

2026 CODE BOOK
of the
VILLAGE OF HOPEWELL
of the
STATE OF ILLINOIS



Updated through January 20, 2026

TABLE OF CONTENTS

TITLE 1

General Provisions

- 1.01 Official Village Code
- 1.02 Fiscal Year
- 1.03 General Penalties; Enforcement
- 1.04 Village Officers
- 1.05 Official Village Logo, Seal, and Flag

TITLE 2

Administration, Personnel, Boards and Commissions

- 2.01 Manner of Holding Public Meetings
- 2.02 Officers' Salaries
- 2.03 Ethical Conduct
- 2.04 Payment/Reimbursement of Travel, Meal and Lodging Expenses
- 2.05 Sexual Harassment Policy
- 2.06 Paid Leave for Village Employees

TITLE 3

Revenue and Finance

- 3.01 Municipal Utility Tax
- 3.02 Real Estate Tax Levy

TITLE 4

Business Licenses, Operations and Regulations

- 4.01 Small Wireless Facilities in Public Right-of-Way

TITLE 5

Animals

- 5.01 Dog Restrictions
- 5.02 Animals – Generally

TITLE 6

Health and Safety

- 6.01 Burning Leaves and Trash
- 6.02 Inoperable Motor Vehicles

TITLE 7

Traffic and Parking

- 7.01 Parking on Public Roads

TITLE 8

Waterworks Facilities

- 8.01 Title, Purpose and Definitions
- 8.02 General Regulations
- 8.03 Water System Fees, Rates and Charges

TITLE 9

Zoning

- 9.01 Zoning Code; Purpose; Definitions
- 9.02 General Regulations and District Map
- 9.03 Provisions Governing Residential R-1 District
- 9.04 Enforcement, Fees and Penalties
- 9.05 Board of Appeals

APPENDIX

- Appendix A Village Map

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.01 Official Village Code
- 1.02 Fiscal Year
- 1.03 General Penalties; Enforcement
- 1.04 Village Officers
- 1.05 Official Village Logo, Seal, and Flag

Chapter 1.01

Official Village Code

Sections:

1.01.01	Title
1.01.02	Acceptance
1.01.03	Amendments

§1.01.01 Title. This Village Code is hereby adopted by the Board of Trustees for the Village of Hopewell, and the Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Hopewell. All prior existing Ordinances dealing with the subjects of any provision of this Village Code are hereby replaced in their entirety by the provisions of this Village Code. This Village Code of Ordinances shall be known and cited as the Village Code of the Village of Hopewell (or the “Hopewell Village Code”), and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1.01.03 of this Chapter under the direction of the Village Attorney, acting for said Village Board of Trustees. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Village Code by title in any legal document.

(Ord. 18-07, §7, 11-20-18)

§1.01.02 Acceptance. This Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect with regard to the subjects covered herein.

(Ord. 18-07, §7, 11-20-18)

§1.01.03 Amendments. Any ordinance amending this Village Code shall set forth the Title, Chapter and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be immediately incorporated into all official copies of the Village Code book.

(Ord. 18-07, §7, 11-20-18)

Chapter 1.02

Fiscal Year

Sections:

1.02.01 Fiscal Year

§1.02.01 Fiscal Year. The fiscal year for the Village of Hopewell shall commence on the 1st day of May and end on the 30th day of April of the following year, and for each such year thereafter.

(Ord. 18-07, §7, 11-20-18)

Chapter 1.03

General Penalties; Enforcement

Sections:

- 1.03.01 Penalty
- 1.03.02 Application
- 1.03.03 Service, Complaint, Warrant
- 1.03.04 Liability of Officers

§1.03.01 Penalty. Any person convicted of a violation of any Section of the Village Code, including the doing of any act which is prohibited or the failure to do any required act as set forth under the Code, shall be fined in a sum not to exceed seven hundred fifty dollars (\$750.00) for each violation, excepting any violation of a Section of this Code wherein the fine is specifically set forth. A separate offense shall be deemed committed for each day any violation of any provision of the Code or any ordinance shall continue. Additionally, any such person convicted of a violation of any Section of the Code may, in addition to any fine imposed for the violation, be required to perform a reasonable number of hours of public service which may include picking up litter in public parks or along public highways or maintaining any public facility.

(Ord. 18-07, §7, 11-20-18)

§1.03.02 Application. The penalty provided in this Chapter shall be applicable to every section in this Village Code the same as though it were a part of each and every separate section. Whenever the doing of any act or the omission to do any act constitutes a breach or violation of any section or provision of this Code and no fine or penalty is specifically set forth for such breach or violation, the provisions of this Chapter shall apply, and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting official may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(Ord. 18-07, §7, 11-20-18)

§1.03.03 Service; Complaint; Warrant. The notification or issuance of a citation regarding the violation of any provision of this Code shall be made by personal

service from a proper law enforcement officer or by certified or registered mail from the Village Clerk upon the offender. Upon the filing of a complaint in Marshall County Circuit Court to enforce any provision of this Code, the first process shall be by summons. Furthermore, however, the Village may also request a warrant for the arrest of the offender upon submission of an affidavit of any person that such Code provision has been violated, and that the person making the complaint has reasonable grounds to believe that the offender charged is guilty of such violation. Every person arrested upon such warrant shall, without unnecessary delay, be tried for the alleged offense.

(Ord. 18-07, §7, 11-20-18)

§1.03.04 Liability of Officers. No provision of this Code designating the duties of any officer or employee of the Village of Hopewell shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Village Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Ord. 89-11, 6-14-89; Ord. 18-07, §7, 11-20-18)

Chapter 1.04

Village Officers

Sections:

- 1.04.01 Village Board and Village President; Election; Vacancies
- 1.04.02 Village Clerk; Election; Vacancy
- 1.04.03 Village Treasurer; Appointment; Vacancy

§1.04.01 Village Board and Village President; Election; Vacancies.

A. The Village Board for the Village shall consist of a Village President and six (6) Trustees, all elected for a four (4) year terms, as provided by law. The Board shall be the governing body of the Village and shall have the powers and duties prescribed by law.

B. Vacancies occurring in the Board shall be filled as provided by law.

C. At the election for Trustees in the Village, a Village President of the Village shall be elected for a four (4) year term. The term for Village President shall be staggered with the term of the Village Clerk, such that an election for one of these respective offices shall be held every two (2) years. The staggered term for the Village President and Village Clerk shall be established beginning at the April 2019 consolidated election. Thereafter, at the April 2021 consolidated election and every four (4) years thereafter, the Village President shall be elected and serve a four (4) year term. The Village President shall have the powers and duties prescribed by law and the Village Board.

D. A vacancy occurring in the office of Village President shall be filled as provided by law.

(Ord. 18-06, 9-18-18)

§1.04.02 Village Clerk; Election; Vacancy.

A. At the election for Trustees in the Village, a Village Clerk of the Village shall be elected for a four (4) year term. The term for Village Clerk shall be staggered with the term of the Village President, such that an election for one of these respective offices shall be held every two (2) years. The staggered term for the Village Clerk shall be established beginning at the April 2019 consolidated election, such that the Village Clerk elected at the April 2019 consolidated election shall serve a four (4) year term. Thereafter, at the April 2023 consolidated election and every four (4) years thereafter, the Village Clerk shall be

elected and serve a four (4) year term. The Village Clerk shall have the powers and duties prescribed by law and the Village Board.

B. A vacancy occurring in the office of Village Clerk shall be filled as provided by law.

(Ord. 18-06, 9-18-18)

§1.04.03 Village Treasurer; Appointment; Vacancy.

A. A Treasurer of the Village shall be appointed by the President with the advice and consent of the Board of Trustees. The Treasurer shall have the powers and duties prescribed by statute and the Village Board.

B. A vacancy occurring in the office of Treasurer shall be filled as provided by law.

(Ord. 18-06, 9-18-18)

Chapter 1.05

Official Village Logo, Seal, and Flag

Sections:

- 1.05.01 Official Village Logo
- 1.05.02 Official Village Seal
- 1.05.03 Official Village Flag
- 1.05.04 Penalty
- 1.05.05 Severability

§1.05.01 Official Village Logo. The corporate logo of the Village shall be as follows: an impression of two lines of text centered with the first line of text consisting of the words “VILLAGE OF” in 17 point AW Conqueror Didot Light font with a 0.425 point stroke and the second line of text 0.11 inches below the first and consisting of the word “HOPEWELL” in 40 point AW Conqueror Didot Light font with a 1.0 point stroke where the “O” is interrupted vertically with the feather mark 0.6152 inches in height and 0.1984 inches in width. The logo can be accompanied by an optional third line of text 0.075 inches below the second and consisting of the words “ESTABLISHED 1983” in 9 point Plantagenet Cherokee with no stroke and a tracking of 408. The logo can be proportionally scaled no smaller than 3/4 of an inch in height.

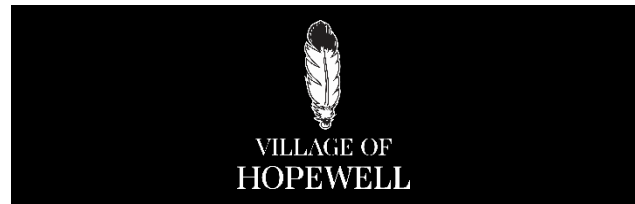
An alternate logo layout can be used when a horizontal layout cannot be accommodated. The alternate corporate logo of the Village shall be as follows: an impression of the feather mark 1.8609 inches high by 0.6 inches wide centered 0.175 inches above the first line of text consisting of the words “VILLAGE OF” in 30 point AW Conqueror Didot Light font with a 0.75 point stroke centered 0.2 inches above the second line of text consisting of the word “HOPEWELL” in 40 point AW Conqueror Didot Light font with a 1.0 point stroke. This alternate logo can be proportionally scaled no smaller than 1/2 of an inch.

Both logos are black and white with no gray and can be reverse printed. The following are facsimiles of said logos:

Horizontal Layout



Alternate (Vertical) Layout



A. Custody of Logos. The logos shall be available to Village officers and employees acting within the scope of their official capacities.

B. Use of Logos. The logos shall only be used for the official business of the Village of Hopewell, the Village Board, officers, employees, or departments. Such uses include use on stationery, publications and other documents both paper or electronic issued by the Village, on signage identifying vehicles or Village property, on articles of clothing intended for use by Village employees, and for such other uses as authorized by the Village Board, or its designee. The Village Board, or its designee is empowered to authorize the use of the logo on items that are offered for sale by the Village of Hopewell for the purpose of promoting the Village of Hopewell.

(Ord. 2019-02, §1, 3-26-19)

§1.05.02. Official Village Seal. The corporate seal of the Village shall be as follows: an impression made in circular form, the outermost circle depicting a rope and within are the words and figures "THE VILLAGE OF HOPEWELL," and "ILLINOIS," with a single star before and after "ILLINOIS". The innermost circle depicting small medallions optionally on a solid background and within the circle, the words and figures "EST 1983" separated vertically in the middle by the feather mark. The colors of the seal shall be: black – pantone p 179-16 u; tan – pantone p 26-16 u; gold – pantone p 7-8 u; blue – pantone p 109-16 u; and white. The following is a facsimile of said seal:



Embossed



Color



Black & White

A. Custody of Seal. The seal shall be and remain in the custody of the Village Clerk.

B. Use of Seal. Whenever it shall be necessary for the Village, under the authority of its Village Board, its Charter or its Code and the general laws of the state, to execute contracts, deeds or other documents on behalf of the Village, the official seal of the Village shall be affixed by the Village Clerk by means of embossing to such contract, deed or other document. The printing of the seal is restricted to the need for its use on the Village Flag or in any application where size, quantity, or production technique require a printed version.

(Ord. 2019-02, §2, 3-26-19)

§1.05.03 Official Village Flag. The corporate flag of the Village shall be as follows: a color impression of the Village seal 29 inches in diameter centered on a white field 5 feet wide by 3 feet high or any proportionally scaled version thereof. The following is a facsimile of said flag:



(Ord. 2019-02, §3, 3-26-19)

§1.05.04 Penalty. It shall be unlawful for any person, other than those mentioned in previous sections, to reproduce, use, give away, sell, or distribute any seal, logo or flag design, or facsimile thereof, purporting to be or represented to be officially identifying the Village of Hopewell or to affix said graphic identifiers on any letters, papers, documents both printed or electronic, or items of merchandise which simulate stationery of

a real or fictitious agency, department, or instrumentality of the Village without the expressed written authorization of the Village Board, or its designee. Each day that such violation continues shall be considered to be a separate offense.

Any person convicted of a violation of this section shall, upon conviction, be subject to (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of this Section within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of this Section within one year. The Village reserves the right to take any other legal action it finds appropriate to enforce this section.

(Ord. 2019-02, §4, 3-26-19)

§1.05.05 Severability. The provisions of this Chapter are declared to be severable and if any section, sentence, clause or phrase of this Chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the invalidity of any part.

(Ord. 2019-02, §5, 3-26-19)

TITLE 2

ADMINISTRATION, PERSONNEL, BOARDS AND COMMISSIONS

Chapters:

- 2.01 Manner of Holding Public Meetings
- 2.02 Officers' Salaries
- 2.03 Ethical Conduct
- 2.04 Payment/Reimbursement of Travel, Meal and Lodging Expenses
- 2.05 Sexual Harassment Policy
- 2.06 Paid Leave for Village Employees

Chapter 2.01

Manner of Holding Public Meetings

Sections:

- 2.01.01 Regular and Adjourned Meetings
- 2.01.02 Special Meetings
- 2.01.03 Meetings to be Public
- 2.01.04 Commencement of Terms
- 2.01.05 Electronic Participation at Village Board Meetings

§2.01.01 Regular and Adjourned Meetings. The Board of Trustees shall hold regular meetings on the third Tuesday in each calendar month at the hour of 7:00 P.M., provided, however, that when the day fixed for any such regular meeting falls upon a day designed by law as a legal or national holiday such meeting shall be held at the same hour on the preceding day not a holiday. All meetings of the Board shall be held in the Village Hall, Hopewell, Illinois. An adjourned meeting may be held for the purpose of completing the unfinished business of a regular meeting at such time as may be determined by the Board.

(Ord. 18-07, §8, 11-20-18)

§2.01.02 Special Meetings. Special meetings may be called by the President or by any three Trustees in writing stating the purpose of such meeting to be filed with the Village Clerk. At least forty-eight (48) hours' written notice of such special meeting shall be given by the Village Clerk, which notice shall specify the time and purpose of such meeting and shall be delivered to the Village President and each Trustee by email, by personal delivery, or by leaving a copy of such notice at the residence of such Village Official in the presence of a member of his family age 13 or older.

(Ord. 18-07, §8, 11-20-18)

§2.01.03 Meetings to be Public. All meetings of the Board of Trustees shall be open to the public and proper notice thereof shall always be given in accordance with the laws of the State of Illinois as amended from time to time.

(Ord. 18-07, §8, 11-20-18)

§2.01.04 Commencement of Terms. The terms of elected Village Officials shall commence at the first regular Village Board meeting in the month of May following the consolidated election held as provided under the Illinois Election Code upon receipt of the official election results from the Marshall County Clerk. The inauguration of the newly

elected Village Officials shall occur at this first regular Village Board meeting in the month of May following the consolidated election.

(Ord. 18-07, §8, 11-20-18)

§2.01.05 Electronic Participation at Village Board Meetings.

A. Subject to the provisions of this section, a Village Board member may electronically attend any open or closed meeting of the Village Board via telephone, video, internet connection, or other electronic technology which allows effective audio interaction with the Board member from a remote location. A Board member may electronically attend a meeting of the Village Board only under the following conditions:

1. The Board member must notify the Village Clerk as soon as practicable before the meeting of the Board member's request to electronically attend the meeting so that necessary communications equipment can be made available.

2. The Board member must assert one or more of the following reasons why the Board member is unable to physically attend the Village Board meeting and explain to the Village Clerk the factual basis for that assertion:

a. The Board member cannot attend due to the Board member's illness or disability; or

b. The Board member cannot attend because of conflicting obligations to the Board member's employer or is engaged in business on behalf of the Village; or

c. The Board member cannot attend because of a family or other emergency.

3. Any Board member participating electronically and those members of the Village Board who are physically present at the site of the meeting must have the capability during the meeting to effectively and instantaneously engage in interactive communication with each other. During open meetings, members of the audience must have the capability to hear all audio interactions among all the members of the Village Board who are present either physically or electronically at the open Board meeting.

B. Upon receiving a request from a Village Trustee to electronically attend a Village Board meeting, the Village Clerk shall promptly inform the Village President of that request prior to the Board meeting. Upon receiving a request from the Village President to electronically attend a Village Board meeting, the Village Clerk shall promptly inform the most senior Village Trustee who will be attending the Board meeting.

C. A quorum of the Village Board must be physically present at the scheduled meeting location in order to take the necessary action to allow a Board member to electronically attend that Village Board meeting.

D. After taking roll call at the Board meeting at which the Board member requests to electronically attend and before any action is taken by the Village Board, the request to electronically attend a Village Board meeting shall be the first order of business to be considered by the Board members physically at the Board meeting in accordance with the following procedures:

1. After establishing that a quorum is physically present at the Board meeting at which the Board member desires to electronically attend and establishing that the communications equipment necessary to permit electronic participation is functioning properly, the Village President, or the presiding officer if the Village President is not present, shall state that:

a. a Board member has requested permission to electronically attend the meeting, and

b. the Board member will be authorized to electronically attend the meeting unless a motion objecting to the member's electronic attendance is made, seconded, and adopted by a two-thirds majority of the members of the Village Board physically present at the meeting.

2. If a motion objecting to the Board member's participation is made and approved by a two-thirds majority of the members of the Village Board physically present at the meeting, the member making the request may not electronically attend the meeting. If no such motion is made and seconded or if any such motion is made and seconded but not approved by a two-thirds majority of the members of the Village Board physically present at the meeting, then the request by the member to electronically attend the meeting shall be deemed approved by the Village Board, and the Village President or other presiding officer shall declare that the requesting member is present at the Board meeting. After such declaration by the Village President or presiding officer, the ability of the Board member to electronically participate in that Board meeting may not be withdrawn for the remainder of that meeting.

3. As an alternative to the procedure under parts 1 and 2 of this subsection D of Section 2.01.05, a simple majority vote of the members of the Village Board physically present at the Village Board meeting to allow attendance by the non-physically present Board member will authorize the electronic attendance of this Board member at that Village Board meeting under the terms and conditions otherwise set forth herein.

E. The minutes of any meeting during which a Board member electronically attends shall identify any such member as attending by electronic means.

F. A Board member permitted to electronically attend a Village Board meeting shall have the authority to participate in the meeting to the same extent as those members physically present, subject to the same limitations applicable to those members physically present. A Board member attending electronically may leave a meeting and return to the same extent and under the same conditions as members who are physically present, provided the member attending electronically shall announce when leaving and returning to the meeting.

(Ord. 18-07, §8, 11-20-18)

Chapter 2.02

Officers' Salaries

Sections:

2.02.01	Village President
2.02.02	Village Trustee
2.02.03	Village Clerk
2.02.04	Village Treasurer
2.02.05	Village Collector

§2.02.01 Village President. The salary of the Village President is hereby established at the rate of zero dollars (\$0.00) per annum.

(Ord. 18-07, §8, 11-20-18)

§2.02.02 Village Trustee. The salary of each Village Trustee is hereby established at the rate of zero dollars (\$0.00) for each meeting attended by the Trustee.

(Ord. 18-07, §8, 11-20-18)

§2.02.03 Village Clerk. The salary of the Village Clerk is hereby established at the rate of three thousand dollars (\$3,000.00) per annum, payable in monthly installments, effective November 15, 2016.

(Ord. 18-07, §8, 11-20-18)

§2.02.04 Village Treasurer. The salary of the Village Treasurer is hereby established at the rate of two thousand four hundred dollars (\$2,400.00) per annum, payable in monthly installments, effective November 15, 2016.

(Ord. 18-07, §8, 11-20-18)

§2.02.05 Village Collector.

A. Appointment. There is hereby created the office of Village Collector, an executive office of the Village. The Village Collector shall be appointed by the Village President, with the consent of the Board of Trustees, and may be removed by the Village President in accordance with the provisions of the Illinois Municipal Code.

B. Clerk as Village Collector. The board of trustees may designate and appoint the Village clerk as the Village Collector as allowed by statute, or the board may appoint any other eligible and qualified person deemed appropriate as the Village Collector.

C. Duties.

1. The Village Collector shall collect and receive all money due to the Village that is not by law paid directly to the Village Treasurer, including the collection of special assessments and special taxes, and to keep such records pertaining to the collection and receipt of these funds, providing copies of such records to the Village Treasurer as may be required by statute or Village ordinance. Further, the Village Collector shall prepare and send billing invoices on behalf of the Village for any such monies or funds owing to the Village for water and sewer services and any other service or debts due to the Village.

2. The Village Collector shall record upon a register an entry of all monies and funds received on behalf of the Village, describing them and showing date received, amount, number, and account of deposit if applicable. A copy of such register shall be provided to the Village Treasurer on a monthly basis, or more often if required by the Board of Trustees.

3. The Village Collector shall deliver all monies and funds collected or received on behalf of the Village to the Village Treasurer at least once each week, or more often if required by the Board of Trustees, and receive a receipt of such deposit, and will make a monthly report to the Board showing what money has been received. The Village Collector may deposit said monies and funds collected or received on behalf of the Village into designated depositories, providing receipt of such action to the Village Treasurer, as a means to fulfill this obligation to the Village Treasurer.

4. The Village Collector shall also make an annual report during the last month of the fiscal year showing all the activities of the office.

5. The Village Collector shall keep all books, vouchers, and papers pertaining to the office of Collector open for the inspection by the Village President, Village Trustees, the Village Clerk, or any committee of the Village Board.

D. Salary. Effective June 1, 2025, the salary of the Village Collector shall be one hundred dollars (\$100.00) per month. This salary may be changed or adjusted from time to time by passage of proper ordinance.

(Ord. 18-07, §8, 11-20-18; Ord. 23-03, 7-18-23; Ord. 25-02, 5-28-25)

Chapter 2.03

Ethical Conduct

Sections:

- 2.03.01 Definitions
- 2.03.02 Prohibited Political Activities
- 2.03.03 Gift Ban
- 2.03.04 Discipline of Discharge

§2.03.01 Definitions.

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

Candidate means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

Compensated time means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Chapter, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

Contribution has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

Employee means a person employed by the Village of Hopewell, Marshall County, Illinois, whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer means the Village of Hopewell, Marshall County, Illinois.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

Leave of absence means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

Officer means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

1. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
2. does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
3. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

(Ord. 18-07, §8, 11-20-18)

§2.03.02 Prohibited Political Activities.

A. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Hopewell in connection with any prohibited political activity.

B. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

C. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

D. Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Chapter.

E. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

(Ord. 18-07, §8, 11-20-18)

2.03.03 Gift Ban.

A. Gift Ban. Except as permitted by this Section, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

B. Exceptions. Section 2.03.03(A) is not applicable to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.

2. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

3. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

4. Educational materials and missions.

5. Travel expenses for a meeting to discuss business.

6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient

the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

8. Food or refreshments not exceeding seventy five dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

11. Bequests, inheritances, and other transfers at death.

12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

C. Disposition of Gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Chapter if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(Ord. 18-07, §8, 11-20-18)

§2.03.04 Discipline of Discharge. In addition to any other penalty that may be applicable, an officer or employee who intentionally violates any provisions of Section 2.03.02 or Section 2.03.03 of this Code is subject to discipline or discharge.

(Ord. 18-07, §8, 11-20-18)

Chapter 2.04

Payment/Reimbursement of Travel, Meal and Lodging Expenses

Sections:

- 2.04.01 Definitions
- 2.04.02 Authorization
- 2.04.03 Reimbursable, Not Reimbursable Expenses
- 2.04.04 Travel, Meal, and Lodging Expense Reimbursement Request From
- 2.04.05 Maximum Allowable Reimbursement
- 2.04.06 Requests Exceeding Maximum Allowable Reimbursement
- 2.04.07 Entertainment Expenses

§2.04.01 Definitions.

Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

Public Business means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.

Travel means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(Ord. 18-07, §8, 11-20-18)

§2.04.02 Authorization. The Village shall reimburse its employees and officers, pursuant to this Chapter 2.04, for travel, meal and lodging expenses incurred by its employees and officers while conducting public business. Whenever travel for public business is reasonably foreseeable, travel expense requests shall be submitted to the Village Treasurer prior to the date of travel in order to determine whether such travel will result in a professional or Village benefit, and whether such travel is financially feasible. Whenever travel for public business is not reasonably foreseeable, travel expense requests shall be submitted to the Village Treasurer within seven (7) working days of the completion of such travel.

(Ord. 18-07, §8, 11-20-18)

§2.04.03 Reimbursable, Not Reimbursable Expenses.

A. Reimbursable Expenses. The Village shall reimburse its employees and officers for the following travel expenses:

1. Transportation. Village owned vehicles shall be used whenever possible and is the preferred form of transportation. Use of a privately owned vehicle shall be reimbursed at the IRS approved mileage rate in effect on the date of travel, and based upon the trip originating and ending at Village Hall, plus tolls and parking. Prior to the date of travel by use of a privately owned vehicle, the employee or officer must provide proof of a valid driver's license issued by the State of Illinois and automobile insurance coverage in an amount not less than that required by the Illinois Vehicle Code.

The actual cost for transportation by air or rail shall be reimbursable by the Village, including parking fees, provided that such transportation is obtained in the most economical manner and at the most economical rate available at the time the transportation reservations are made. Whenever possible, employees and officers, shall book reservations at least thirty (30) days in advance of the date of travel.

The Village shall reimburse its employees and officers for the actual cost of transportation, plus tips, within the destination location, including but not limited to taxi fare, bus fare, and transportation network company fare (i.e. Uber and Lyft).

2. Lodging. The cost of overnight lodging shall only be reimbursed if it is 90 miles or more from the employee or officer's home. A Village employee or officer shall only be reimbursed for a single occupancy room rate, plus tips, unless a double occupancy room is of equal or lesser value or more than one employee or officer is authorized for such lodging.

3. Meals. The cost of meals shall only be reimbursed if it is 90 miles or more from the employee or officer's home. The cost of such meals shall be reimbursed at the IRS approved per diem rate(s) in effect on the date of travel, plus tips. Notwithstanding the foregoing, the Village shall reimburse its employees and officers for the cost of meal/banquet tickets for conferences, seminars, training events, or other similar events if such costs are separate from the event's registration fees and are directly related to such event.

4. Registration Fees. Registration fees, dues, and other similar expenses for conferences, seminars, meetings, and other similar events may be prepaid by the Village upon approval by the Village President. If such fees are not prepaid, the Village shall reimburse its employee or officer for the cost of such registration fees. All such expenses, either prepaid or reimbursable, shall be approved by submitting a Travel, Meal, and Lodging Expense Reimbursement Request Form pursuant to section 2.04.04.

5. Travel Advances. Advances for travel expenses may be provided to an employee or officer of the Village upon approval by the Village President. Such advances shall be approved by submitting a Travel, Meal, and Lodging Expense Reimbursement Request Form pursuant to section 2.04.04.

B. Not Reimbursable Expenses. The Village shall not reimburse its employees and officers for the following expenses:

1. The additional cost of first class seating or accommodations for air or rail transportation.

2. The additional cost of lodging above the single occupancy room rate, except as otherwise provided herein.

3. Lodging and meals eaten at the home of friends or relatives if lodging with friends or relatives.

4. Expenses of a personal nature and incurred for the amusement of the employee or officer, such as expenses movie/theater tickets, magazines, bar services, sightseeing fees/fares, hotel/motel pay per view television/movies, telephone calls and other similar personal expenses.

5. Travel insurance premiums.

6. Meal expenses for anyone other than the employee or officer.

7. The cost of alcoholic beverages.

8. Entertainment expenses.

(Ord. 18-07, §8, 11-20-18)

§2.04.04 Travel, Meal, and Lodging Expense Reimbursement Request Form. No payment or reimbursement of travel, meal or lodging expenses incurred by a Village employee or officer shall be made unless a Travel, Meal, and Lodging Expense Reimbursement Request Form has been submitted and approved pursuant to this Chapter 2.04. All Reimbursement Request Forms shall be accompanied by itemized receipts or other documentation that sufficiently support the amount of the claimed expense(s) and was generated at or near the time when the travel expense was incurred, and submitted to the Village Treasurer. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (5 ILCS 140/1 *et seq.*).

(Ord. 18-07, §8, 11-20-18)

§2.04.05 Maximum Allowable Reimbursement. Any Reimbursement Request Form submitted to the Village Treasurer in accordance with section 2.04.04 for

travel, meal, and lodging expenses incurred by its employees and officers in an amount less than or equal to seven hundred and fifty dollars (\$750.00) may be approved by the Village President. The costs for registration fees, dues, and other similar expenses for conferences, seminars, or meetings are not to be allocated toward this maximum allowable reimbursement amount, and shall be approved under Village procedures separate from this Section.

(Ord. 18-07, §8, 11-20-18)

§2.04.06 Requests Exceeding Maximum Allowable Reimbursement. Expenses for travel, meals, and lodging of: (1) any officer or employee of the Village which exceeds the maximum reimbursement allowed under section 2.04.05 or (2) any member of the Board of Trustees of the Village may only be approved by roll call vote at an open meeting of the corporate authorities of the Village. However, in the event of an emergency or other extraordinary circumstances, the Board of Trustees of the Village may approve more than the maximum allowable expenses set forth above.

(Ord. 18-07, §8, 11-20-18)

§2.04.07 Entertainment Expenses. The Village shall not reimburse any of its members of the Board of Trustees, employees, or officers for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Chapter.

(Ord. 18-07, §8, 11-20-18)

Chapter 2.05

Sexual Harassment Policy

Sections:

- 2.05.01 Prohibition of Sexual Harassment
- 2.05.02 Definition of Sexual Harassment
- 2.05.03 Procedure for Reporting an Allegation of Sexual Harassment
- 2.05.04 Prohibition on Retaliation for Reporting Sexual Harassment Allegations
- 2.05.05 Consequences of a Violation of the Prohibition on Sexual Harassment
- 2.05.06 Consequences for Knowingly Making a False Report
- 2.05.07 Reporting and Independent Review of an Allegation of Sexual Harassment Made Against an Elected Village Official by another Elected Village Official
- 2.05.08 Education / Training

§2.05.01 Prohibition of Sexual Harassment. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village of Hopewell in Marshall County, Illinois to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. Accordingly, this policy as set forth in this Chapter 2.05 of the Village Code shall apply to all elected or appointed Village officials, all Village employees and agents, and all members of any Village Boards, Committees, or Commissions.

(Ord. 17-04, §8, 12-12-17; Ord. 2002-02, §2, 8-18-20)

§2.05.02 Definition of Sexual Harassment. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the

basis for employment decisions affecting such individual, or

3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

1. Verbal. Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

2. Non-verbal. Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

3. Visual. Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

4. Physical. Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

5. Textual/Electronic. "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line posting, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person".

(Ord. 17-04, §8, 12-12-17)

§2.05.03 Procedure for Reporting an Allegation of Sexual Harassment. An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

An employee may report conduct which is believed to be sexual harassment, including the following:

1. Electronic/Direct Communication. If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

2. Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the even the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, or the chief executive officer of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

3. Resolution Outside Municipality. The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

(Ord. 17-04, §8, 12-12-17; Ord. 2020-02, §3, 8-18-20)

§2.05.04 Prohibition on Retaliation for Reporting Sexual Harassment Allegations. No municipal official, municipal agency, municipal employee or municipal agent or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,

2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or

3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule or regulation,

2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or

3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civic rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within three hundred (300) days of the alleged retaliation.

(Ord. 17-04, §8, 12-12-17)

§2.05.05 Consequences of a Violation of the Prohibition on Sexual Harassment. In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to five thousand dollars (\$5,000.00) per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

(Ord. 17-04, §8, 12-12-17)

§2.05.06 Consequences for Knowingly Making a False Report. A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to five thousand dollars (\$5,000.00) against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. 17-04, §8, 12-12-17)

§2.05.07 Reporting and Independent Review of an Allegation of Sexual Harassment Made Against an Elected Village Official by Another Elected Village Official. In addition to the methods of reporting included above, an elected official who either observes another elected official engage in sexual harassment or believes himself or herself to be the object of sexual harassment by another elected official may report such conduct for independent review to the Village Attorney. If the Village Attorney believes a conflict exists which prevents the Village Attorney from conducting an independent review,

the Village Attorney must notify the Village President or Village Board of such conflict. Upon receiving notification of the conflict, the Village President or Village Board shall authorize the engagement of outside legal counsel to conduct the review.

The Village Attorney or outside legal counsel shall conduct an independent review of the allegations and provide any findings to the Village Board. Any documents, communications or other records created pursuant to the review shall remain confidential, subject to attorney-client privilege, and will not be disclosed unless such disclosure is authorized by resolution with the concurrence of a majority of all members then holding office on the Village Board or as otherwise required by applicable State or federal law.

Such records shall also be presumed as exempt from disclosure under the Freedom of Information Act, to the extent it is applicable.

§2.05.08 Education / Training. Education and training for Village employees are critical to the success of the Village's policy against harassment and discrimination. The policy set forth in this Chapter 2.05 of the Village Code will be distributed to current employees, recently hired employee, and all elected and appointed officials of the Village. All employees and all elected and appointed Village officials are required to read and sign a receipt of the Village's policy set forth in this Chapter 2.05 of the Village Code. In addition, employees will receive annual training regarding this policy.

The training shall include, at a minimum, the following: (i) the definition and a description of sexual harassment, unlawful discrimination, and harassment, including examples of each; (ii) details on how an individual can report an allegation of sexual harassment, unlawful discrimination, or harassment, including options for making a confidential report to a supervisor or the Department of Human Rights; (iii) the definition and description of retaliation for reporting sexual harassment, unlawful discrimination, or harassment allegations utilizing examples, including availability of whistleblower protections under the Workplace Transparency Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment, unlawful discrimination, and harassment and the consequences for knowingly making a false report. All newly hired employees and all elected and appointed Village officials will complete an initial harassment and discrimination prevention training program within 30 days after commencement of employment with the Village or becoming an elected or appointed Village.

Additionally, all supervisory employees will participate in training sessions so that they understand their responsibilities under this policy and complaint procedure. Such training will explain the types of conduct that violate the Village's policy, the seriousness of the policy, the responsibilities of supervisors when they learn of alleged harassment or discrimination, and the prohibition against retaliation.

(Ord. 2020-02, §4, 8-18-20)

Chapter 2.06

Paid Leave for Village Employees

Sections:

2.06.01	Definitions
2.06.02	Paid Leave (PTO)
2.06.03	Carryover or Payout of Unused PTO
2.06.04	Payout upon Termination
2.06.05	Probationary Period (Waiting Period)
2.06.06	Termination during Probationary Period
2.06.07	Incremental Use

§2.06.01 Definitions.

PTO, as this term is used herein, means paid time off (paid leave) that can be used for any reason, which may include time off for illness, medical reasons, vacation, or any other reason.

Village employee, as this term is used herein, includes all village employees, including all full-time employees, part-time employees, seasonal employees, or other employees hired on a temporary or indeterminate basis or for a limited period of time.

§2.06.02 Paid Leave (PTO). Ninety (90) days after either (1) a Village employee's hire date, or (2) January 1, 2024, for any current Village employee, for every forty (40) hours worked in a calendar year, a Village employee shall receive one (1) hour of PTO. A Village employee can earn up to a maximum of forty (40) hours of PTO in a calendar year. This one (1) hour of PTO cannot be earned in fractional amounts and is not earned until the full forty (40) hours are worked by the part-time employee.

§2.06.03 Carryover or Payout of Unused PTO. The Village employee's unused PTO may accrue or accumulate to the next calendar year provided that the Village employee may not carry over more PTO hours earned in a calendar year to the next calendar year. Furthermore, on or before December 31 during each calendar year starting January 1, 2024, the Village employee will receive payment from the Village for all unused PTO earned that calendar year at the employee's hourly rate on December 31 unless the Village employee opts to carry over any unused PTO to the next calendar year by informing the Village in writing that the Village employee seeks to carry over any unused PTO into the next calendar year. If the Village employee is paid for any unused PTO under this provision, the Village employee will not carry over any unused PTO to the next calendar year for which the employee is paid.

§2.06.04 Payout upon Termination. Except as otherwise provided herein, upon a Village employee's voluntary or involuntary termination of employment with the Village, the employee shall receive payment from the Village for any unused PTO within two (2) weeks after terminating employment with the Village.

§2.06.05 Probationary Period (Waiting Period). For a new Village employee, the employee is not entitled to use any PTO until ninety (90) days after the employee's hire date. If the Village employee's employment is terminated during this 90-day period after the Village employee's hire date for any reason, the employee will not receive any PTO or any compensation for PTO.

§2.06.06 Termination during Probationary Period. If a Village employee terminates employment during the 90-day period after the employee's hire date, the employee will not receive any PTO.

§2.06.07 Incremental Use. PTO can only be used in increments of two (2) or more hours at a time.

(Ord. 24-02, 5-21-24)

TITLE 3
REVENUE AND FINANCE

Chapters:

- 3.01 Municipal Utility Tax
- 3.02 Real Estate Tax Levy

Chapter 3.01

Municipal Utility Tax

Sections:

3.01.01	Tax Imposed
3.01.02	Exemptions
3.01.03	Additional Taxes
3.01.04	Collection
3.01.05	Reports to Municipality
3.01.06	Credit for Over-Payment
3.01.07	Penalty
3.01.08	Repeal
3.01.09	Exemption for Village Use

§3.01.01 Tax Imposed.

A. A tax is imposed on all persons engaged in the following occupations or privileges:

The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

1. For the first 2,000 kilowatt-hours used or consumed in a month; .322 cents per kilowatt-hour;
2. For the next 48,000 kilowatt-hours used or consumed in a month; .211 cents per kilowatt-hour;
3. For the next 50,000 kilowatt-hours used or consumed in a month; .190 cents per kilowatt-hour;
4. For the next 400,000 kilowatt-hours used or consumed in a month; .185 cents per kilowatt-hour;
5. For the next 500,000 kilowatt-hours used or consumed in a month; .179 cents per kilowatt-hour;
6. For the next 2,000,000 kilowatt-hours used or consumed in a month; .169 cents per kilowatt-hour;

7. For the next 2,000,000 kilowatt-hours used or consumed in a month;
.166 cents per kilowatt-hour;
8. For the next 5,000,000 kilowatt-hours used or consumed in a month;
.163 cents per kilowatt-hour;
9. For the next 10,000,000 kilowatt-hours used or consumed in a month;
.161 cents per kilowatt-hour;
10. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; .158 cents per kilowatt-hour.

The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS § 5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS § 5/8-11-2 (as modified by Public Act 90-561).

B. Pursuant to 65 ILCS § 5/8-11-2, the rates set forth in subsection (a) above shall be effective: (A) on July 1, 1999 for residential customers; and (B) on the earlier of (1) the last bill issued prior to December 31, 2000, or (2) the date of the first bill issued pursuant to 220 ILCS § 5/16-104, for nonresidential customers.

C. The provisions of Section 3.1 shall not be effective until July 1, 1999.

§3.01.02 Exemptions. None of the taxes authorized by this Chapter may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Chapter for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Chapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

§3.01.03 Additional Taxes. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

§3.01.04 Collection. The tax authorized by this Chapter shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person

who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Chapter and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this Chapter.

§3.01.05 Reports to Municipality. On or before the last day of each month, each taxpayer shall make a return to the Village for the preceding month stating:

- A. His name.
- B. His principal place of business.
- C. His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- D. Amount of tax.
- E. Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village of Hopewell, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

§3.01.06 Credit for Over-Payment. If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

§3.01.07 Penalty. Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2)

(Ord. 98-3, 11-17-98; Ord. 99-1, 5-18-99)

§3.01.08 Repeal. The provisions of Village Ordinance No. 89-12 are hereby repealed in their entirety.

§3.01.09 Exemption for Village Use. The Village shall be exempt from the Municipal Utility Tax established by Ordinance No. 99-3 and amended by Ordinance No. 99-1 and thereafter codified as this Chapter 1 of Title 9 of the Village Code.

(Ord. 18-05, 9-18-18)

Chapter 3.02

Real Estate Tax Levy

Sections:

- 3.02.01 Street Lighting Tax
- 3.02.02 Emergency Services Tax
- 3.02.03 Fire Protection Tax
- 3.02.04 Police Protection Tax
- 3.02.05 Municipal Audit Tax
- 3.02.06 Liability Insurance Tax

§3.02.01 Street Lighting Tax. Pursuant to the authority of Section 11-80-5 of the Illinois Municipal Code (65 ILCS 5/11-80-5), the corporate authorities of the Village of Hopewell shall levy and collect annually effective with the next tax levy to be passed and approved during this calendar year of 1990, in addition to all other taxes now authorized by law, a tax of .05 per cent of the value, as equalized or assessed by the Department of Revenue, of the taxable property in the municipality, to be used exclusively for the purpose of lighting streets. Nothing in this Section shall increase the aggregate amount of tax, as limited in Section 8-3-1 of the Illinois Municipal Code that may be levied in any one year for general corporate purposes.

§3.02.02 Emergency Services Tax. Pursuant to the authority of Section 8-3-16 of the Illinois Municipal Code (65 ILCS 5/8-3-16), the corporate authorities of the Village of Hopewell shall levy and collect annually effective with the new tax levy to be passed and approved this calendar year of 1990, in addition to all other taxes now authorized by law, a tax of .05 per cent of the value, as equalized or assessed by the Department of Revenue, of all of the taxable property in the municipality, to be used exclusively for emergency services and disaster operations as defined in "The Illinois Emergency and Disaster Agency Act of 1975." However, the amount collectable under such a levy shall in no event exceed twenty-five cents (25¢) per capita. The annual tax levied pursuant to this Section shall be in addition to the amount authorized to be levied for general corporate purposes as provided in Section 8-3-1 of the Illinois Municipal Code.

§3.02.03 Fire Protection Tax. Pursuant to the authority of Section 11-7-1 of the Illinois Municipal Code (65 ILCS 5/11-7-1), the corporate authorities of the Village of Hopewell shall levy and collect annually effective with the next tax levy to be passed and approved during this calendar year of 1990, in addition to all other taxes now authorized by law, a tax of .075 per cent of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the municipality, to provide revenue for the purpose of fire protection in the municipality. This tax shall be in addition to and in excess of the

amount authorized to be levied for general corporate purposes as provided by Section 8-3-1 of the Illinois Municipal Code.

§3.02.04 Police Protection Tax. Pursuant to the authority of Section 11-1-3 of the Illinois Municipal Code (65 ILCS 5/11-1-3), the corporate authorities of the Village of Hopewell shall levy and collect annually effective with the next tax levy to be passed and approved during this calendar year of 1990, in addition to all other taxes now authorized by law, a tax of .075 per cent of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the municipality, to provide revenue for the purpose of police protection in the Village of Hopewell. This tax shall be in addition to and in excess of all taxes authorized to be levied and collected in the Village of Hopewell and shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes as provided in Section 8-3-1 of the Illinois Municipal Code.

§3.02.05 Municipal Audit Tax. Pursuant to the authority of Section 8-8-8 of the Illinois Municipal Code (65 ILCS 5/8-8-8), the corporate authorities of the Village of Hopewell shall levy and collect annually effective with the next tax levy to be passed and approved during this calendar year of 1990, in addition to all other taxes now authorized by law, a tax of .04 per cent of the value as equalized or assessed by the Department of Revenue, of all taxable property in the municipality, to provide revenue to meet the cost of all municipal auditing and reports thereunder. Such municipal auditing tax shall be held in a special fund and used for no other purpose other than the payment of expenses occasioned by the municipal auditing process. The tax authorized by this Section shall be in addition to taxes for general corporate purposes authorized under 8-3-1 of the Illinois Municipal Code.

§3.02.06 Liability Insurance Tax. Pursuant to the authority of Section 9-107 of Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/9-107), as amended, the corporate authorities of the Village of Hopewell shall levy and collect annually effective with the next tax levy to be passed and approved during this calendar year of 1990, in addition to all other taxes now authorized by law, a tax of .07 per cent of the value, as equalized or assessed by the Department of Revenue of all taxable property in the municipality, to provide revenue to meet the costs of protecting itself and its employees against liability, property damage, or loss including by not limited to the expense of procuring and maintaining adequate liability insurance for the municipality and its public officials and employees. The tax authorized by this Section shall be in addition to taxes for general corporate purposes authorized under Section 8-3-1 of the Illinois Municipal Code.

(Ord. 90-3, 8-23-90)

TITLE 4

BUSINESS LICENSES, OPERATIONS AND REGULATIONS

Chapters:

4.01 Small Wireless Facilities in Public Right-of-Way

Chapter 4.01

Small Wireless Facilities in Public Right-of-Way

Sections:

4.01.01	Purpose and Scope
4.01.02	Definitions
4.01.03	Regulation of Small Wireless Facilities
4.01.04	Dispute Resolution
4.01.05	Indemnification
4.01.06	Insurance
4.01.07	Severability

§4.01.01 Purpose and Scope.

A. Purpose. The purpose of this Chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities in the rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

B. Conflicts with Other Chapters. This Chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

C. Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the wireless provider shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

§4.01.02 Definitions. For the purposes of this Chapter, the following terms shall have the following meanings:

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant means any person who submits an application and is a wireless provider.

Application means a request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or *Collocation* means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications Service means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications Service Provider means a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC means the Federal Communications Commission of the United States.

Fee means a one-time charge.

Historic District or *Historic Landmark* means a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law means a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro Wireless Facility means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Municipal Utility Pole means a utility pole owned or operated by the Village in public rights-of-way.

Permit means a written authorization required by the Village to perform an action or initiate, continue, or complete a project.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public Safety Agency means the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate means a recurring charge.

Right-of-Way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

Small Wireless Facility means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility Pole means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless Facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless Infrastructure Provider means any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

Wireless Provider means a wireless infrastructure provider or a wireless services provider.

Wireless Services means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless Services Provider means a person who provides wireless services.

Wireless Support Structure means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

§4.01.03. Regulation of Small Wireless Facilities.

A. Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in Subsection C.9 herein regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

B. Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Wireless Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act

of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;

f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge; and

g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Completeness of Application. Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

3. Application Process. The Village shall process applications as follows:

a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

d. The Village shall deny an application which does not meet the requirements of this Chapter.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the wireless provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the application, or it is deemed approved. Failure to resubmit a revised application within 30 days of the denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the resubmitted application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application to cure defects, does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

4. Tolling. Any time period involving an application may be further tolled by:

a. An express written agreement by both the applicant and the Village; or

b. A local, State or federal disaster declaration or similar emergency that causes the delay.

5. Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

6. Duration of Permits. The duration of a permit shall be for a period of five (5) years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facility or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Chapter.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

7. Means of Submitting Applications. Applicants shall submit applications, supporting information, and notices to the Village's Zoning

Enforcement Officer at the Hopewell Village Hall, 1 Water Tower Plaza, Hopewell, Illinois, 61565, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

C. Collocation Requirements and Conditions.

1. Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

2. Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Chapter. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous Paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on

Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in any Village ordinance, written policy adopted by the Village, comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including location on a historic landmark or in a historic district.

7. Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure do not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this Paragraph.

8. Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small

wireless facilities are collocated may not exceed the higher of:

a. 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

b. 45 feet above ground level.

9. Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a special use permit in conformance with procedures, terms, and conditions set forth in the Village Zoning Code.

10. Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the rights-of-way.

11. Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses a wireless provider's request for exception or variance and do not prohibit granting of such exceptions or variances.

12. Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

13. Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed

360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

D. Application Fees. Application fees are imposed as follows:

1. Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

2. Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.

4. The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

a. routine maintenance;

b. the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with Subsection B.1.d herein titled Application Requirements; or

c. the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

E. Exceptions to Applicability. Nothing in this Chapter authorizes a person to collocate small wireless facilities on:

1. property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;

2. property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Chapter do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Chapter shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Chapter.

F. Pre-Existing Agreements. Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the rights-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Chapter.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two (2) or more years after the effective date of the Act, by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this Paragraph.

G. Annual Recurring Rate. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

H. **Abandonment.** A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village within 30 days of the sale or transfer of a small wireless facility within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

§4.01.04 Dispute Resolution. The Circuit Court of Marshall County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

§4.01.05 Indemnification. A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

§4.01.06 Insurance. The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- A. property insurance for its property's replacement cost against all risks;
- B. and workers' compensation insurance, as required by law; and
- C. commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way, including coverage for bodily injury and property

damage in the amount of not less than one million dollars (\$1,000,000) per occurrence with an aggregate limit of not less than one million dollars (\$1,000,000).

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

As used in this Section, “financial ability to self-insure” shall mean having and maintaining net unrestricted assets of at least one hundred million dollars (\$100,000,000.00), as determined in accordance with generally accepted accounting methods consistently applied, while maintaining appropriate loss reserves for the amount of self-insurance obligations established in this Section and otherwise which are actuarially derived in accordance with accepted standards of insurance industry and accrued or otherwise funded.

§4.01.07 Severability. If any provision of this Chapter or application thereof to any person or circumstances is held or ruled to be unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

(Ord. 18-03, 7-17-18)

TITLE 5

ANIMALS

Chapters:

- 5.01 Dog Restrictions
- 5.02 Animals - Generally

Chapter 5.01
Dog Restrictions

Sections:

- 5.01.01 Definitions
- 5.01.02 Authority
- 5.01.03 Animals at Large
- 5.01.04 Impounding of Dogs
- 5.01.05 Impoundment Fees
- 5.01.06 Nuisance, Menace or Vicious Dogs
- 5.01.07 Forfeiture for at Large, Nuisance, Menace or Vicious Dogs
- 5.01.08 Exceptions
- 5.01.09 Interference with Animal Control Officer

§5.01.01 Definitions.

The following definitions shall apply throughout this section:

At Large shall be defined as a dog found outdoors within the Village of Hopewell and being off of the premises or property occupied by the owner at his or her residence and not on a leash under the immediate control of the owner or other responsible person designated by the owner and not confined within a motor vehicle.

Dog shall be defined as any canine animal, male or female, spayed or neutered.

Notice of Forfeiture shall be defined as a citation to be issued by any duly authorized representative of the Village Board of Trustees citing a violation of this Section of the Village Code to be made payable to the Village Clerk and delivered to the Village Clerk within 96 hours of its delivery to the person alleged to have violated this Chapter.

Own shall be defined as to keep, harbor or have control, charge or custody of a dog, unless otherwise specified.

Owner shall be defined as any person keeping, harboring, or having charge or control of, or permitting any dog to habitually be on or remaining on, or be lodged or fed within the residence, garage, outbuilding or lot occupied by such person at his or her residence.

§5.01.02 Authority. The animal control officer as designated by Marshall County, any Sheriff's deputy of Marshall County, or any other person as approved by the

Village Board of Trustees shall have the authority to cause any dog “at large” to be impounded in accordance with the requirements of this Chapter.

§5.01.03 Animals at Large. No dog shall be “at large” at any time within the Village of Hopewell.

§5.01.04 Impounding of Dogs. Any dog found “at large” within the Village of Hopewell may be restrained and impounded by the persons authorized pursuant to Section 5.01.02. A dog so impounded will be confined in the Marshall County Animal Shelter. If the dog is licensed as required by Marshall County Ordinances and the dog is wearing an identification tag, every reasonable effort will be made to notify the owner of the impoundment.

§5.01.05 Impoundment Fees. In addition to any boarding charges, fines and other fees assessed by Marshall County, the owner claiming the dog shall pay the Village of Hopewell \$25.00 as a fine for violating the “at large” provisions of this Chapter to be collected, if possible, by the person in charge of the Marshall County Animal Shelter.

§5.01.06 Nuisance, Menace or Vicious Dogs. No dog shall be permitted, whether running loose, leashed or restrained, to be a nuisance, a menace or vicious to persons, property or other animals.

Nuisance Dogs: A dog is judged to be a nuisance:

If it barks or howls after 10:00 p.m. and prior to 6:00 a.m. so as to disturb the peace and quiet of any persons residing nearby within the Village of Hopewell.

If it digs, scratches or defecates or causes waste or garbage to be scattered on any improved residential lots (as opposed to vacant lots) other than the owner’s property.

Menace Dogs: A dog is judged to be a menace:

If it growls, snaps at, runs after or chases any person within the Village of Hopewell off of the residential lot of its owner.

If it runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the public ways of the Village of Hopewell.

Vicious Dogs: A dog is judged to be vicious:

If it, whether alone or in a pack with other dogs, bites, attacks or preys on game animals, domestic animals, fowl or human beings within the Village of Hopewell.

§5.01.07 Forfeiture for at Large, Nuisance, Menace or Vicious Dogs. Whoever owns a dog that violates Section 5.01.03 or 5.01.06 and his or her dog is judged

to be either at large, a nuisance, a menace or vicious, the owner shall receive a Notice of Forfeiture and shall pay a fine to the Village Clerk as follows:

Dog at Large:	\$25.00
Nuisance Dog:	\$30.00
Menace Dog:	\$40.00
Vicious Dog:	\$50.00

In the event any fine is not paid by the owner in a timely manner as required by the terms of this Chapter, or in the event of a second or subsequent violation of this Chapter, the Village President is hereby authorized in his discretion to refer such violation to the Village attorney for prosecution of an ordinance violation complaint before the Circuit Clerk of Marshall County against such owner in which case, the fine shall be automatically increased by the sum of two hundred fifty dollars (\$250.00).

§5.01.08 Exceptions. This Chapter shall not apply to hearing and sight impaired guide dogs or dogs used, owned or employed by or on behalf of law enforcement.

§5.01.09 Interference with Animal Control Officer. No person shall hinder or interfere with the animal control officer, any Sheriff's deputy or such persons as may be appointed as agents in the performance of any duty within these sections.

(Ord. 00-01, 4-18-00)

Chapter 5.02

Animals – Generally

Sections:

5.02.01 Certain Animals Prohibited in the Village

§5.02.01 Certain Animals Prohibited in the Village.

A. Except as otherwise provided in this Village Code or by state law, it shall be unlawful for any person to own, use, keep, maintain, house, or permit to be at large within the Village any of the following animals: horses, mules, cattle, sheep, ponies, mules, goats, pigs, swine, hogs, pigeons, ducks, geese, chickens (with the exception of chickens kept in compliance with Section 9.03.15 of the Village Code), minks, skunks, foxes, buffalo, deer, llamas, alpacas, ostriches, emus, or any other livestock or poultry, or any wild or vicious animals dangerous to mankind.

B. In addition to any other penalties imposed upon any person violating this section, such person shall also be liable for the costs of impounding or killing such animal, if necessary.

(Ord. 2021-01, §3, 2-16-21)

TITLE 6
HEALTH AND SAFETY

Chapters:

- 6.01 Burning Leaves and Trash
- 6.02 Inoperable Motor Vehicles

Chapter 6.01

Burning Leaves and Trash

Sections:

- 6.01.01 Burning of Leaves, Grass and Brush
- 6.01.02 Burning of Trash and Garbage
- 6.01.03 Dumping or Disposing of Trash, Garbage and Refuse
- 6.01.04 Penalties and Punishment

§6.01.01 Burning of Leaves, Grass and Brush. The burning of leaves, grass and brush in sloped road ditches and on blacktop roads within the Village of Hopewell is hereby prohibited.

§6.01.02 Burning of Trash and Garbage. The burning of trash and garbage is prohibited within the Village of Hopewell at all times.

§6.01.03 Dumping or Disposing of Trash, Garbage and Refuse. The dumping or disposing of trash, garbage and refuse matter along the roads or in ravines and ditches located within the Village of Hopewell is prohibited at all times.

§6.01.04 Penalties and Punishment. Any person found guilty of violating any of the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. 88-1, 12-19-88)

Chapter 6.02

Inoperable Motor Vehicles

Sections:

6.02.01	Regulation; Nuisance
6.02.02	Definition
6.02.03	Penalty

§6.02.01 Regulation; Nuisance. All inoperable motor vehicles, as defined by this Chapter, whether on public or private property and in view of the general public, are hereby declared to be a public nuisance and any person, firm, corporation or other legal entity which fails to obey a Notice received from the Village of Hopewell stating that such person or other entity is to dispose of any inoperable motor vehicle under his control within seven (7) days after issuance of the Notice shall be deemed guilty of a public nuisance and shall be subject to a fine as provided by this Chapter.

§6.02.02 Definition. An “Inoperable Vehicle” deemed to be a public nuisance is defined as follows: A motor driven vehicle designed for use upon the public highways which is not capable under its own power without mechanical adjustment or repair of safe and lawful travel upon our public highways. Failure to properly register the motor vehicle with the State of Illinois and failure to display a current and valid registration sticker shall be deemed sufficient evidence that the vehicle is inoperable pursuant to this Chapter.

Notwithstanding the above, an “inoperable motor vehicle” shall not include the following:

- A. A motor vehicle kept within a building when not in use;
- B. An operable historic vehicle over twenty-five (25) years of age;
- C. A motor vehicle rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations. However, a motor vehicle that is incapable of being driven under its own power for more than thirty (30) days will require a Vehicle Repair Permit. This permit shall be valid for thirty (30) days with a fee of twenty-five dollars (\$25.00). The permit may be renewed for an additional thirty (30) days upon Board approval, with an additional fee of fifty dollars (\$50.00). The permit may then again be renewed for an additional thirty (30) days upon Board approval, with an additional fee of seventy-five dollars (\$75.00). If a motor vehicle remains incapable of being driven under its own power for more than thirty (30) days and a Vehicle Repair Permit is not obtained from the Village as provided herein, such motor vehicle shall no longer fall under this exception and shall be an “inoperable motor vehicle” under the provisions of this Chapter.

(Ord. 2021-02, §7, 2-16-21)

§6.02.03 Penalty. Any person, firm, corporation or other legal entity which violates any of the provisions of this Chapter and is found guilty shall be fined not less than one-hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00). Each day that a violation is permitted to exist shall constitute a subsequent offense.

(Ord. 89-10, 6-14-89)

TITLE 7
TRAFFIC AND PARKING

Chapters:

7.01 Parking on Public Roads

Chapter 7.01

Parking on Public Roads

Sections:

7.01.01	Definitions
7.01.02	Prohibition on Long-Term Parking
7.01.03	Separate Violation
7.01.04	Removal of Vehicle

§7.01.01 Definitions.

A. *Public roadway* shall mean any roadway within the Village of Hopewell which is maintained by the Village of Hopewell or other governmental entity.

B. *Vehicle* means any vehicle owned by any individual, partnership, or corporation which is used upon the public roadway and which is every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway.

C. *Park* means the standing of a vehicle, whether occupied or not occupied, otherwise than when the same temporarily or actively engaged in loading or unloading passengers.

§7.01.02 Prohibition on Long-Term Parking. No vehicle shall be allowed to remain parked upon a public roadway, without being moved, in excess of a period of seven (7) consecutive days. Any person who violates the provisions of this Chapter and is found guilty shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

§7.01.03 Separate Violation. Each day in which said vehicle is not moved, in excess of the seven (7) day period, shall be deemed a subsequent offense.

§7.01.04 Removal of Vehicle. Any vehicle which is not moved after the seven (7) day period, as stated above, may be towed by the Village of Hopewell at the owners' expense after notice having been served upon the owner of said vehicle.

(Ord. 88-2, 12-19-88)

TITLE 8

WATERWORKS FACILITIES

Chapters:

- 8.01 Title, Purpose and Definitions
- 8.02 General Regulations
- 8.03 Water System Fees, Rates and Charges

Chapter 8.01

Title, Purpose and Definitions

Sections:

8.01.01	Title
8.01.02	Purpose
8.01.03	Definitions

§8.01.01 Title. This Waterworks Facilities Code shall be known and may be cited as the “Village of Hopewell, Illinois Water System” or “Village Water System”.

§8.01.02 Purpose. The purposes of this Chapter are as follows:

- A. Protection of the public health, safety, comfort and convenience of the inhabitants of the Village of Hopewell who use the water system.
- B. Providing for the regulation and operation of the water system of the Village of Hopewell.
- C. Establish requirements and charges for connection to said system and water consumption.
- D. Provide for the expansion and extension of the said system in order to meet the requirements of the new users thereof and to provide adequate capacities for fire protection.

§8.01.03 Definitions. For the purpose of this Waterworks Facilities Code, certain terms or words used herein shall be interpreted as follows: Words used in the present tense include the future. All words in the singular include the plural, and all words in the plural include the singular. The word “shall” is mandatory and not directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used.”

Availability Fee (Non-User) shall mean a fee charged to property owners who currently have no buildings or structures present on their respective lots. The purpose of this fee is to provide revenue for maintenance of the water system. (See also Property Owner and Non-User definitions)

Backflow shall mean water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

Board shall mean the Village of Hopewell Board of Trustees.

Boil-Order shall mean a condition which requires water system users to take extra precautions to assure potable water is safe for consumption.

Building or *Structure* shall mean any walled or roofed structure, including homes, dwellings and any accessory structures. In this Water Facilities Code, the terms building and structure shall be synonymous.

Building/Construction Permit shall mean a form provided by the Village of Hopewell that must be completed by the property owner and submitted to the Zoning Enforcement Officer for review and approval by the Trustee Board before any new construction or alteration/addition to an existing building or structure can begin. In this Water Facilities Code, the terms building permit and construction permit shall be synonymous.

Certificate of Occupancy shall mean a form provided by the Village of Hopewell that must be completed by the property owner and/or contractor and submitted to the Zoning Enforcement Officer for review and approval by the Trustee Board before any new construction or alteration/addition to an existing building or structure can be considered habitable or usable.

Cross-Connection shall mean a connection or arrangement of piping of appurtenance which a backflow could occur.

Dwelling shall mean a building, structure or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one (1) family.

Dwelling, Single-Family shall mean a permanent building/structure, separate and free-standing, in itself providing living accommodations for one family.

Inoperable Water Meter shall mean a water usage measuring device (typically a water meter) that fails to register water usage or is suspect of registering inaccurate water usage.

Lot shall mean a place, parcel, or parcels or plot of land occupied or to be occupied by one principal building and its accessory buildings and required open spaces.

Non-User shall mean a non-residing property owner of a lot or lots within the village with no present buildings, structures, or means of connecting and using the water system.

Potable Water shall mean water of sufficiently high quality that it can be consumed or used without risk of immediate or long-term harm.

Property Owner shall mean a person or persons with legal ownership of lot(s) or property located within the Village of Hopewell.

Resident shall mean person or persons owning property and residing within the Village of Hopewell.

Safe Air Gap shall mean the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least two times the inside diameter of the water inlet pipe; but shall not be less than one inch (1") and need not be more than twelve inches (12").

Secondary Water Supply shall mean a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting state and federal water quality and control standards, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in any other than an approved storage facility.

Street shall mean any public or private way twenty feet (20') or more in width dedicated to public travel; the word "street" shall be synonymous with the words "alley", "lane", "road," "highway," and "thoroughfare."

Submerged Inlet shall mean a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of a questionable quality, waste or other contaminant and which is unprotected against backflow.

User shall mean a resident of the Village connected to the water system with the appropriate meter to measure water consumption.

User Fee shall mean a fee established to provide revenue for maintenance of the water system.

Village shall mean the Village of Hopewell, Illinois.

Village Trustee Board shall mean the Trustees of the Village of Hopewell, Illinois.

Water System, Water Utility or Public Water Supply shall mean the Village of Hopewell Water System. In this Water Facilities Code, these terms shall be synonymous.

Water System Operator shall mean the person or persons employed by the Village to operate and maintain the water system.

Yard shall mean an open space on the same lot with a principal building/ structure, open, unoccupied, and unobstructed by buildings/ structures, except as otherwise provided in this Water Facilities Code.

Chapter 8.02

General Regulations

Sections:

- 8.02.01 Ability to Generate Water System Revenue
- 8.02.02 Disposition of Water System Revenue
- 8.02.03 Acceptance of Donations in Lieu of Fees
- 8.02.04 Use of Public Water Supply Required
- 8.02.05 Application Required
- 8.02.06 Water Usage (Consumption) Metering
- 8.02.07 Inoperable Water Meter – Resident’s Responsibility to Allow Access to Repair or Replace
- 8.02.08 Cross-Connections Prohibited
- 8.02.09 Inspection
- 8.02.10 Local Cross Connection Control Program
- 8.02.11 Corrections and Protective Devices
- 8.02.12 Piping Identification
- 8.02.13 Private Water Storage Tanks
- 8.02.14 Discontinuance of Water Service
- 8.02.15 Notice of Temporary Interruption of Service
- 8.02.16 Water System “Boil Order” Notice
- 8.02.17 Enforcement
- 8.02.18 Penalty Provisions

§8.02.01 Ability to Generate Water System Revenue. Pursuant to authority granted in Section 11-150-1 of the Illinois Municipal Code (65 ILCS 5/11-150-1), and upon authority contained in other provisions of the State statutes, there is hereby established within the Village of Hopewell the ability to require water system fees, rates and charges for the purpose of generating revenue to properly maintain and/or expand (as required) the water system.

§8.02.02 Disposition of Water System Revenue. The revenue received for the water system, including Initial Connection Fee, User Fee, Availability Fee and Metered Consumption Fee, shall be used by the Village for the necessary expenses of operation of the water system and general maintenance thereof; such fund shall be placed, until they are used, into a fund which shall be known as the “Water System Operational Fund.” The monies to the credit of such fund may be invested from time to time by the Treasurer of said Village as provided by law. All accrued interests on any investments shall be credited to such fund.

Revenue received by the Village from the Water Expansion and Extension Connection Fee, shall be used by the Village for the necessary expansion of the works of the system to meet the requirements of new or additional users thereof; such funds shall be placed, until they are used, into a fund which shall be known as the "Water System Expansions Connection Fund." The monies to the credit of such fund may be invested from time to time by the Treasurer of said Village as provided by law. All accrued interest on any investments shall be credited to such fund.

§8.02.03 Acceptance of Donations in Lieu of Fees. The Village may accept a donation of construction, expansion or extension of the works of its system in lieu of all or part of the connection charges established by this Chapter.

§8.02.04 Use of Public Water Supply Required. It shall be the duty of the owner, occupant, or party of parties in possession of any house, structure or any other building of any other character located on property abutting on the public waterworks system, to cause such house, structure, or any other building of any other character to be connected with the said water system.

§8.02.05 Application Required. No person, persons, firm or corporation shall make any connection to the water mains of the Village Water System except upon written application (Building or Construction Permit) to the Village Zoning Enforcement Officer and/or Village Clerk and the issuance of said permit by said Clerk for such connection. Each application shall state the name of the applicant, the location to be used, and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit.

§8.02.06 Water Usage (Consumption) Metering. All water used by a residential user shall be measured (metered) to determine volume usage and appropriate charges. The resident and/or their authorized contractor may make the initial water meter installation.

A. All water meters must be installed as follows:

1. Meter installation must include shut-off valves both before and after (upstream and downstream) of the meter.
2. Meter installation must be located within the structure in such a way that it can be easily replaced.
3. The outside meter reader must be located between four feet (4') and five feet (5') from ground level on the exterior of the structure and easily accessible by Village Water System personnel to view.

If installed by the resident and/or authorized contractor, the Village Water System Operator must be contacted to witness/verify proper meter/reader installation.

§8.02.07 Inoperable Water Meter – Resident’s Responsibility to Allow Access to Repair or Replace. All residents shall allow temporary access to their dwelling for the inspection, repair or replacement of an inoperable water meter by a designated representative of the Village Water System.

A. When an individual resident’s water usage indicates the need to inspect, repair or replace a water meter, the following process shall be applied:

1. A written notice indicating an inspection is required shall be mailed to the resident along with their monthly water bill.

2. The resident shall have a maximum of forty-five (45) days from receipt of the written notice to contact the identified representative of the Village Water System to schedule a time for access to the residence for inspection.

3. Failure to comply with Subsection A.2 shall result in the resident being charged a rate of fifty dollars (\$50.00) per month until an inspection has occurred.

B. If required, the replacement of the water meter will be at the expense of the Village Water System.

§8.02.08 Cross-Connections Prohibited. Cross-connections of the public water supply system and any other water supply system or source including but not limited to the following are prohibited:

1. Between a public water supply system and a secondary water supply.

2. By submerged inlet.

3. Between a lawn sprinkling system and the public water supply system.

4. Between a public water supply and piping which may contain sanitary waste or a chemical contaminant.

5. Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

§8.02.09 Inspection. Village Water System employees or any representative thereof shall, upon reasonable notice, have the authority to inspect any premises to determine the presence of an existing cross-connection and order the elimination of such cross-connection.

§8.02.10 Local Cross Connection Control Program. The Village of Hopewell shall develop a comprehensive control program for the elimination and prevention of all cross-connections, and removal of all existing cross-connections and prevention of all future cross-connections.

§8.02.11 Corrections and Protective Devices. Any user of the Village Water System shall obtain written approval from the Village of any proposed corrective action or protective device before using or installing it. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and including the time required to obtain and install equipment. If the cross connection has not been removed within the time as hereinafter specified, the Village shall physically separate the public water supply from the on-site piping system in such manner that the two systems cannot be connected by any unauthorized person.

§8.02.12 Piping Identification. When a secondary water source is used in addition to the public water supply, exposed public water supply and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety, it will be necessary to protect the Village Water System at the service connection in a manner acceptable to the Village.

§8.02.13 Private Water Storage Tanks. A private water storage tank supplied from the Village Water System shall be deemed a secondary water supply unless it is designed and approved for potable water usage.

§8.02.14 Discontinuance of Water Service. The Village is hereby authorized to discontinue water service after a reasonable notice to any person owning any property where a cross-connection in violation of this Water Facilities Code exists. The Village may take such other precautionary measure as necessary to eliminate any danger of the contamination of the Village Water system. Water service to such property shall not be restored until such cross-connection has been eliminated.

§8.02.15 Notice of Temporary Interruption of Service. In the event the Village Water System is unable to provide adequate service to the users (for example; mechanical breakdown, extreme weather conditions and etc.), the Village shall properly notify the users.

1. If the interruption is expected to last less than forty-eight (48) hours, users will be notified via a public message posted at the entrance(s) to the Village.

2. If the interruption is expected to last in excess of forty-eight (48) hours, users will be notified via a public message posted at the entrance(s) to the Village AND a written notice will be placed at the effected user's residence.

§8.02.16 Water System "Boil Order" Notice. In the event the water system is unable to meet the required standards for potable water consumption (for example; mechanical breakdown, periodic fire hydrant flushing and etc.), the Village shall properly notify the users. Users will be notified via a public message posted at the entrance(s) to the Village and any other method of notification as required by state and federal regulations.

§8.02.17 Enforcement. That a copy of this Water Facilities Code, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Marshall County, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks system of said Village on their properties, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

§8.02.18 Penalty Provisions. Any person, firm, corporation or other legal entity which violates any of the provisions of this Water Facilities Code and is found guilty shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollar (\$750.00). Each day that a violation is permitted to exist shall constitute a subsequent offense. If payment is not received from the party in violation of this Chapter within thirty (30) days from receipt of the certified letter, the Village of Hopewell is hereby authorized to file a lien against each affected lot for the delinquent amount with the County Recorder of Deeds and if necessary to bring legal action to foreclose said lien against such lot or lots and to obtain a personal judgment for the delinquent balance due plus court costs against the responsible lot owners.

A determination by a court that a violation of this Water Facilities Code has taken place and the assessment of a penalty thereof shall not preclude the Village from seeking recovery of any unpaid charges, fees or other sums due the Village under this Water Facilities Code or other Village ordinances because of the furnishing by the Village of water services.

Chapter 8.03

Water System Fees, Rates and Charges

Sections:

- 8.03.01 Initial Connection Fee
- 8.03.02 User Fee
- 8.03.03 Metered User Consumption Rate
- 8.03.04 Monthly Charges to Users
- 8.03.05 User Unpaid Monthly Charge/Shut-Off Procedure
- 8.03.06 User Temporary (Seasonal) Shut-Off Procedure
- 8.03.07 Availability Fee to Non-Users
- 8.03.08 Non-User Unpaid Annual Fees Procedure
- 8.03.09 Water Extension Connection Fee
- 8.03.10 Liability for Payment

§8.03.01 Initial Connection Fee. Said fee is to be assessed against new or additional users of the Village Water System and shall be known as the “Initial Connection Fee.” The charge shall be payable at the time a construction permit is issued. An initial connection fee of five hundred dollars (\$500.00) must be submitted for all new construction within the village requiring water.

§8.03.02 User Fee. A user fee shall be established to provide revenue for maintenance of the water system.

§8.03.03 Metered User Consumption Rate. The metered user consumption rate shall be established to provide revenue for maintenance of the water system.

§8.03.04 Monthly Charges to Users. The rates and charges for users of the water system to whom service is provided within the corporate boundaries and as contracted for outside the corporate boundaries of the Village on a monthly basis as follows:

1. User Fee - \$30.00 per month.
2. Metered User Consumption Rate - \$12.00 per thousand gallons of water used per month.

(Ord. 20-04, 11-17-20; Ord. 26-01, 1-20-26)

§8.03.05 User Unpaid Monthly Charge/Shut-Off Procedure. Should any monthly charge, or any portion thereof, be unpaid sixty (60) days beyond the due date for same, the Village shall provide written notice of a water shut off date separately or along with the water user's monthly water bill and said water service shall be terminated without further notice to the water user if all current and delinquent amounts due are not paid in full on or before ten (10) days after the date the water shut off notice is mailed, or in the event of personal service, delivered to the water user. All notifications required in this section shall be in writing and shall be sent by ordinary mail to the address of the residence being supplied with water or personally served on the person who applied for the water service at the location in question or said notification may be served (by ordinary mail or personal delivery) on the person paying the real estate taxes on the property in question in the last preceding year in which real estate taxes were paid. Water service, which has been disconnected for nonpayment, shall not be restored until:

1. All current and delinquent charges for water service are paid in full; and
2. A re-connection fee of fifty dollars (\$50.00) is paid to the Village.

§8.03.06 User Temporary (Seasonal) Shut-Off Procedure. As a courtesy to water users who wish to temporarily vacate their residences for a particular season (for example winter), and thereby temporarily discontinue the metered user consumption rate, charges shall be waived for a single period not to exceed three (3) months in a twelve (12) months period. The established user rate is not discontinued during this period. Residents must submit a request for waiver to the water system operator fifteen (15) days before leaving. The meter will be read within five (5) days after departure and held until the return date.

§8.03.07 Availability Fee to Non-Users. The availability fee shall be established to provide revenue for maintenance of the water system. Non-User fees are as follows:

1. One hundred twenty-five dollars (\$125.00) per lot per year if such lot is currently identified as a non-user with no water meter. This applies to all non-metered lots regardless of ownership of other lots that may contain a home or meter in the Village.
2. Non-users will be billed thirty (30) days before the 15th day of July each year for the total amount due.

(Ord. 25-01, 2-18-25)

§8.03.08 Non-User Unpaid Annual Fees Procedure. Should any annual fee or portion thereof, to a water non-user remain unpaid for sixty (60) days, the Village of Hopewell Water System shall send a certified letter to the non-user. This letter shall state the month this fee was due and amount. If payment is not received from the delinquent party within thirty (30) days from receipt of the certified letter, the Village of Hopewell is hereby authorized to file a lien against each affected lot for the delinquent amount with the

County Recorder of Deeds and if necessary to bring legal action to foreclose said lien against such lot or lots and to obtain a personal judgment for the delinquent balance due plus court costs against the responsible lot owners.

§8.03.09 Water Extension Connection Fee. The Water Extension Connection Fee is hereby established to reimburse the Village for its costs in extending water lines to serve new and additional users and to increase its capacity to produce and transport water. The Village of Hopewell may provide, at its own initial expense, for the drilling of wells and the construction of expansions and extensions of its water supply system. In so doing, the Village seeks to provide a material benefit to the property owners abutting such improvements and to encourage the development of such property. To reimburse the Village for the funds so expended, the Village has created a Water Expansion and Extension Connection Fee. Such fee shall be based upon the pro rata share of the cost of said exploration, construction and extension which cost was required to provide the water services being made available to the new or additional user. The Water Expansion and Extension Connection Fee shall be based upon all such costs including but not limited to engineering fees, supervision, legal fees, land costs and construction.

When a new or additional user of the system wishes to connect into the Village Water System, he shall request from the Water System Operator an estimate of the sum of the Water Expansion and Extension Connection Fee attributable to the property which he wishes to serve with the Village Water System. Within ten (10) days after such application, the Water System Operator shall certify to such applicant the then current amount of the Water Expansion and Extension Connection Fee attributable to the property sought to be served. In arriving at the Water Expansion and Extension Connection Fee, the Water System Operator may request such information from the applicant as shall be reasonably necessary in order that he may compute the amount of the fee. He shall for example, be allowed to inquire as to the use which the applicant desires to make of the land. Any Water Expansion and Extension Connection Fee so certified by the Village shall remain in effect for a period of sixty (60) days and may, at the option of the Village, be further extended. After such sixty (60) day period, if the connection fee has not been paid, the Village may recalculate the amount of such connection fee. In arriving at a recalculated figure, the Water System Operator shall consider any additional cost incurred by the Village in providing the water services desired by the applicant. If an applicant should disagree with or dispute the amount of the Water Expansion and Extension Connection Fee in whole or in part, as determined by the Water System Operator, he shall be allowed to appeal such decision to the Board of Trustees of the Village. The Board of Trustees shall allow the applicant to appear before it, either at a regular or special Village Board Meeting, to present his objections to the estimate of costs. The Village Board may require the Water System Operator to appear before it to explain the manner in which such connection fee has been calculated. The decision of the Village Board regarding this matter shall be final.

(Ord. 11-03, 12-1-11)

§8.03.10 Liability for Payment. The owner of the premises, the occupant thereof, and the user of water services shall be jointly and severally liable to pay for the

water service provided to and for said premises from the Village Water System, and the water service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant, and user of the service are jointly and severally liable therefor to the Village for all user fees and related charges. Said water bills will run with the property and remain a liability of the individuals aforementioned.

TITLE 9

ZONING

Chapters:

- 9.01 Zoning Code; Purpose; Definitions
- 9.02 General Regulations and District Map
- 9.03 Provisions Governing Residential R-1 District
- 9.04 Enforcement, Fees and Penalties
- 9.05 Board of Appeals

Chapter 9.01

Zoning Code; Purpose; Definitions

Sections:

9.01.01	Zoning Code
9.01.02	Purpose
9.01.03	Definitions

§9.01.01 Zoning Code. This Zoning Code shall be known and may be cited as the “Village of Hopewell, Illinois Zoning Code” or “Zoning Code”.

§9.01.02 Purpose. The purposes of the Zoning Code are as follows:

1. To classify, regulate, and limit the area, bulk and use of buildings/structures.
2. To regulate and determine the area of front, side and rear yards, and other open spaces around buildings.
3. To regulate and determine the use and intensity of use of land and lot areas.
4. To classify, regulate and restrict the location of trades, callings, industries, commercial enterprises, and the location of buildings designed for specific uses.
5. To divide the entire Village into districts of such number, shape, area, and of such different classes as are deemed best suited to carry out these purposes.
6. To fix standards to which buildings/structures therein shall conform.
7. To prohibit uses, buildings/structures incompatible with the character of such districts.
8. To prevent additions to and alteration or remodeling of existing buildings/structures in such a way as to avoid the restrictions and limitations herein lawfully imposes.
9. To provide for a Board of Appeals and prescribe its powers and duties.
10. To provide for the enforcement and amendment of the Zoning Code.
11. To provide penalties for the violation of the Zoning Code.

§9.01.03 Definitions. For the purpose of the Zoning Code, certain terms or words used herein shall be interpreted as follows. Words used in the present tense include the future. All words in the singular include the plural, and all words in the plural include the singular. The word “shall” is mandatory and not directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used.”

Accessory Use - Accessory Building/Structure. A subordinate use or building or portion of the main building which is clearly incidental to the main use or the use of the main building, and is located on the same lot as the principal structure and/or use.

Alteration/Addition to an Existing building/structure. The expansion of habitable and/or storage space to any existing structure located within the Village.

Basement. A story, three (3) sides of which are partly below the level of the street grade or ground nearest the building. A basement shall not be counted as a story for the purpose of height regulation.

Board. The Village of Hopewell Board of Trustees.

Board of Appeals. The Village of Hopewell Board of Appeals as established by the Zoning Code.

Building/Construction Permit. A form provided by the Village that must be completed by the property owner and submitted to the Zoning Committee/Zoning Enforcement Officer for review and approval by the Trustee Board before any new construction or alteration/addition to an existing building or structure can begin. In this Chapter, the terms building permit and construction permit shall be synonymous.

Building/Structure. Any walled or roofed structure, including homes, dwellings and any accessory structures. In the Zoning Code the terms building and structure shall be synonymous.

Certificate of Occupancy. A form provided by the Village of Hopewell that must be completed by the property owner and/or contractor and submitted to the Zoning Committee/Zoning Enforcement Officer for review and approval by the Trustee Board before any new construction or alteration/addition to an existing building or structure can be considered habitable or usable.

Dangerous building. Any building/structure which has any of the following defects or is in any of the following conditions that shall be deemed unsafe:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide a safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to or might use such door, aisle, passageway, stairway or other means of exit.

2. Whenever any portion thereof has been damaged by wind, flood, fire or any other cause in such a manner that the structural strength or stability thereof is appreciably less than it was before the catastrophe and is less than the minimum requirements of this article.

3. Whenever any portion or member or appurtenance thereof is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property.

4. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction.

5. Whenever any building/structure or any part thereof, because of dilapidation, deterioration, decay, or faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building/structure or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

6. Whenever, for any reason whatsoever, the building/structure or any portion thereof is manifestly unsafe for the purpose for which it is used.

7. Whenever the building/structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated, as to become an attractive nuisance to children who might play in or about the building/structure to their danger.

8. Whenever the building/structure has been so damaged by fire, wind or flood or has become dilapidated or deteriorated as to afford a harbor for vagrants, criminals, or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

9. Whenever a building/structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement, is unsanitary or unfit for human habitation and is likely to work injury to the health, safety or general welfare of those living within.

10. Whenever any building/structure shall become vacant, dilapidated or open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

11. Whenever any unoccupied building/structure is deemed a nuisance and the building/structure has been secured by the owner or his agents by covering

up the windows and exits with lumber or materials other than glazing materials for a period of 30 days or more, thereby causing a blighting influence on a neighborhood.

Dwelling. A building, structure or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one (1) family.

Dwelling, Single-Family. A permanent building/structure, separate and free-standing, in itself providing living accommodations for one family.

Easement. The right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes. Typical easements are for access to another property (often redundantly stated as “access and egress” since entry and exit are over the same path), for utility or sewer lines both under and above ground, entry to make repairs on a fence or side area and other uses.

Family. One (1) or more persons occupying a dwelling unit as an individual housekeeping organization.

Floor Area. Square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building/structure. It does not include porches, garages, or space in a basement or cellar when such basement or cellar space is used for storage or incidental uses. Floor area and dwelling area shall be synonymous.

Height of Building/Structure. The vertical distance measured from the street level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridge) for gable and hip roofs. Where a building is located upon a terrace or slope the height may be measured from the average ground level at the building wall.

Home Occupation. Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes.

Limited Use/Seasonal Temporary Buildings/Structures. Temporary buildings/structures as described above erected for the purpose of growing vegetables, plants or flowers or protecting firewood from inclement weather (rain, snow and ice) on a seasonal basis (typically from winter until spring).

Lot. A place, parcel, or parcels or plot of land occupied or to be occupied by one principal building and its accessory buildings and required open spaces.

Mobile Home. A building/structure designed for permanent habitation and constructed so as to be drawn by a motor vehicle, by wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent

locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons.

Non-Conforming Use. A use of building/structure, or land lawful at the time of enactment of this Zoning Code, or amendment thereto, that does not conform with the “permitted use” provisions of the Zoning Code.

Remodeling or Repair. Any change in a building/structure that is not a structural alteration or enlargement.

Sectional/Modular Home. A single-family dwelling constructed of one or more modular units that are factory fabricated and transported to the building site where they are attached to a permanent foundation and in the event of more than one modular unit, are joined to make a single-family residence.

Sign. Any outdoor advertising that is a structure or that is attached to or painted on a building/structure or that is leaned against a structure or displayed on a premises.

Street. For the purposes of the Zoning Code only, street shall mean any public or private way twenty feet (20') or more in width dedicated to public travel; the word “street” shall be synonymous with the words “road,” “highway,” and “thoroughfare.”

Story. That portion of a building included between any floor and the floor next above it, or if there is no floor above, then the space between such floor and the ceiling next above it.

Structure. Anything constructed or erected, which required location on the ground, or attached to something having location on the ground. The terms building and structure shall be synonymous.

Structural Alteration. Any change in the supporting members of a building/structure, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or exterior wall.

Temporary Buildings/Structures. Anything constructed or erected, which required location on the ground, or attached to something having location on the ground that has wall and roof framing covered with fabric, canvas, vinyl, rubber or other semi-permanent material.

Trailer. A trailer shall be defined in “Mobile Home.”

Travel Trailer. A trailer, not used commercially, designed to provide temporary living quarters for recreational camping or travel use, and of a size or weight not requiring an over-dimensioned permit when towed on a highway.

Trustee Board. Trustees of the Village of Hopewell, Illinois.

Use. The purpose or activity for which a building, structure, or land is occupied or maintained.

Village. Village of Hopewell, Illinois.

Village Trustee Board. Trustees of the Village of Hopewell, Illinois.

Yard. An open space on the same lot with a principal building/ structure, open, unoccupied, and unobstructed by buildings/ structures, except as otherwise provided in this Zoning Code.

Front Yard. The yard extending across the width of the front of the house between the principal building/structure and the lot line contiguous with the nearest street.

Rear Yard. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building/structure.

Side Yard. The yard extending along the side lot line and the lot line contiguous with the nearest street to the rear yard and lying between the side lot line and the nearest part of the principal building/ structure.

Zoning Committee. A committee of three (3) or more members of the Trustee Board charged with the primary responsibility for administering the Zoning Code. The terms "Zoning Committee" and "Zoning Committee/Zoning Enforcement Officer" shall be identical and interchangeable.

Zoning Committee/Zoning Enforcement Officer. Village Official charged with the primary responsibility for administering this Zoning Code.

(Ord. 2021-02, §2, 2-16-21)

Chapter 9.02

General Regulations and District Map

Sections:

- 9.02.01 Establishment of Districts
- 9.02.02 Boundaries of Districts
- 9.02.03 Application of Regulations
- 9.02.04 Continuance of Non-Conforming Uses
- 9.02.05 Obstructions to Vision at Intersections Prohibited

§9.02.01 Establishment of Districts. For the purpose of this Zoning Code, all land within the Village of Hopewell is hereby designated on the Zoning Map as being in one of the following districts:

R-1 Single-Family Residential

Use Permitted in the R-1 District. Single family dwellings and home occupations.

§9.02.02 Boundaries of Districts. Unless otherwise indicated on the zoning district map, the boundary lines of the districts follow lot lines, center lines of streets, alleys, or such center lines extended or the corporate limit line as existing at the time of adoption of this Zoning Code.

§9.02.03 Application of Regulations. No building/ structure or land shall hereafter be used and no building, structure or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations for the district in which it is located.

Zoning of Annexed Areas. All territory which may hereafter be annexed to the village shall from time of annexation be considered as being in the R-1 District until changed by ordinance, unless the resolution of annexation by the trustees provides for other district classification or classifications. If land is to be annexed and classified other than R-1 then (1) the trustees shall refer the matter to the Zoning Committee/Zoning Enforcement Officer for recommendation and report, and if the Zoning Committee/Zoning Enforcement Officer makes no report within ten (10) days from the date the trustees by motion refer it to the Zoning Committee/Zoning Enforcement Officer, it shall be considered to have made a report approving the proposed annexation and district classification, and (2) the trustees shall hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such hearing in a newspaper published in or having a general

circulation in the Village of Hopewell; said notice may, but need not be, published during the period that the commission has the matter under reference consideration.

Required Open Area Not to be Infringed Upon. Yards, parking space, or lot area required for one building/structure cannot be used for another main building nor can the size of a lot be reduced below the requirements in the Zoning Code.

§9.02.04 Continuance of Non-Conforming Uses. Any lawful use of land or structure existing at the time of adoption of this Zoning Code, or subsequent amendment of this Zoning Code, may be continued with the following limitations:

1. *Expansion of Non-Conforming Uses Limited.* Any building/structure containing a non-conforming use shall not be expanded or substantially remodeled.

2. *Non-Conforming Use Not to Rebuild.* Any building/structure containing a non-conforming use, which has been damaged to the extent of sixty percent (60%) of its current fair value, as estimated immediately prior to damage, shall not be repaired, or reconstructed except in conformity with this Zoning Code.

3. *Discontinued Non-Conforming Use Not to Re-Establish After One Year.* No non-conforming use shall be established after having been discontinued for one year. Vacating of premises or building/structure or non-operative status shall be evidence of a discontinued use.

4. *Non-Conforming Uses Not to be Substituted.* No non-conforming use may be substituted for any other non-conforming use.

§9.02.05 Obstructions to Vision at Intersections Prohibited. On any corner lot in all districts there shall be no obstruction to traffic visibility within twenty-five feet (25') of the intersection of the two street property lines of the corner lot.

Chapter 9.03

Provisions Governing Residential R-1 District

Sections:

9.03.01	Preamble
9.03.02	Use Permitted in the R-1 District
9.03.03	Required Lot Area, Lot Width, and Yards in Residential District
9.03.04	Additional Requirements and Exceptions
9.03.05	Building/Structure Restrictions
9.03.06	Accessory Buildings/Structures
9.03.07	Construction and Materials
9.03.08	Accessory Buildings/Structures on Adjoining Lots
9.03.09	Temporary Buildings/Structures Not Permitted
9.03.10	Limited Use/Seasonal Temporary Buildings/Structures
9.03.11	Small Accessory Buildings/Structures
9.03.12	Large Accessory Buildings/Structures
9.03.13	Fencing
9.03.14	General Conditions – Fencing
9.03.15	Keeping of Chickens

§9.03.01 Preamble. The purpose of the Residential District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

§9.03.02 Use Permitted in the R-1 District.

1. Single-family dwellings and home occupations.
2. Churches, schools, libraries, parks and playgrounds.
3. Accessory buildings and uses as hereinafter provided.

§9.03.03 Required Lot Area, Lot Width, and Yards in Residential District.

	Min. Lot Area Per Family or Rental Unit (Square Feet)	Min. Front Lot Width Per Structure (Feet)	One Front Yard Depth (Feet)	Each Side Yard (Feet)	One Rear Yard (Feet)
Signal-Family Dwelling District	20,000	80	25	10 feet from side lot line	25

§9.03.04 Additional Requirements and Exceptions.

1. On corner lots there must be a front yard on both streets. A corner lot is a lot which has two lot lines contiguous with streets which intersect.
2. The minimum lot area shall not apply to any lot which was recorded as a numbered lot of Phases I, II, III, IV of Hopewell Estates and not re-subdivided prior to April 30, 1983.
3. No more than one dwelling house shall be erected on any one lot and no lot shall be re-subdivided into smaller lots or parts thereof.
4. No trailer, mobile home, camping trailer, basement, tent or garage, shall at any time be used as a residence temporarily or permanently.
5. Lot owner shall not quarter or raise or permit on their lot any horses, livestock or poultry, and no more than five (5) domestic pets shall be quartered or raised on any lot.
6. Lot coverage. No building with its accessory buildings shall occupy in excess of thirty percent (30%) of the area of the lot.
7. Lot owner shall not use or permit the premises to be used for any immoral or illegal purposes or do or permit anything to be done or remain on the premises in any way tending to pollute or to create a nuisance or disturb the peace and quiet of the neighborhood or annoy any occupant or neighboring property.
8. The lot owner will keep his lot and all improvements thereon in a sanitary condition, decent, neat, and free from garbage and refuse, and shall maintain all improvements thereon in good repair and attractive in appearance.
9. Building height. No building/structure shall hereafter be erected, altered or enlarged to exceed two and one-half (2½) stories or to exceed thirty-five feet (35') in height.
10. In cases where adjoining lots are owned by the same person, buildings/structures may be constructed on the secondary/adjoining lot (the primary lot being where the residence presides).
 - a. The allowable building/structure size for each lot shall not exceed 30% of the total area of each lot.
 - b. A building/construction permit for the secondary/adjoining lot building/structure must be approved by the Zoning Committee/Zoning Enforcement Officer and village trustee board.

c. Thereafter, the property MUST be subsequently sold as a combined property. If NOT sold as a combined property, any building/structures present on the secondary/adjoining lot MUST be disassembled and removed.

§9.03.05 Building/Structure Restrictions. Lot owners of all lots in the Village of Hopewell shall construct, maintain, use and occupy a single-family dwelling house and appurtenances. The house shall contain a minimum enclosed dwelling area of 1,400 square feet. If the house is two story, the dwelling shall contain a minimum of 850 square feet on the 1st floor.

§9.03.06 Accessory Buildings/Structures. An accessory or outbuilding is defined as any separate structure placed on the same lot as a previously existing dwelling. An accessory building may be used for personal use only (for example, storage or workshop space). It may not be used for any business purpose. The following requirements are established for any accessory buildings to be located in the Village of Hopewell.

§9.03.07 Construction and Materials. All accessory buildings shall be of permanent construction and material.

§9.03.08 Accessory Buildings/Structures on Adjoining Lots. An accessory building/structure may be constructed on the secondary/adjoining lot (the primary lot being where the residence presides).

1. The allowable building/structure size for each lot shall not exceed 30% of the total area of each lot.

2. A building/construction permit for the secondary/adjoining lot building/structure must be approved by the Zoning Committee/Zoning Enforcement Officer and village trustee board.

3. Thereafter, the property MUST be subsequently sold as a combined property. If NOT sold as a combined property, any building/structures present on the secondary/adjoining lot MUST be disassembled and removed.

§9.03.09 Temporary Buildings/Structures Not Permitted. As defined in this Zoning Code a temporary building/structure consisting of wall and roof framing covered with fabric, canvas, vinyl, rubber or other semi-permanent material is not permitted in the village (with the exception as noted below).

§9.03.10 Limited Use/Seasonal Temporary Buildings/Structures. Temporary buildings/structures as described above may be erected for the following purposes:

1. Growing vegetables, plants or flowers ON A SEASONAL BASIS (late winter to springtime).
2. Protecting firewood from inclement weather (rain, snow and ice) ON A SEASONAL BASIS (winter months).

These structures are permitted provided said buildings/structures are disassembled and stored when the growing season or weather no longer requires their use.

§9.03.11 Small Accessory Buildings/Structures.

1. A small accessory building/ structure is defined as any structure with a maximum floor area less of hundred fifty (150) square feet.
2. Small accessory buildings/structures are acceptable on all lots as long as the requirements stated herein are met.
3. A Building/Construction Permit is required to add or replace a Small Accessory Building/Structure at any residential dwelling.
4. A Small Accessory Building/Structure may not be located at the front of the main residential dwelling. It may be located at the side or rear of the main dwelling as long as all property set-back requirements have been met.
5. All Small Accessory Buildings/Structures are approved or denied by the Village of Hopewell Zoning Committee/Zoning Officer and Trustee Board on an individual basis. Approval or denial is based upon the following factors:
 - a. Accessory building size
 - b. Accessory building location
 - c. Appearance and visibility of accessory building from all public roads and from neighboring residential dwellings.
6. It is desirable (but not required) that the building/structure style and exterior siding and color match the existing residential dwelling as closely as possible.
7. Dangerous buildings/structures prohibited. It shall be unlawful for any owner or agent thereof to keep or maintain any building/ structure or part thereof in any unsafe or dangerous condition.

(Ord. 2021-02, §3, 2-16-21)

§9.03.12 Large Accessory Buildings/Structures.

1. A Large Accessory Building/Structure is defined as any structure with a floor area of greater than 150 square feet. The size of a Large Accessory Building/Structure is limited in size based upon the requirement of this Zoning Code that no main residential building and all its accessory buildings shall occupy in excess of thirty percent (30%) of the area of the lot (see part 6 to Section 9.03.04).

2. A Building/Construction Permit is required to add a Large Accessory Building/Structure at any residential dwelling.

3. A Large Accessory Building/Structure may not be located at the front of the main residential dwelling, but may be located at the side or rear of the main residential dwelling. It must also meet all lot set-back requirements.

4. All Large Accessory Buildings/Structures are approved or denied by the Village of Hopewell Zoning Committee/Zoning Officer and Trustee Board on an individual basis. Approval or denial is based upon the following factors:

a. Accessory building size

b. Accessory building location

c. Appearance and visibility of accessory building from all public roads and from neighboring residential dwellings.

5. It is desirable (but not required) that the building style and exterior siding and color match the existing residential dwelling as closely as possible.

6. Dangerous buildings/structures prohibited. It shall be unlawful for any owner or agent thereof to keep or maintain any building/ structure or part thereof in any unsafe or dangerous condition.

(Ord. 2021-02, §4, 2-16-21)

§9.03.13 Fencing. Purpose statement - this section is intended to provide for fences in the village in an attractive, safe and functional manner.

§9.03.14 General Conditions – Fencing.

1. A Building/Construction Permit is required to add a fence on any residential dwelling lot.

2. Fences shall be constructed such that vertical and/or horizontal supports and cross members are facing the interior of the lot.

3. Fences in residential front yards - no fence shall be constructed in the required front yard of any lot, without administrative approval of a permit or a variance approved pursuant to the provisions of this section.

4. Fences in residential side yards - a fence may be constructed in the side yard on any lot. Such a fence shall not exceed six feet (6') in height.

5. Fences in residential rear yards - a fence which is not greater than six feet (6') in height may be constructed in the rear yard of any lot.

6. Fences on corner side yards - on a corner side yard the following regulations shall apply:

a. Except as provided below, the fence regulations for corner side yards shall be the same regulations for front yards.

b. A fence may be erected in a corner side yard no closer than ten feet (10') from the property line.

7. Standards for the granting of a variation of fence height, fence location or setback requirements. A variance may be granted only after the following findings have been made:

a. That there exist special circumstances unique to the lot in question or use thereof which would make the variation necessary for the full enjoyment of the lot by the owners or occupiers.

8. Revocation - In any case where a fence allowed by a variation of these regulations has not been maintained or constructed for six (6) continuous months after granting thereof, then without further action it shall be null and void.

9. Standards for front yard fences (assuming grounds for variance exists):

a. The height of the fence shall not exceed four feet (4') and shall be at least seventy percent (70%) open in design. Where a lot is located at the intersection of two (2) or more streets, and there are dwellings in the same block which front on both streets, on that portion of the lot to which the dwelling does not front, the fence shall be constructed at least ten feet (10') from the property line and shall be at least fifty percent (50%) open in design.

b. The fence shall not encroach on the right-of-way or impair vehicular visibility at intersections of public rights-of-way.

10. Minor fence variations - Minor variations of no more than two feet (2') to fence heights are permitted and variances of no more than seven feet (7') to side yard requirements on each yard may be granted by the Trustee Board, provided that

the owner of a lot desiring such variations obtains written approval of the locations and type of fence from all owners of adjoining lots.

11. Term of approval:

a. Where an approved fence has not been established or constructed within six (6) months after the granting of the fence approval, then without further action by the Village, said permit shall be null and void.

b. If a fence permit pursuant to this Zoning Code has been discontinued for a period of six (6) months or more, it shall not be reestablished without obtaining new approval.

c. Any repair, replacement or change to a fence must be in accordance with standards specified.

This requirement shall apply to all new construction of fences following the date of adoption of this Zoning Code or amendment thereto. Existing fences are exempt (grandfathered), until such time said existing fences are replaced, then the requirements of this section shall apply.

(Ord. 2021-02, §5, 2-16-21)

§9.03.15 Keeping of Chickens.

1. Conditions of Keeping Chickens: The keeping of chickens within the Village is prohibited unless compliance with all of the conditions required by this Section are maintained. As used on this Section, the term “chickens” means hens and does not include roosters. A permit shall allow a maximum of five (5) chickens with no roosters as provided herein:

a. A chicken coop shall be required on all properties where chickens are kept.

b. The chicken coop shall accommodate all chickens permitted on the property, must be located in the rear yard, and must be a minimum distance of twenty feet (20’) from the nearest property line.

c. All chicken runs shall be located in the rear yard, be appropriately fenced to prevent the chickens from leaving the run, and be located at least twenty feet (20’) from the nearest property line.

d. The property must possess a single-family residential zoning classification.

e. Free range chickens are not permitted. “Free range chickens”,

for the purpose of this Section, are defined as chickens that are not restrained by a chicken coop or chicken run that has been permitted and approved pursuant to this Section.

f. A sealable food container is required for chicken feed. Chicken feed shall be kept in a predator proof/rodent proof container.

g. Waste material must be disposed of in a manner that will not cause odor or attract flies or vermin.

h. All areas where chickens are kept shall be maintained to be neat and clean and free of undue accumulation of waste such as to prevent odors detectable on adjacent property.

i. No person shall allow chickens to produce noise loud enough to disturb the peace of persons in surrounding properties.

j. The owner of chickens shall ensure that their chickens are cared for properly when ill and disposed of in a manner that does not endanger the public health and safety when their chickens die.

k. The slaughtering of chickens kept in the Village, as authorized by these regulations, is hereby prohibited in the Village.

l. No chickens may be kept or maintained to be used for the purpose of fighting.

m. The Zoning Officer or a member of the Zoning Board, or their designees, may inspect the conditions where the chickens are kept at any reasonable time with prior notice.

2. Procedures for Acquiring Chickens:

a. The person desiring chickens shall construct or have delivered and installed a chicken coop of appropriate size and stability for the number of chickens they seek to keep.

b. The Zoning Officer or a member of the Zoning Board, or their designees, may inspect the chicken coop and chicken run before an initial permit is issued. If chicken coop and chicken run are found to be satisfactory, a zoning permit will be given to the resident entitling the resident keep chickens on the resident's property as provide in this Section. If the chicken coop and chicken run are found to be unsatisfactory, the resident will be informed of defects and given an opportunity to rectify said defects.

c. The resident will submit the appropriate permit fee for maintaining chicken coop and chicken run to the Village Clerk. The fee shall be an annual fee of Ten Dollars (\$10.00) and may be renewed unless it is determined that the conditions of keeping chickens required by this Section have not been maintained.

d. After the inspection, approval, issuance of permit, and payment required herein, the resident may maintain up to five (5) chickens on the resident's property as provided in this Section.

3. Fines and Penalties: If a person keeping chickens fails to maintain the conditions of keeping chickens as required by this Section, he or she shall be subject to prosecution for a violation of this Section, with each day that the required conditions were not maintained being a separate offense. The minimum fine for any violation of this Section shall be One Hundred Dollars (\$100.00). Upon conviction in the circuit court of a violation of this Section, in addition to the fine or penalty that may be imposed by the court, the Village Clerk shall revoke the permit previously granted to the person convicted.

4. Permit Term; Late Fee: Unless a permit is revoked, the permit period for a permit issued under this Section shall be from April 1 through the immediately following March 31. After the initial permit is issued, a new permit period will commence on April 1 every year thereafter. The permit fee will not be prorated if the initial permit period is less than 12 months. A new permit shall be obtained by each April 1 by every owner, and a new permit fee shall be paid. Anyone who fails to obtain the permit required by this Chapter within the time as required by this Section, shall be required to pay a late fee of Ten Dollars (\$10.00) per permit for failure to timely obtain said permit in addition to the permit fee set forth in this Section.

(Ord. 2021-01, §2, 2-16-21)

Chapter 9.04

Enforcement, Fees and Penalties

Sections:

- 9.04.01 Enforcement
- 9.04.02 Zoning Committee/Zoning Enforcement Officer
- 9.04.03 Building/Construction Permits and Certificates of Occupancy
- 9.04.04 Issuance of Permit
- 9.04.05 Building/Construction Permit Fees
- 9.04.06 New Residence Construction Deposit
- 9.04.07 Water System Deposit
- 9.04.08 Additional Requirements
- 9.04.09 Certificate of Occupancy
- 9.04.10 Remedies and Penalties

§9.04.01 Enforcement. A copy of this Zoning Code, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Marshall County, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks system of said Village on their properties, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

§9.04.02 Zoning Committee/Zoning Enforcement Officer. This Zoning Code shall be administered and enforced by the Zoning Committee/Zoning Enforcement Officer. The Zoning Committee shall consist of three (3) or more members of the village trustee board who shall be appointed by the President with the Village Board's concurrence. In the context of the Zoning Code, the terms "Zoning Committee" and "Zoning Committee/Zoning Enforcement Officer" shall be identical and interchangeable.

§9.04.03 Building/Construction Permits and Certificates of Occupancy. Permit Required. It shall be unlawful to commence the excavation for or the construction of any building/structure, including accessory buildings, until the Zoning Committee/Zoning Enforcement Officer and Trustee Board has issued a permit for such work.

§9.04.04 Issuance of Permit. In applying to the Zoning Committee/Zoning Enforcement Officer for a permit, the applicant shall request a building/construction permit provided by the Village Clerk, dimensioned sketch or scale plan indicating the shape, size, height and location of all buildings/structures to be erected, altered, or moved and of any building/structure already on the lot. He/she shall also state the existing and intended use

of all buildings/structures and supply such other information as may be required by the Zoning Committee/Zoning Enforcement Officer for determining whether the provisions of this Zoning Code are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Zoning Code and other ordinances of the village, the Zoning Committee/Zoning Enforcement Officer with the approval of the Trustee Board shall issue a permit for such excavation or construction. For Small Accessory Buildings and Fences, a building permit may be approved by a majority of quorum of the Zoning Committee without approval of the full board. If a permit is refused, the Zoning Committee/Zoning Enforcement Officer shall state such a refusal in writing, with the cause, and shall immediately forward such notice of refusal to the applicant. The Zoning Committee/Zoning Enforcement Officer shall grant or deny the permit within 10 days from the date the application is submitted.

The issuance of a permit shall in no case be construed as waiving any provisions of this Zoning Code.

The initial (first) permit shall be void ninety (90) days after issuance unless substantial progress has been made by that date on the project described therein. The initial (first) permit shall be void one hundred eighty (180) days after issuance unless a certificate of occupancy has been issued.

In circumstances where the construction has NOT been completed in the initial one hundred eighty (180) days, the property owner shall meet with the Trustee Board and provide an explanation why construction has not been completed. Explanations may or may not include:

- Delays due to inclement weather and/or natural disaster
- Delays due to lack of availability of construction materials
- Delays due to extended illness of property owner, contractors and etc.
- Delays due to neglect or lack of attention by the property owner

The Trustee Board shall decide (if the circumstances warrant) whether to issue a secondary (2nd) construction permit. Said permit shall be valid for ninety (90) days only.

The Trustee Board shall determine (based upon the explanation given) the fee for the secondary (2nd) construction permit as follows:

- Circumstances beyond the property owner's control (justified) \$150.00
- Neglect or lack of attention by the property owner (not-justified) \$300.00

The five hundred dollar (\$500.00) construction deposit shall continue to be held until completion of construction and filing by the property owner of a Certificate of Occupancy.

In circumstances where the construction has NOT been completed in the additional/secondary ninety (90) days, the property owner shall meet with the Trustee Board and provide an explanation why construction has not been completed.

The Trustee Board shall determine whether to:

1. Extend the building permit for another ninety (90) days using the fee structure as described above for the secondary (2nd) construction permit.
2. File a lien for the lot/property in question with the County Recorder of Deeds and if necessary to bring legal action to foreclose said lien against such lot or lots and to obtain a personal judgment for court costs against the responsible lot owners.

(Ord. 2021-02, §6, 2-16-21)

§9.04.05 Building/Construction Permit Fees. To partially defray the expense of administering this Zoning Code, fees shall be collected by the Zoning Committee/Zoning Enforcement Officer in accordance with the following schedule:

- A. Residence/home initial permit \$150.00 (plus \$500.00 construction deposit)
- B. Secondary (2nd) construction permit (as determined by the Trustee Board) either \$150.00 or \$300.00
- C. Tertiary (3rd) construction permit (as determined by the Trustee Board) either \$150.00 or \$300.00
- D. Small Accessory building (less than 150 square feet) \$25.00
- E. Large Accessory building (more than 150 square feet) \$50.00
- F. Alteration/addition to existing building/residence/structure \$75.00
 1. Depending upon the size/scope of the alteration/addition, the village trustee board may require a \$500.00 road damage deposit (see section below for explanation)
- G. Fence (regardless of length) \$25.00

§9.04.06 New Residence Construction Deposit. A new residence construction five hundred dollar (\$500.00) deposit is required when applying for a construction permit. The purpose of the deposit is to assure the owner/contractor does not allow construction material delivery vehicles (relative to the delivery of materials for the owner's residence) to travel the streets/property of the Village in excess of the posted vehicle weight limits. The deposit will be refunded upon submission of a completed Certificate of Occupancy, approved by the Zoning Committee/Zoning Enforcement Officer and Village Trustees, and determination by the Village Engineer

and/or Village Trustees that no street/road damage from construction material delivery vehicles has occurred.

§9.04.07 Water System Deposit.

1. All residential water usage must come from the Village of Hopewell Water Company.
2. The initial fee to connect to the Hopewell Water Supply is five hundred dollars (\$500.00).
3. A water meter will be provided that must be installed and includes an external water usage reader. It is the owner/contractor's responsibility to properly install the meter.
4. All water meters must be installed as follows:
 - a. Meter installation must include shut-off valves both before and after (upstream and downstream) of the meter.
 - b. Meter installation must be located within the structure in such a way that it can be easily replaced.
 - c. The outside meter reader must be located between 4 feet and 5 feet from ground level on the exterior of the structure and easily accessible by Village Water Company personnel to view.
 - d. The Village Water Company Operator must witness/verify proper meter/reader installation.

§9.04.08 Additional Requirements.

1. Steel and/or double wall plastic culvert(s) are required for each entry and exit from the property. Culverts must be a minimum fifteen inches (15") in diameter, twenty-five feet (25') in length and be at or below the grade level by one inch (1") minimum of the lowest portion of the ditch in which they are installed. Culvert installation must provide for proper fall for drainage purposes.
2. All residences are required to have a septic system. Septic system permits are required from the Marshall County Health Department.

§9.04.09 Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its uses or structure shall be used until the Zoning Committee/Zoning Enforcement Officer and Trustee Board shall have issued a Certificate of Occupancy indicating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Zoning Code.

Certificate forms are available from the Village Clerk or Zoning Committee/Zoning Enforcement Officer. The certificate must be completed by the owner and/or contractor, submitted to the Zoning Committee/Zoning Enforcement Officer and reviewed and approved by the Trustee Board before occupancy and/or use. The homeowner and/or construction contractor must provide the following certificates or inspection results:

1. Structural: The construction complies with all applicable Federal, State and Local Building Requirements and Codes.
2. Electrical: The electrical installation complies with all applicable Federal, State and Local Electrical Requirements and Codes.
3. Plumbing: The plumbing installation complies with all applicable Federal, State and Local Plumbing Requirements and Codes.
4. Septic: The septic system complies with the requirements of the Marshall County Health Department.
5. Heating, Ventilation, Air Conditioning (HVAC): The HVAC installation complies with all applicable Federal, State and Local HVAC Requirements and Codes.
6. All construction/building materials shall have been removed from the property that is in plain view from the street.
7. The ground/yard surrounding the structure shall have been finish graded and seeded or sodded.

§9.04.10 Remedies and Penalties. In case any building/structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building/structure, or land is used in violation of this Zoning Code, the proper authorities of the Village Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent the occupancy of such building/structure, or land.

Any person violating any provisions of this Zoning Code shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day a violation is permitted to exist shall constitute a separate offense. If payment is not received from the party in violation of this Zoning Code within thirty (30) days from receipt of the certified letter, the Village of Hopewell is hereby authorized to file a lien against each affected lot for the delinquent amount with the County Recorder of Deeds and if necessary to bring legal action to foreclose said lien against such lot or lots and to obtain a personal judgment for the delinquent balance due plus court costs against the responsible lot owners.

A determination by a court that a violation of this Zoning Code has taken place and the assessment of a penalty thereof shall not preclude the Village from seeking recovery of any unpaid charges, fees or other sums due the Village under this or other provisions of the Village Code because of the furnishing by the Village of its utility services.

Chapter 9.05

Board of Appeals

Sections:

- 9.05.01 Authorization and Appointment
- 9.05.02 Procedure
- 9.05.03 Appeals: How Taken
- 9.05.04 Powers of the Board of Appeals

§9.05.01 Authorization and Appointment. A Board of Appeals is hereby authorized in accordance with Division 13 of the Illinois Municipal Code. The Board of Appeals shall consist of three (3) members to be appointed by the President and the Village Board. The members of the Board of Appeals shall serve as follows: for the initial appointments: one for one year; one for two years; one for three years. Successors to each member so appointed shall serve for a term of one (1) year. One of the members so appointed shall be named chairman at the time of his appointment. The appointing authority has the power to remove any member of the Board of Appeals. Vacancies shall be filled for the unexpired term of the members whose place has become vacant.

§9.05.02 Procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, or failure to vote, of each member upon every question, and shall keep records of its examinations and other official actions. All Board of Appeal action shall be a matter of public record.

§9.05.03 Appeals: How Taken. An appeal to the Board of Appeals may be taken by any person aggrieved by any order, requirements, decision, or determination by any governmental officer, department, board, or bureau based in whole or in part upon the provisions of this Zoning Code.

Such appeal shall be filed with the Zoning Committee/Zoning Enforcement Officer and the Board of Appeals within twenty (20) days of the action appealed from. Upon appeal, the Zoning Committee/Zoning Enforcement Officer shall immediately transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Committee/Zoning Enforcement Officer certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. The Board shall fix a reasonable time for hearing of the appeal, a notice of which shall be published at least one, not more than thirty (30) days, nor less than fifteen (15) days before the hearing in a

newspaper of general circulation within the community or in the absence of a newspaper, posting the hearing in three (3) prominent locations within the village.

The concurring vote of three (3) members of the Board of Appeals is necessary to reverse any order, requirement, decision of an administrative official, or to decide in favor of the applicant.

§9.05.04 Powers of the Board of Appeals. The Board of Appeals shall have the following powers:

Interpretation and Administrative Review. To hear and decide appeals where it is alleged that there is an error in any action by the Zoning Committee/Zoning Enforcement Officer or other administrative official in carrying out the provisions of this Zoning Code; and for the interpretation of the Zoning Map.

Variations. To hear and decide on applications for a variation in cases where there are practical difficulties or particular hardship in the way of carrying out the provisions of this Zoning Code.

Before any variation is granted, the Board of Appeals must make a finding of facts that all of the following conditions are shown to be present: (a) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; (b) the plight of the owner is due to unique circumstances, and (c) a variation, if granted, will not alter the essential character of the locality. In granting a variation the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Zoning Code. Violation of any of these conditions or safeguards shall be deemed a violation of this Zoning Code.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to permit a use not generally permitted in the district involved.

In order to partially defray the expenses of public hearings involving variations, the applicant shall pay the sum of fifty dollars (\$50.00) to the Village Treasurer at the time of filing of the appeal for a variance.

(Ord. 16-02, 11-15-16)

