village Administrator and, if the application otherwise conforms to all requirements and is not subject to one or more grounds for denial, a preliminary approval will be issued. If, within 14 days of the issuance of the preliminary approval, an insurance certificate evidencing the requisite insurance is not filed with the Village Administrator or his or her designee, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for permit will be deemed denied and no written notice of denial will be required.

(C) *Denials.* Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed denied if no written approval is issued within 30 days of the date on which the application is fully completed, executed and filed with the appropriate officer or employee, as designated by the Village Administrator; provided, however, the village may extend the period of review for an additional 14 days by issuance of a written notice of extension.

(D) *Contents of notice; grounds for denial.* Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied. The Village Administrator or his or her designee may deny an application for permit on any of the following grounds:

(1) The application for permit is not fully completed and executed;

(2) The applicant has not timely tendered the required indemnification agreement, security deposit or required insurance documents or has failed to obtain the required insurance;

(3) The application for permit contains a material falsehood or misrepresentation or the applicant on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted;

(4) The applicant is legally incompetent to contract or to sue and be sued;

(5) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged village property and has not paid in full for such damage, has other outstanding and unpaid debts to the village, or has violated the terms of prior permits issued to the applicant;

(6) The proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park or part thereof or conflicts with a previously scheduled or permitted event;

(7) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other users of the park, staff, or the public;

(8) The use or activity intended by the applicant is prohibited by law or Village Code; or

(9) The park area space, including the facilities and parking, are not sufficient to accommodate the expected crowd for the proposed event.

(Ord. 955, passed 9-21-2015)

#### **§ 94.150 PROCEDURES FOR REVIEW.**

*(A) Review by Village Board.*

(1) Any applicant who is denied a permit or a permittee who is assessed damages pursuant to this Ordinance may, within seven days of the service of notice of such determination or denial, file a written appeal with the Village Board.

(2) The Village Board shall have 30 days from the date on which the appeal was filed to meet and make a determination on the appeal. Notice of consideration of the appeal and decision shall be provided by sending written notice by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

*(B) Form of appeals.* Any appeals filed pursuant to this chapter shall state succinctly the grounds upon which it is asserted that the denial should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Village Administrator or his or her designee and any other papers material to the determination.

(Ord. 955, passed 9-21-2015)

#### **§ 94.151 FINES.**

The violation by a permittee of the terms of a permit or the laws and regulations of the village shall subject the permittee to a civil fine of not less than \$100 and not more than \$750 for each offense. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the village on behalf of the permittee, pursuant to this chapter or may be assessed a fine for monies in excess of any security deposit held by the village. The Village Administrator shall give the permittee prompt written notice of any fines to be assessed in excess of the security deposit. Such notice shall be served on the permittee by personal delivery, or by deposit in the United States mail, with proper postage prepaid to the name and address set forth on the application for permit.

(Ord. 955, passed 9-21-2015)

***HALLOWEEN***

**§ 94.155 HOURS FOR TRICK OR TREAT ACTIVITIES.**

(A) Trick or treat activities occurring on Halloween Day, October 31, shall terminate at the hour of 8:00 p.m.

(B) Those who participate in trick or treat activities shall only approach homes that have their porch lights on.

(Ord. 774, passed 10-5-2009)

**§ 94.999 PENALTY.**

Any violation of any of the provisions of this chapter shall be punishable by a fine of not less than \$100 and not more than \$750 for each offense upon conviction thereof.

(Prior Code, § 95.999) (Ord. 312, passed 11-3-1986; Am. Ord. 512, passed 11-16-1998; Am. Ord. 955, passed 9-21-2015)





## CHAPTER 95: FIRE PREVENTION

### Section

#### *Fireworks*

- 95.01 Sale of fireworks
- 95.02 Definition
- 95.03 Permit required for display of fireworks
- 95.04 Public display; agreement; insurance coverage
- 95.05 Compliance with Fireworks Regulation Act required
- 95.06 Permissible display hours
- 95.07 Cleanup of debris from display
  
- 95.99 Penalty

#### ***FIREWORKS***

### **§ 95.01 SALE OF FIREWORKS.**

The sale of fireworks is prohibited within the Village of Forsyth.  
(Ord. 522, passed 7-6-1999) Penalty, see § 95.99

### **§ 95.02 DEFINITION.**

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

***FIREWORKS.*** Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, smoke devices, chasers and devices of like construction and any device containing any explosive substance, except the term ***FIREWORKS*** shall not include auto flares, wire sparklers, snakes,

glow worms, trick noisemakers and paper caps containing not in excess of .25 grain (16.2 mg.) of explosive content per cap and toy pistols, toy guns or other devices for use of the caps, the sale and use of which shall be permitted at all times.

(Ord. 522, passed 7-6-1999)

### **§ 95.03 PERMIT REQUIRED FOR DISPLAY OF FIREWORKS.**

(A) No person or persons shall display, use, or explode fireworks as defined in ILCS Ch. 425, Act 35, § 1, without first obtaining a permit from the Board of Trustees.

(B) The Chief of the Hickory Point Fire Protection District shall sign the permit.

(Prior Code, § 96.30) (Ord. 340, passed 6-6-1988; Am. Ord. 522, passed 7-6-1999; Am. Ord. 608, passed 10-6-2003) Penalty, see § 95.99

### **§ 95.04 PUBLIC DISPLAY; AGREEMENT; INSURANCE COVERAGE.**

No permit for a public display of fireworks shall be issued unless the person applying is a lead pyrotechnic operator and that person executes and delivers to the Village Clerk an appropriate hold harmless agreement to the village in a form to be approved by the Village Board and proof of insurance in a sum not less than \$1,000,000 conditioned on compliance with the provisions of the Fireworks Use Act of Illinois and the regulations of the State Fire Marshal adopted thereunder.

(Prior Code, § 96.31) (Ord. 340, passed 6-6-1988; Am. Ord. 522, passed 7-6-1999; Am. Ord. 608, passed 10-6-2003)

### **§ 95.05 COMPLIANCE WITH FIREWORKS REGULATION ACT REQUIRED.**

No person or persons shall apply for a permit, display, use, or explode fireworks as defined in § 95.02 unless they are in compliance with the provisions of the Fireworks Regulation Act of Illinois (ILCS Ch. 425, Act 30, §§ 1 *et seq.*).

(Prior Code, § 96.32) (Ord. 340, passed 6-6-1988; Am. Ord. 522, passed 7-6-1999; Am. Ord. 608, passed 10-6-2003) Penalty, see § 95.99

### **§ 95.06 PERMISSIBLE DISPLAY HOURS.**

No person or persons shall display, use, or explode fireworks except between the hours of 5:30 p.m. and 10:00 p.m. On December 31 of each year, it shall be permissible to display, use, or explode fireworks between the hours of 5:30 p.m. and 1:00 a.m. on January 1.

(Ord. 608, passed 10-6-2003) Penalty, see § 95.99

**§ 95.07 CLEANUP OF DEBRIS FROM DISPLAY.**

Every person who displays, uses, or explodes fireworks shall clean up all debris from the display. In addition to any other penalty provided for by the Village of Forsyth Code of Ordinances, failure to clean up debris shall be considered by the Board of Trustees in determining whether to renew an existing permit or grant a subsequent permit.

(Ord. 608, passed 10-6-2003)

**§ 95.99 PENALTY.**

Any person, firm, or corporation who violates any of the provisions of this chapter shall, upon conviction, be fined not less than \$50 nor more than \$2,000 for each offense.

(Prior Code, § 96.99) (Ord. 340, passed 6-6-1988; Am. Ord. 522, passed 7-6-1999; Am. Ord. 608, passed 10-6-2003)



## CHAPTER 96: TREE BOARD

### Section

- 96.01 Purpose
- 96.02 Creation and establishment of a Tree Board
- 96.03 Duties and responsibilities of the Tree Board
- 96.04 Advisers to Tree Board
- 96.05 Meetings, rules, and regulations of Tree Board

### § 96.01 PURPOSE.

The purpose of this chapter is to provide for the creation of a Tree Board and to prescribe regulations relating to the planting of trees, shrubs, and other plantings upon village-owned property to promote the beautification of the village, the protection of the public health and safety, and provide for the preservation and removal of diseased trees, shrubs, and plantings.

(Prior Code, § 97.01)

### § 96.02 CREATION AND ESTABLISHMENT OF A TREE BOARD.

(A) There is hereby created and established a Tree Board for the Village of Forsyth, Illinois, which Board shall consist of 5 members who are citizens and residents of this village and shall be appointed by the Mayor with the approval of the Board of Trustees.

(B) Of the first members appointed to the Board, 2 members shall be appointed for terms expiring 5-31-1999, 2 members shall be appointed for terms expiring 5-31-1998, and 1 member shall be appointed for a term expiring 5-31-1997.

(C) Thereafter, new appointees shall be appointed for terms of 3 years.

(D) In the event a vacancy should occur during the term of any member, his or her successor shall be appointed in the same manner for the unexpired portion of the term of the vacant position.

(E) Members of the Board shall serve without compensation.

(Prior Code, § 97.02)

**§ 96.03 DUTIES AND RESPONSIBILITIES OF THE TREE BOARD.**

(A) It shall be the duty and responsibility of the Tree Board to study and investigate the current status and condition of trees, shrubs, and other plantings in parks, upon streets, alleys, avenues, and boulevards of the village and in and upon other property owned by or under the control of the village and to prepare and submit to the Board of Trustees of the village a recommended comprehensive plan for the care, preservation, pruning, planting, replanting, removal, treatment, or disposition of trees, shrubs, and other plantings in and upon the public owned or controlled areas.

(B) The recommended plan shall be completed and presented to the Village Board for consideration of adoption on or before 3-1-1997.

(C) The Village Board may, but shall not be required, to adopt and approve the plan or a portion or portions thereof but the plan as is ultimately accepted and approved by the Village Board shall, by ordinance, be and become the plan of the Tree Board and the village, as therein provided, subject to an annual report and review of same for consideration of amendments thereto.

(D) The Tree Board shall also prepare an annual plan of recommended action to be carried out by the village during each subsequent year, which annual plan and recommendation shall be presented to the Village Board on or before 3-1-1997, for the fiscal year 1998, and on or before March 1, of each succeeding year in order that the village may consider the budgeting of funds for each year following each report for the carrying out of plans and recommendations made by the Tree Board which are approved by the Board of Trustees.

(E) Upon any specific plan being approved by the Board of Trustees, it shall be the duty and responsibility of the Village Administrator or his or her designee to implement and complete any such plan during the fiscal year approved to the extent the plan may be accomplished with funds budgeted therefor.

(Prior Code, § 97.03)

**§ 96.04 ADVISERS TO TREE BOARD.**

The Board of Trustees of the Village of Forsyth may designate or employ, with or without compensation, the advisers to the Tree Board as the Board of Trustees shall hereafter determine to be necessary and advisable to accomplish the purposes of this chapter.

(Prior Code, § 97.04)

**§ 96.05 MEETINGS, RULES, AND REGULATIONS OF TREE BOARD.**

(A) The Tree Board shall meet at those times and places as it shall agree upon, or upon call by the Board of Trustees, and upon formation shall prepare recommended rules and regulations relating to its meetings and proceedings, subject to approval of the Board of Trustees, and shall keep minutes of its meetings.

(B) A majority of the members of the Tree Board shall be sufficient as a quorum for the transaction of business of the Board.

(Prior Code, § 97.05) (Ord. 472, passed 4-15-1996)





**CHAPTER 97: ABANDONED RESIDENTIAL PROPERTY  
AND PROPERTY MAINTENANCE**

Section

- 97.01 Definition
- 97.02 Nuisance declared
- 97.03 Nuisance abatement
- 97.04 Charges for nuisance abatement

**§ 97.01 DEFINITION.**

*ABANDONED RESIDENTIAL PROPERTY* means any type of permanent residential dwelling unit, including detached single family structures, and townhouses, condominium units and multifamily rental apartments covering the entire property, and manufactured homes treated under Illinois law as real estate and not as personal property, that has been unoccupied by any lawful occupant or occupants for at least 90 days, and for which after such 90-day period, the village has made good faith efforts to contact the legal owner or owners of the property identified on the recorded mortgage, or, if known, any agent of the owner or owners, and no contact has been made. A property for which the municipality has been given notice of the order of confirmation of sale pursuant to subsection (b-10) of Section 15-1508 of the Code of Civil Procedure shall not be deemed to be an abandoned residential property for the purposes of subsection (d) of Section 11-20-7, subsection (d) of Section 11-20-8, subsection (d) of Section 11-20-12, subsection (e) of Section 11-20-13, and Section 11-311.01 of the Municipal Code.  
(Ord. 2016-4, passed 4-4-2016)

**§ 97.02 NUISANCE DECLARED.**

Abandoned residential properties are a public nuisance in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the neighborhood and village, and have other undesirable effects.  
(Ord. 2016-4, passed 4-4-2016)

**§ 97.03 NUISANCE ABATEMENT.**

The village is authorized to perform or provide for property maintenance activities to abate the nuisance caused by abandoned residential properties, including the following:

(A) Cutting and removal of neglected weeds, grass, trees, and bushes as authorized by Article IX of Chapter 96 of the Village Code and ILCS Ch. 65, Act 5, § 11-20-7;

(B) Pest control activities, as authorized by ILCS Ch. 65, Act 5, § 11-20-8;

(C) Removal or treatment of infected trees as authorized by ILCS Ch. 65, Act 5, § 11-20-12;

(D) Removal of garbage, debris, and graffiti as authorized by ILCS Ch. 65, Act 5, § 11-20-13; and

(E) Removal, securing, and enclosing abandoned residential properties as authorized by ILCS Ch. 65, Act 5, § 11-31-1.01.

(Ord. 2016-4, passed 4-4-2016)

#### **§ 97.04 CHARGES FOR NUISANCE ABATEMENT.**

(A) *Collection of costs.* The village shall have the authority to collect from the property owner the costs incurred in performing the property maintenance activities to abate the nuisances described in § 97.03. The village shall send a bill for the cost to the property owner, his agent, legal representative, or occupant in legal possession or control of the premises.

(B) *Traditional lien procedure.* If a bill sent pursuant to division (A) is not paid in full within 30 days of the date of the bill, the village shall have the authority to file and record a lien against the property, pursuant to Section 1120-15 of the Illinois Municipal Code, ILCS Ch. 65, Act 5, § 11-20-15, and as set forth within the Village Code. If no specific procedure is set forth in the Village Code for the activity, the following shall apply:

(1) *Notice of lien.* The village or the person performing the service by authority of the village, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the village engaged in any nuisance abatement activity described in § 97.03 on more than one occasion during the course of one year, then the village may combine any or all of the costs of those activities into a single notice of lien.

(a) The notice of lien shall consist of a sworn statement setting forth:

1. A description of the real estate that sufficiently describes the parcel;
2. The amount of the cost and expense incurred or payable for the activities; and
3. The date or dates when such cost and expense was incurred by the village or someone working on behalf of the village.

(b) After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

(2) *Release of lien.* Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

(3) *Foreclosure of lien.* Subsequent to the filing of the above-described lien, the village may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the village may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this section must be commenced within 2 years after the date of filing notice of lien. The property subject to a lien arising under this section shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the village.

(C) *Priority lien procedures.* The priority lien procedure described in this division (C) shall apply only to costs incurred for activities performed on abandoned residential properties, as defined in § 97.01, and is an alternative to the traditional lien authorized by division (B). If a bill sent pursuant to division (A) is not paid in full within 30 days of the date of the bill, the village shall have the authority to file and record a priority lien against the property, pursuant to Section 11-20-15.1 of the Illinois Municipal Code, ILCS Ch. 65, Act 5, § 11-20-15.1, in the following manner:

(1) *Notice of lien.* The village or the person performing the service by authority of the village, in its, his or her own name, may file a notice of a priority lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the village engaged in any nuisance abatement activity described in § 97.03 on more than one occasion during the course of one year, then the village may combine any or all of the costs of those activities into a single notice of lien.

(a) The notice of lien shall consist of a sworn statement setting forth:

1. A description of the abandoned residential property that sufficiently describes the parcel;

2. The amount of the cost incurred or payable for the activities;

3. The date or dates when such cost was incurred by the village or someone working on behalf of the village; and

4. A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in § 97.03 and authorized by ILCS Ch. 65, Act 5, §§ 11-20-7(d), 11-20-8(d), 11-20-12(d), 11-20-13(e), and 11-31-1.01, as applicable.

(b) After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

(c) The village may not file a lien if the lender has provided notice to the village that the lender has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within 30 days of the lender's notice to the village.

(2) *Record keeping.* To enforce a lien pursuant to this division (C), the village must maintain contemporaneous records that include, at a minimum:

(a) A dated statement of a finding by the village that the property has become abandoned residential property;

(b) The date when the property was first observed to be unoccupied by any lawful occupant;

(c) A description of the actions taken by the village to contact the legal owner of the property, or if known, any agent of the owner;

(d) A statement that no contacts were made with the legal owner or, if known, any agent of the owner;

(e) A dated certification by a village official of the necessity and specific nature of the work performed;

(f) A copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;

(g) Detailed invoices and payment vouchers for the work; and

(h) A statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

(3) *Release of lien.* Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

(4) *Enforcement of lien.* A lien under this division (C) is enforceable by the village, or entity or person who performs work on behalf of the village, at the hearing for confirmation of the foreclosure sale of the abandoned residential property and is limited to a claim of interest in the proceeds of the sale. The priority lien is superior to all other liens and encumbrances, except tax liens.

(Ord. 2016-4, passed 4-4-2016)

## CHAPTER 98: PERSONAL WIRELESS SERVICE FACILITIES

### Section

- 98.01 Purpose
- 98.02 Definitions
- 98.03 Co-location requirements
- 98.04 Pre-existing personal wireless service facilities
- 98.05 Tiered permit process
- 98.06 Standards
- 98.07 Fall zone; setback requirements
- 98.08 Fees
- 98.09 Modifications
- 98.10 Registry; monitoring; inspection; abandonment; obsolescence
- 98.11 Radio frequency radiation emissions
- 98.12 Noise
- 98.13 Lighting; security
- 98.14 Signs; identification plaques
- 98.15 Screening; landscaping
- 98.16 Access; parking
- 98.17 Aircraft hazard
- 98.18 Review of permit
- 98.19 Interference with public safety telecommunications

### § 98.01 PURPOSE.

The primary intent of this chapter is to regulate Personal Wireless Service Facilities (“PWSFs”), including antennas, mounts, and equipment to be located within the village. This chapter is not intended to nor does it apply to amateur radio communications and amateur radio antennas. Therefore, the purpose of this chapter shall be to:

(A) Comply with all federal and state regulations regarding the placement, use, and maintenance of PWSFs.

(B) Encourage the continued improvement of wireless telecommunications service in the village.

(C) Minimize, to the extent permitted by law, the proliferation of visual and safety impacts of personal wireless service facilities throughout the village.

(D) Promote both proper maintenance and renovation of PWSFs.

(E) Encourage the use of co-location of telecommunications towers by multiple providers so as to reduce the number of high towers needed within the village.

(F) Ensure that these regulations are compatible with the village's ordinances.

(G) Recognize the commercial communication requirements of all sectors of the business and residential community.

(Ord. 2017-3, passed 3-20-2017)

## § 98.02 DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

**ANTENNA.** A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

**ANTENNA ARRAY.** An antenna array is 1 or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs). The antenna array does not include the mount as defined herein.

**APPLICANT.** A person or entity with an application before the village for a permit for a PWSF.

**AGL (ABOVE GROUND LEVEL).** The actual height of the PWSF from the sidewalk level or equivalent established grade to the highest part of the mount or the antenna, whichever is higher.

**CAMOUFLAGE.** A way of painting and mounting a PWSF that requires minimal changes to the host structure in order to accommodate the facility.

**CARRIER.** A company licensed by the Federal Communications Commission (FCC) that provides wireless services. For purposes of this chapter, a tower builder shall not be considered a carrier.

**CELL SITE.** A generic term for a PWSF.

**CELLULAR.** A mobile telephone service operating in the 800 MHz spectrum.

**CO-APPLICANT.** Any person and/or entity joining with an applicant in an application for a permit for a PWSF, including the owner(s) of the PWSF, owner(s) of the subject property, and any proposed tenant(s) for the PWSF.

**CO-LOCATION.** The use of a common PWSF or common site by 2 or more wireless license holders or by 1 wireless license holder for more than 1 type of communications technology and/or placement of 2 or more PWSFs on adjacent properties.

**COMMERCIAL MOBILE RADIO SERVICES (CMRS).** Per § 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data, and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

**CONCEAL.** To enclose a PWSF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

**DESIGN.** The appearance of PWSFs such as their materials, colors, and shape.

**DISGUISE.** To design a PWSF to appear to be something other than a PWSF.

**ELEVATION.** The measurement of height above sea level. Also *AMSL*, or above mean sea level.

**ENHANCED SPECIALIZED MOBILE RADIO (ESMR).** Private land mobile radio with telephone services.

**EQUIPMENT CABINET/EQUIPMENT SHELTER.** An enclosed structure at the base of the mount within which are housed the equipment for the PWSF such as batteries and electrical equipment.

**FACILITY.** A transmitter, antenna, structure or other type of installation used in connection with the provision of personal wireless service.

**FALL ZONE.** The area on the ground within a prescribed radius from the base of a PWSF. The **FALL ZONE** is the area within which there might be a potential hazard from falling debris or collapsing material.

**FEDERAL COMMUNICATIONS COMMISSION (FCC).** An independent federal agency charged with licensing and regulating wireless communications at the national level.

**FUNCTIONALLY EQUIVALENT SERVICES.** Cellular, PCS, enhanced specialized mobile radio, specialized mobile radio, and paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

**GUYED TOWER.** A monopole or lattice tower that is anchored to the ground or to another surface by cables or similar means.

**HEIGHT.** The distance measured from sidewalk level or equivalent grade, which for purposes of this chapter will be called Above Ground Level (AGL), to the highest point of a PWSF, including the antenna array.

**LATTICE TOWER.** A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel.

**LICENSED CARRIER.** A company authorized by the FCC to construct and operate a commercial mobile radio services system. A licensed carrier must be identified for every PWSF application.

**LOCATION.** The area where a PWSF is located or proposed to be located.

**MICROCELL.** Any PWSF that is designed and limited to generate lower power density than that limited by the FCC "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation."

**MITIGATION.** The reduction or elimination of visual impacts by the use of 1 or more methods:

- (1) Concealment;
- (2) Camouflage; or
- (3) Disguise.

**MODIFICATION.** The changing of any portion of a PWSF from its description in a previously approved permit. The FCC definitions for **MODIFICATION** are different than local government rules.

**MONOPOLE.** The shape of mount that is self-supporting with a single shaft of wood, steel, or concrete, and antennas at the top and/or along the shaft.

**MOUNT.** The structure or surface upon which antennas are mounted, e.g.:

- (1) *Roof-mounted.* Mounted on the roof of a building.
- (2) *Side-mounted.* Mounted on the side of a building.
- (3) *Ground-mounted.* Mounted on the ground.
- (4) *Structure-mounted.* Mounted on a structure other than a building.

**PERSONAL WIRELESS SERVICE FACILITY (PWSF).** Facility for the provision of personal wireless services, as defined by § 704 of the Telecommunications Act of 1996. A **PWSF** is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter, and a mount.

**PERSONAL WIRELESS SERVICES.** Any personal wireless service defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, as well as unlicensed wireless services, and common carrier wireless exchange access services.

**RADIO FREQUENCY (RF) ENGINEER.** Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.



**RADIO FREQUENCY RADIATION (RFR).** The emissions from PWSFs that can, in excessive amounts, be harmful to humans. RF emissions are byproducts of the RF signal.

**RADIO FREQUENCY (RF) SIGNAL.** The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF. The RF emission is the byproduct.

**SECURITY BARRIER.** A locked, impenetrable wall, fence, or berm that completely seals an area from unauthorized entry or trespass.

**SEPARATION.** The distance between 1 carrier's antenna array and another carrier's antenna array.

**SHORT MOUNTS.** Alternatives to monopoles or guyed and lattice towers, such as masts or poles. For example, 2 poles or 3 masts might be an alternative to 1 lattice tower.

**SITE.** That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it.

**SITING.** The method and form of placement of PWSFs on a specific area of a subject property.

**SPECIALIZED MOBILE RADIO SMR (SMR).** A form of dispatch or 2-way communication used by companies that rent space or time from a carrier. Used primarily for data, delivery vans, truckers, or taxis within a small, definable geographic area.

**STANDARDS.** Rules or measures by which acceptability is determined. PWSFs are measured by standards measuring visibility or safety. Wireless planning tends to regulate PWSFs on 3 levels: location (or where the PWSF site can go), siting (or how the PWSF is placed within its setting), and design (or what the PWSF looks like).

**TOWER.** A term used as a modifier (e.g., tower builder) or when modified (e.g., lattice tower). For purposes of this chapter, a **MONOPOLE** shall not be considered a tower.

**UNLICENSED WIRELESS FCC SERVICES.** Commercial mobile services that can operate on public domain frequencies and therefore need no license for their sites.

**WIRELESS COMMUNICATIONS.** Any form of signaling by wireless, including personal wireless services, that require a transmitter, a receiver, and a path - sometimes straight, sometimes indirect - between them.

(Ord. 2017-3, passed 3-20-2017; Am. Ord. 2017-22, passed 10-16-2017)

### § 98.03 CO-LOCATION REQUIREMENTS.

All PWSFs erected, constructed, or located within the village shall comply with the following requirements:

(A) *Co-location encouraged.* Co-location should be encouraged for all PWSF applications.

(B) *Worst-case review.* The village shall review applications for co-locations on the basis of all positions on the mount, i.e., the cumulative, worst-case condition.

(C) *Co-location review includes entire facility.* Applications for co-locations on mounts, when they are constructed prior to the effective date of this chapter, require review of the existing mount as well as co-location under the requirements of this chapter.

(D) *Co-locations not previously reported.* Applications for co-locations on mounts constructed after the effective date of this chapter, when they did not previously show the proposed co-location, require review of the existing mount as well as co-location under the requirements of this chapter.

(E) *Co-location heights to be reduced.* Any proposal to add to an existing tower constructed prior to the effective date of this chapter, whether built to accommodate future co-location or not, shall not be approved without an overall reduction of height AGL of the existing tower of at least 25%, except that this provision shall not apply to the village's water towers.

(Ord. 2017-3, passed 3-20-2017)

#### **§ 98.04 PRE-EXISTING PERSONAL WIRELESS SERVICE FACILITIES.**

(A) A PWSF for which a permit has been issued prior to the effective date of this chapter shall be deemed a permitted use, subject to the conditions of that permit. When an unpermitted PWSF is identified by the village to be attached to a mount approved for another use or PWSF, the attached PWSF must apply for a separate permit, even when (i) sharing a legal mount, (ii) already in operation, and (iii) duly licensed by the Federal Communications Commission. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this chapter. Unpermitted PWSFs will be considered out of compliance with this chapter and subject to abatement.

(B) If PWSF mounts are hereafter damaged or destroyed due to any reason or cause whatsoever, the mount may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this section; provided, however, that if the cost of repairing the mount to the former use, physical dimensions, and location would be 10% or more of the cost of a new mount of like kind and quality, then the mount may not be repaired or replaced, except in full compliance with this chapter.

(C) Placement of an attached array or a microcell on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure. However, placement of any attached array, microcell, or any other portions of a PWSF on an existing structure, whether legally non-conforming or in, as well as out of, compliance, shall require a permit to be obtained for the PWSF under the terms of this chapter.

(D) *Unpermitted facilities, mounts, or equipment ineligible for co-location.* No issuance of any permit under this chapter shall occur for a request to co-locate, attach, or share an existing PWSF site, mount, or facility, when such existing site, mount, or facility is found to have 1 or more PWSFs without permits and/or any structure, mount, or facility is found to lack 1 or more building, electrical, or any other permits required by the village and the laws that the village is authorized to implement and enforce.

(E) *Relationship to other ordinances.* This chapter shall supersede conflicting requirements contained in the village Development Ordinance regarding the siting and permitting of PWSFs. Nothing contained in this chapter shall be construed as reducing, abridging, or eliminating the requirements of other applicable rules, regulations, ordinances, or laws as they may legally apply, including, but not limited to, the following: Airport Hazard Zoning Regulations for Decatur Airport, Federal Communications Commission (FCC) regulations, and Federal Aviation Administration (FAA) regulations. Where a conflict exists between this chapter and any other applicable rule, the more strict regulation shall govern.

(Ord. 2017-3, passed 3-20-2017)

**§ 98.05 TIERED PERMIT PROCESS.**

(A) It shall be unlawful for any person, firm, or corporation to erect, re-erect, construct in a place, place, or replace any tower without first making application to the village and securing a permit under 1 of the following "tiers."

(B) The Director of Public Works (DPW) shall receive all PWSF applications and assign each application to 1 of the following "tiers."

(1) *Tier 1.* This tier is limited to applications for a building permit that comply with the following:

- (a) Place PWSFs on village-owned streetlights.
- (b) Meet village specifications as developed and on view in the office of the DPW.
- (c) Tier 1 applications need not meet all location, siting, design, and safety standards in this chapter.

(2) *Tier 2.* These are applications that comply with the following:

- (a) PWSFs that are proposed for streetlights not owned by the village.
- (b) PWSFs that are proposed for placement on 1 of the Civil Defense Siren Towers owned by the village.
- (c) PWSFs that are proposed for placement on a church either on a new or rebuilt steeple.

(d) PWSFs that are proposed for placement on a building or structure taller than the average within 300 feet of the proposed PWSF.

(e) PWSFs that are proposed for placement on public field lights or private lot (parking or storage) lights.

(f) PWSFs that are proposed for placement on interstate signs.

(g) PWSFs that are proposed for placement on traffic signals.

(h) Tier 2 applications shall meet all location, siting, design, and safety standards in this chapter.

(3) *Tier 3.* All applications that do not qualify as either Tier 1 or Tier 2 shall be considered Tier 3 applications.

(a) Tier 3 applications shall meet all location, siting, design, and safety standards in this chapter.

(b) Notwithstanding the foregoing, Tier 3 applications on property owned by the village shall not be subject to location, siting or design standards in this chapter. They shall be subject to all safety standards.

(C) *Process of review, approval, or denial.*

(1) *Tier 1 review and approval/reassignment to Tier 2.* All Tier 1 applications shall meet the DPW's specifications and shall be reviewed by the DPW for administrative approval of a building permit. The DPW shall act on Tier 1 applications in 1 of the following ways:

(a) Review and direct the Building Inspector to grant a building permit.

(b) Review and direct the Building Inspector to reassign the application for a Tier 2 review.

(2) *Tier 2 review and approval/denial.* The DPW shall review (or cause the Building Inspector to review) Tier 2 applications. The DPW shall act on Tier 2 applications in 1 of the following ways:

(a) Review and make recommendations to the applicant for filing a modified request.

(b) Review the request and direct the Building Inspector to grant a building permit.

(c) Review and deny the request.

(3) *Tier 3 review and approval.* The DPW shall review (or cause the Building Inspector to review) Tier 2 applications. The DPW shall act on Tier 3 applications in 1 of the following ways:

- (a) Review and make recommendations to the applicant for filing a modified request.
- (b) Review the request and direct the Building Inspector to grant a building permit.
- (c) Review and recommend special use permit to the Planning and Zoning Commission.
- (d) Review and recommend special use permit with conditions to the Planning and Zoning Commission.
- (e) Review and recommend denial of special use permit to the Planning and Zoning Commission.
- (f) All recommendations of the Planning and Zoning Commission shall be forwarded to the Board of Trustees for final action. The Board of Trustees may accept, deny, or modify the Planning and Zoning Commission's recommendation.
- (g) Notwithstanding the foregoing, Tier 3 applications on property owned by the village shall be presented directly to the Village Board.

*(D) Special provisions for omni-directional antenna/vertical sector panel.*

- (1) An omni-directional antenna may be placed on any Tier 1 or Tier 2 structure, provided that its diameter does not exceed 3 inches at its widest point and it does not exceed 10 feet in length. Three vertical sector panels may be placed on any Tier 1 or Tier 2 structure, provided they meet the following specifications: 21 ½ inches long, 7 inches wide and 3 inches deep.
- (2) Any equipment cabinet/equipment shelter installed in conjunction with the omni-directional antenna or vertical sector panel must meet all applicable ordinances.
- (3) An omni-directional antenna or vertical sector panel installed on a Tier 2 structure does not have to meet the location, siting, design, and safety standards.  
(Ord. 2017-3, passed 3-20-2017; Am. Ord. 2017-22, passed 10-16-2017)

**§ 98.06 STANDARDS.**

The approval of any PWSF, other than Tier 1 applications, shall be subject to meeting or exceeding the following standards:

*(A) Location standards.*

- (1) *Opportunity sites.* A PWSF should be located at an opportunity site. Opportunity sites are as follows:
  - (a) Rooftops on any building other than single-family dwellings.

(b) Utility poles, including telephone poles, utility distribution and transmission poles, streetlights (not owned by the village), and traffic signal stanchions.

(c) Other kinds of poles, including civil defense mounts, public field light standards, and private parking or storage lot light standards.

(d) Wooded areas.

(e) Steeples on churches already having steeples or on newly constructed steeples.

(f) Interstate "high" signs, already subject to permit by the village.

(2) *Avoidance areas.* A PWSF should not be located in an avoidance area. Avoidance areas are as follows:

(a) Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map.

(b) Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources.

(c) Visual corridors, as mapped by the village.

(3) These location standards shall be considered directory but not mandatory. Interpretation of opportunity sites and avoidance areas shall be based on the village Geographic Information System (GIS) or maps.

(4) PWSFs may also be permitted in areas that are not opportunity sites, subject to the following siting, design, and safety standards, and permitted in avoidance areas, subject to the following siting, design, and safety standards.

(5) These standards apply regardless of radio frequency (RF) engineering considerations.

(B) *Siting standards.* PWSFs should meet the following siting standards. These standards are directory, not mandatory.

(1) To the greatest extent possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.

(2) Placement within trees should be encouraged, but no antennas should extend higher than 10 feet above the average tree height. This height provision does not apply to ground-mounted PWSFs.

(3) Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs.

(4) Roof-mounted PWSFs should not project more than 10 additional feet above the height of a legal building, but in no event above the height limit of the zoning district within which the PWSF is located.

(5) Side-mounted PWSFs should not project more than 20 inches from the face of the mounting structure.

(6) These standards apply regardless of RF engineering considerations.

(C) *Design standards.* PWSFs should meet the following design standards. These standards are directory, not mandatory.

(1) *Color.* All PWSFs should be painted or complementary with natural tones (including trees and sky).

(2) *Size.* The silhouette of the PWSF should be reduced to the minimum visual impact.

(3) PWSFs near residences should either:

(a) Provide underground vaults for equipment shelters; or

(b) Place equipment shelters within enclosed structures approved by the village.

(4) *Equipment.* The following types of equipment should be discouraged:

(a) Roof-mounted monopoles, lattice towers, or guyed towers.

(b) Ground-mounted lattice towers.

(c) Ground-mounted guyed towers.

(d) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.

(5) Height should be kept to a minimum:

(a) Height of PWSFs should be no greater than the uppermost height of nearby structures within 300 horizontal feet (when measured on the ground), regardless of prevailing height limits in the zoning district. This provision does not apply to ground-mounted PWSFs.

(b) In the event there are no nearby buildings within 300 horizontal feet (when measured on the ground) of the proposed site of the PWSF, the following should apply:

i. All ground-mounted PWSFs (including the security barrier) should be surrounded by nearby dense tree growth for a radius of 20 horizontal feet (when trunk centerlines are measured on the ground) from the PWSF in any direction. These trees can be existing on the subject property or installed to meet the 20 foot requirement as part of the proposed PWSF, or they can be a combination of both.

ii. Ground-mounted PWSFs should not exceed a height of 75 feet AGL.

(6) These standards apply regardless of RF engineering considerations.

(D) *Safety standards.* PWSFs should meet the following safety standards. These standards are directory, not mandatory.

(1) Tornado design standards should be those required by the village ordinances or EIA-TIA 222 (latest version), whichever is stricter.

(2) Roof mounts on buildings should have railings to protect workers.

(3) All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least 8 feet above the ground at all points unless buried underground.

(4) All construction of PWSFs shall be in compliance with the National Electrical Code. (Ord. 2017-3, passed 3-20-2017)

#### **§ 98.07 FALL ZONE; SETBACK REQUIREMENTS.**

(A) *Fall zone.* No habitable structure or outdoor area where people congregate should be within a fall zone of the height of the PWSF plus 10 feet except on property owned by the village.

(B) Setback, except on property owned by the village that is adjacent to property with no structures within the fall zone area:

(1) All PWSFs, including mounts and equipment shelters, shall comply with the minimum setback requirements of the applicable zoning district as set forth in the village Development Ordinance. In addition, mounts shall be located on the lot in such a manner that in the event of a collapse, the structure and supporting devices shall be contained within the confines of the property lines.

(2) Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than 10 feet to any property line.



(3) The antenna array for an attached PWSF is exempt from the setback requirements of this chapter and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than 5 feet horizontally from the attachment structure at the point of attachment.

(4) On parcels with a principal building housing a principal use, all components of the PWSF shall be located behind the main building line.

(5) No portion of any PWSF shall project into a required setback more than the maximum projection permitted in the zoning district in which the facility is located.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.08 FEES.**

The village shall have the right to properly plan for and evaluate applications for PWSFs and to charge reasonable fees for such services to the applicant. Such fees shall include, but shall not be limited to, the following:

(A) *Application fee.* The village staff shall evaluate each application on a case-by-case basis. The application fee shall include, but shall not be limited to, the cost for village staff to properly evaluate applications for PWSFs. The application fee shall be equally applied to all applications. The basic application fee shall be \$500.

(B) *Special fee.* The village shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for individual PWSFs. The special fee shall include, but shall not be limited to, the hourly rate of the independent technical consultant or expert the village deems necessary to properly evaluate applications for PWSFs. The special fee shall be applied to those applications requiring special review or evaluation.

(C) *Annual registration fee.* There shall be an annual registration fee of \$500 payable at the beginning of the date of approval and each anniversary date thereafter.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.09 MODIFICATIONS.**

The village shall require the review and approval of all modifications to PWSFs.

(A) *Types of modification.* A modification of a PWSF is any of the following:

- (1) Change of ownership of the PWSF or of the subject property.
- (2) Change in technology used for the PWSF, such as an "overlay."

(3) Addition or replacement of any equipment in the PWSF, excluding direct, like-for-like substitutions.

(4) Change in design of the PWSF.

(5) Addition to any PWSF for the purposes of co-location.

(B) Applicants for modifications shall submit an application to the village for a modified PWSF. The application shall be treated in the same manner as any application for a PWSF.

(C) Modifications to any structural aspects of an existing PWSF, including the addition or replacement of equipment as described in division (A)(3) above, shall be sealed by an Illinois licensed structural engineer.

(Ord. 2017-3, passed 3-20-2017)

#### **§ 98.10 REGISTRY; MONITORING; INSPECTION; ABANDONMENT; OBSOLESCENCE.**

(A) *Registry*. Each carrier shall file the following information with the village on an annual basis, beginning with the date of approval.

(1) Owner/lessee/intermediary/agent and carrier(s) at the site.

(2) Location by latitude and longitude, addresses, and parcel numbers.

(3) Height, AGL.

(4) Co-location status and capability (including if a former co-location has been removed).

(5) Last date at which site was modified and the nature of the modification.

(6) A list of toxic/hazardous materials at the PWSF (including in the equipment shelter).

(7) Instructions for emergency personnel on the approach action to be taken in case of an emergency involving any toxic/hazardous substances.

(8) The name and telephone number of a representative of the carrier to be contacted in the event of any emergency at the PWSF site. The contact representative is to be available on a 24-hour a day, 7-day a week basis.

(9) A site monitoring schedule indicating how often the site is inspected and monitored by the carrier.

(10) A ground maintenance schedule indicating how often the grounds are maintained and the name and telephone number of a representative of the carrier to be contacted in the event the grounds require service before the next scheduled maintenance.

(B) *Inspection.* The owner or operator of a PWSF shall provide for and conduct an inspection of mounts at least once every 5 years. A report shall be provided to the Village of Forsyth DPW verifying structural integrity and tenants on the mounts as a part of the requirements provided for in this chapter. If the report indicates that repair is needed, same shall be accomplished as soon as reasonably practical, but in no event more than 60 days after.

(C) *Abandonment and removal.* Any PWSF that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such PWSF shall remove same within 90 days of notice to the village DPW that the PWSF is abandoned. If such PWSF is not removed within said 90 days, the village may have the PWSF removed at the PWSF owner's expense.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.11 RADIO FREQUENCY RADIATION EMISSIONS.**

(A) A written statement from a radio frequency engineer or an Illinois licensed professional engineer certifying that, as proposed, the entire combined facility will comply with the current FCC rules and guidelines concerning human exposure to radio frequency radiation emissions (FCC guidelines) shall be provided at the time of building permit application or when the request is made.

(B) *No contravention of FCC guidelines.* A PWSF that meets the FCC guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

(C) Since PWSFs are required by the FCC to be in compliance with FCC guidelines at all times, as those FCC guidelines are changed, a statement certifying compliance for each PWSF shall be filed with the village within 30 days of a compliance determination, and no more than 90 days beyond the effective date of an FCC guideline change.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.12 NOISE.**

No equipment shall be operated at a PWSF so as to produce noise in excess of the applicable noise standards under the village noise ordinance, except for emergency situations requiring the use of a back-up generator, where the noise standards may be exceeded on a temporary basis until such emergency has passed.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.13 LIGHTING; SECURITY.**

(A) *Lighting.* A PWSF shall not be artificially lighted, except for:

(1) Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and

(2) Such lighting of the PWSF as may be required by the FCC, Federal Aviation Administration (FAA), or other applicable authority installed in a manner to minimize impacts on adjacent residences. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

(B) *Security barriers.* A PWSF site and equipment must be secured from unauthorized access.

(C) Members of the general population should not be allowed nearer than 35 feet to the nearest part of an antenna, or such other distance as may be required based on the specifics of the PWSF.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.14 SIGNS; IDENTIFICATION PLAQUES.**

No signage shall be permitted on any PWSF other than that required for public safety purposes or by the FCC or FAA, except that each PWSF shall have a weather-proof plaque mounted at eye level identifying the carrier, frequency, and date of permit approval.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.15 SCREENING; LANDSCAPING.**

(A) *Natural vegetation.* Existing natural vegetation shall be undisturbed to the greatest extent practicable.

(B) *Landscaping and screening.* Landscaping and screening of PWSF sites shall conform to village ordinances.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.16 ACCESS; PARKING.**

(A) *Parking.* Areas sufficient for the temporary off-street parking of at least 1 vehicle shall be provided for mounts. The type and configuration of parking may be approved by the DPW.

(B) *Private access.* A copy shall be provided to the Building Inspector of any road maintenance agreement for any site accessed by private easement.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.17 AIRCRAFT HAZARD.**

(A) *Airport impact zoning.* For Tier 2 applications, a statement certifying that, as proposed, the PWSF complies with the Decatur Airport impact regulations shall be provided.

(B) *FAA acknowledgment.* For Tier 2 applications, the applicant shall provide acknowledgment from the FAA that the proposed PWSF does not exceed obstruction standards.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.18 REVIEW OF PERMIT.**

Any special use permits issued under the terms of this chapter shall be reviewed by Building Inspector every 5 years from the date of issuance for compliance with this chapter and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities, are being violated.  
(Ord. 2017-3, passed 3-20-2017)

**§ 98.19 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.**

(A) No new or existing PWSF shall interfere with public safety telecommunications. All applications for new PWSFs shall be accompanied by an intermodulation study sealed by an Illinois licensed professional engineer that provides a technical evaluation of existing and proposed transmissions and indicates that the proposed antenna(s) will not interfere with public safety telecommunications.

(B) An intermodulation study as described in division (A) above shall also be submitted prior to the introduction of new services or new frequencies or changes in existing service. The village shall be notified by the service provider at least 10 days prior to the introduction of new services or new frequencies or changes in existing service and allow the village to monitor interference levels during the testing process for the intermodulation study.

(C) The village reserves the right to retain its own expert to study potential interference impacts. The cost of such an expert would be recovered under the provisions of § 98.08(B) of this chapter.  
(Ord. 2017-3, passed 3-20-2017)

