

ORDINANCES 2003

03-01

An Ordinance For The Establishment of An Altered Speed Zone of 35 mph for a portion of West Lake Rd. beginning at Wood Rd. and extending easterly for a total distance of 0.18 miles to the Carbondale Corporate Limit.

03-2

Jackson County Liquor Control Ordinance

03-3

An Ordinance Amendment for the Jackson County Refuse Storage, Handling and Nuisance Abatement Ordinance.

03-3A

An Ordinance For the Establishment of an Altered Speed Zone of 30 mph on a Murphysboro Twp. Rd. (Health Dept.Rd.) beginning at Murdale Gardens Rd. and extending easterly to the end of Murphysboro Township's Maintenance (a total distance of 0.315 miles)

03-4

A technical correction to the current Enterprise Zone ordinance to clarify that abatement of taxes does not apply to Tax Increment Financing properties located within the Enterprise Zone.

03-5

A motion was made by Compton, seconded by Korando, to add the 10.25 Acre Land Development on the South Frontage Road of Ill.Rte. 13, East of Reed Station Road, Carbondale, Il., Tax index No.:15-13-251-002 to the exiting Carbondale Enterprise Zone.

03-6

An Ordinance Repealing the Jackson County Refuse Disposal Ordinance.

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AN ORDINANCE FOR THE ESTABLISHMENT

OF AN ALTERED SPEED ZONE

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IT IS HEREBY DECLARED by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-604 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Carbondale Township has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

BE IT FURTHER DECLARED that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

BE IT FURTHER DECLARED that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper absolute maximum speed limit upon a portion of West Lake Road as listed below shall be 35 m.p.h.

A 35 mile per hour speed limit beginning at Wood Road and extending easterly for a total distance of 0.18 miles to the Carbondale Corporate Limit.

BE IT FURTHER DECLARED that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

BE IT FURTHER DECLARED that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on 2-12, 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 12 day of Feb., 2003

Larry W Reinhardt
Larry Reinhardt, County Clerk

SEAL

03-2

JACKSON COUNTY LIQUOR CONTROL ORDINANCE

ADOPTED May 14, 2003

WHEREAS, the County Board, Jackson County, Illinois finds that it is in the best interests of the citizens of Jackson County, Illinois, that all existing Liquor Control Ordinances or amendments thereto should be repealed, and

WHEREAS, the County Board, Jackson County, Illinois, further finds that in the interests of the public health, safety, and welfare of the people of Jackson County, Illinois, and pursuant to statutory authority granted in the Illinois Liquor Control Act, a new Liquor Control Ordinance should be adopted.

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance adopted in 1987, and, all resolutions of the County Board of Jackson County which may have been enacted pursuant thereto be, and all amendments thereto are hereby repealed.

THEREFORE, BE IT FURTHER ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance of 2003 be, and is hereby enacted as follows:

ARTICLE I

General Provisions

Section 1. Construction

This ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of Jackson County may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be

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encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

Section 2. Definitions

Unless the context otherwise requires, the following word and phrases as used in this Chapter shall be construed according to the definitions set forth below:

A. Alcohol. The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured or wood alcohol.

B. Alcoholic Liquor. Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.

C. Beer. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.

E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.



F. Club. An organization formed under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building or such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body, chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

G. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to

the Licensed Premise .

H. Delivery. The act of transferring or giving in any manner or by any means alcoholic liquor to another by any person, whether as principal, proprietor, agent, servant or employee.

I. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.

J. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.

K. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.

L. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.

M. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

N. Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

O. Retail Sale. The sale for use or consumption and not for resale.

P. Sale. Any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means sales made by any person, whether as principal, proprietor, agent, servant, or employee.

Q. Spirits. Any beverage which contains alcohol obtained by distillation, mixed water or other substance in solution and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

R. Change In Interest or Ownership. The phrase change in interest of ownership means:

- (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
- (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
- (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest,

or over twenty-five (25%) of the stock thereof.

S. Tavern. Any public place kept, used, maintained, advertised or held out to be public as a place where alcoholic liquor is served and where food is not served in the form of meals.

T. Wine. Any alcoholic beverage obtained by or through the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined herein.

Section 3. Applicability of State Law.

All provision of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second Sp. Sess., approved Jan. 31, 1934, eff. July 1, 1934. (235 ILCS 5/1-1 et seq.), as amended or shall be amended are hereby incorporated and made a part of this Ordinance insofar as the provisions of such state law pertain to this county. In that event of a conflict between state law and any provisions of this Ordinance, the state law shall govern.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or is held to be otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE II

Liquor Control Commissioner

Section 1. Commissioner Defined

The Chairman of the County Board of the County of Jackson, State of Illinois, shall be the Liquor Control Commissioner, and shall act as such in and for

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that area in the County of Jackson, State of Illinois, which is not within the limits of any city, incorporated town or village.

Section 2. Compensation

The Liquor Control Commissioner of Jackson County shall receive compensation in the amount of One Thousand Dollars (\$1000.00) per year for performing his duties of office, said sum shall be paid monthly in equal installments.

Section 3. Powers and Duties of the Local Liquor Control Commissioner

The Liquor Control Commissioner of Jackson County, Illinois, shall have the following powers and duties:

A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.

B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:

(1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

(2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;

(3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee any



opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

C. To enter, or to authorize any person acting as an agent of the Commissioner, any inspector, law enforcement, or peace officer to enter at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this ordinance have been or are being violated, and, to inspect or examine such premises at the time of entry thereon.

D. To require that all licensed premises be maintained and operated in a sanitary condition, and, in compliance with all applicable rules and regulations, fo the Health Department of the County of Jackson, and, in compliance with all zoning and land use regulations of Jackson County, Illinois, and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the County of Jackson and the State of Illinois; to assure the public safety, welfare, and best interests of people of Jackson County;

E. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County of Jackson.

F. To receive complaints from any citizen regarding violation of any of the provisions of this Ordinance or of the Illinois Liquor Control Act, or complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof, and, to act upon such complaints as herein provided.

G. To receive personally, or through a designated agent, all local license fees and to pay the same forthwith to the County Treasurer.

H. The Liquor Control Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Control Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and, in connection with such examination may issue subpoenas which shall be effective in any part of the State of Illinois. In conducting such examinations, the Liquor Control Commissioner may authorize an agent to act on his behalf.

Section 4. Records

The Liquor Control Commissioner shall maintain or cause to be maintained a complete record of all licenses issued pursuant to this Ordinance.

ARTICLE III

Liquor Advisory Board

Section 1. Establishment of Liquor Advisory Board

There is hereby established a liquor Advisory Board which shall have the powers and duties as set forth in this Article.

Section 2. Membership

- A. The Liquor Advisory Board shall consist of the following members:
1. The Sheriff or his/her representative;
 2. The State's Attorney or his/her representative;
 3. The Chair of the Health and Safety Committee;

4. A representative from the Jackson County Health Department;
5. At least one, but not more than three, citizens of the County to be appointed biannually by the Chair of the County Board with the approval of the full County Board.

B. In cases where an application for a new liquor license has been made, the Liquor Advisory Board shall also include, for purposes of reviewing such new application, the two County Board members for the district in which the proposed establishment is to be located.

Section 3. Powers and Duties

The Liquor Advisory Board shall have the following powers and duties:

- A. To review all liquor license applications, both new and renewals;
- B. To meet and discuss liquor license applications with all applicants;
- C. To render an advisory opinion as to the merits or demerits of each liquor license application it reviews;
- D. To receive complaints made against licensees and to inform the Liquor Control Commissioner of those complaints which require further action under this Ordinance;
- E. To monitor all licensees for compliance with state and local law; and
- F. To seek public input and to receive community concerns regarding liquor and liquor licenses.

Section 4. Criteria for Liquor Advisory Board Recommendations

The Liquor Advisory Board shall consider the following criteria in making its recommendations regarding license applications to the Liquor Control Commissioner:

- A. Compliance by the applicant with state laws and local ordinances;

B. Potential impact upon and demand for public services by the applicant, should the license be granted;

C. Proximity to and potential impact upon residential property, schools, and religious buildings by the applicant, should the license be granted;

D. Potential impact upon traffic safety by the applicant, should the license be granted;

E. Adequacy of street lighting and on-site lighting in the location of the establishment;

F. Availability and adequacy of parking for the establishment;

G. Character and nature of the proposed establishment;

H. Whether live entertainment will be provided by the licensee and the nature of such entertainment;

I. The manner of operation of the establishment or the proposed manner of operation of the establishment, if a new application, including, but not limited to, staffing levels, the ability and commitment to abide by laws and regulations, and the ability to monitor activities both within the confines of the establishment and upon the real property containing the establishment;

J. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales and services; and

K. The health, safety, and welfare of the area in which the establishment is located or proposed to be located.

Section 5. Meetings

A. The Liquor Advisory Board shall meet not less than semi-annually to carry out its duties.

B. The Liquor Advisory Board shall establish dates, times, and places for

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its meetings.

C. Emergency meetings may be called upon the vote of four (4) members of the Liquor Advisory Board.

D. Notice of all Liquor Advisory Board meetings shall be provided to all interested parties pursuant to the Open Meetings Act.

ARTICLE IV

Licenses

Section 1. License Required

Licenses shall be granted for the sale of alcoholic liquors in all its forms as defined in the statutes of this state, subject to the conditions of this ordinance. No person, either by himself or his agent or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail in the unincorporated areas of the county any alcoholic liquor without first having obtained a license to do so as hereinafter provided; and, it shall be likewise be unlawful for any person to sell or offer for sale any intoxicating liquors, in violation of the terms and conditions of such license and this Ordinance and the laws of this state.

Section 2. License Required for Each Place Operated by Licensee

A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.

B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow

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consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

- A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.
- B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.
- C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before September 30 of the year preceding the license year.

Section 4. Persons Ineligible to Hold a License.

No License shall be issued to:

- A. A person who is not a bona fide resident of the County of Jackson.
- B. A person who is not of good character and reputation of the County of Jackson.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame

under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.

- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.
- J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.
- K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.
- L. A corporation, if any officer, manager or director thereof, or any

stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.

- M. A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.
- O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.
- Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- R. A person under the age of twenty-one (21) years or under any legal disability.

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- S. Any person who, if issued a license, would utilize said license in such a way as to adversely affect the health, safety and welfare of the general public.

Section 5. Duration

- A. All licenses shall be issued for a term not to exceed one year.
- B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6. Transfer of License

- A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.
- B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.
- C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business.

- A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to

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cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.

- B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.
- C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest- Ownership.

Changes in the interest or ownership of any licensed premise are subject to the following requirements:

- A. Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Ordinance, Shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five (25%) of the stock. All such persons shall meet all the requirements of this Ordinance and must otherwise qualify to hold a license.
- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.
- C. When a license has been issued to a corporation and a change has taken place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate, effective on the date of said change.

Section 9. Changes in Operation.

A license issued under the provisions of this Ordinance shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Ordinance on the particular class of license described therein. Any change or alteration in the operation of the licensed premise which varies in any manner from that on the

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date of the issuance of the license shall be reported in writing to the Liquor Control Commissioner within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license.

Section 10. Renewals

The Liquor Control Commissioner may renew a license at the expiration thereof; provided that the applicant makes application for renewal and meets the eligibility requirements of this ordinance and all its provisions.

Section 11. Display

Every licensee under this article shall cause his license to be framed under glass and posted in a conspicuous place within the premises licensed, so that any person entering such premises may easily read the license.

ARTICLE V

Classification and Schedule of Fees

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eight (8) classes as follows:

- A. Class A. Class "A" Licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- B. Class B. Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.

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- C. Class C. Class "C" licenses shall authorize the retail sale of alcoholic liquors in the original packages and not for consumption on the premises where sold.
- D. Class D. Class "D" licenses shall authorize the retail sale of only beer and/or wine only in the original packages and not for consumption on the premises where sold.
- E. Class E. Class "E" licenses shall authorize the sale of alcoholic liquors on the premises of any club for consumption on the premises. Club shall be as defined in this ordinance.
- F. Class F. Class "F" licenses shall authorize the sale of alcoholic liquors by community associations or groups which are not for profit organizations. Said licenses shall be effective only from one (1) to three (3) days duration.
- G. Class G. Class "G" license shall authorize the sale and offer for retail sale of wine for consumption on the premises, as well as other retail sales of such wine in the original package which shall be consumed on or off the premises.
- H. Class H. Class "H" license shall authorize a licensee (under this ordinance) to transfer a portion of its alcoholic liquor inventory from its licensed premises to the premises specified in the license hereby created and to sell or offer for retail sale or consumption, only on the premises specified in the license hereby created, the transferred alcoholic liquor as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. Such license shall be granted only for the following time periods; one

day or less, two or more days to a maximum of fifteen days per location in any twelve month period. The applicant for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law.

Section 2. Fees.

A. The annual license fee for each license shall be as follows:

Class A	\$900.00
Class B	\$675.00
Class C	\$900.00
Class D	\$180.00
Class E	\$540.00
Class F	\$ 50.00
Class G	\$300.00
Class H	\$ 75.00

B. In the event the initial application is for a period of less than the full license year, the annual fee as set forth in subsection (a) shall be reduced in proportion to the full calendar months which have elapsed in the license period prior to the issuance of the license.

ARTICLE VI

Regulation of Operations

Section 1. Hours of Operation

- A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:
 - 1. From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a.m. of the next day;
 - 2. From 12:00 p.m. on Sunday until 2:00 a.m. on Monday;
- B. It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premise in which alcoholic liquor is sold at retail after 2:00 a.m.
- C. The only persons permitted to remain within the licensed premise after 2:00 a.m. are the licensee, employees, and persons engaged in cleaning and maintenance purposes. No alcoholic liquor shall be consumed by anyone on the premise between the hours of 2:00 a.m. and 7:30 a.m.
- D. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premise after the hours for sale set forth in this section.

Section 2. Gambling

No gambling devices of any kind or nature, games of chance, punch boards, slot machines, dice or any instrument of gambling shall be permitted or allowed upon any premise licensed for the sale of alcoholic liquors.

Section 3. Regulations as to Persons Under the Age of Twenty-One

- A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.
- B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.
- C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor, This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.
- D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.
- E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.
- F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.

- G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

Only the following types of identification shall be accepted for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; State Photo Identification Card for non-drivers; visa or passport.

Section 5. Restrictions on Entry Into Licensed Premises.

- A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.
- B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.
- C. Subsections A. and B. shall not apply when any of the following conditions are met:
 - 1. The licensed premises is a bowling alley or package liquor store;
 - 2. The person is accompanied by a parent or legal guardian;
 - 3. The licensed premise obtains 51% of the annual gross revenue from the sale of food or other services or

commodities.

- a. For purposes of Subsection C.3 the licensee shall submit to the Commissioner documentation sufficient to prove that 51% of the annual gross revenue is derived from the sale of food, services or commodities other than alcoholic liquor. The Commissioner at his discretion, may request additional documentation or an audit of any establishment's records conducted in accordance with generally accepted accounting procedures, in order to prove compliance with this subsection. The cost of an audit shall be at the expense of the licensee.

- D. The party charged with a violation in any court or administrative hearing shall have the burden of proving that subsections (1), (2), or (3) hereinabove apply.

Section 6. Consumption of Alcoholic Liquor In Public

- A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Café for which the Licensee holds a valid license under this Ordinance.
- B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Happy Hours Prohibited

The provisions of state law concerning “happy hours” as found in 235 ILCS 5/6-28, and any future amendments thereto, are hereby adopted and incorporated herein by reference.

Section 8. Noise Restrictions

No noise from the interior of the Licensed Premise shall be heard 100 feet or more from the perimeter of the Licensed Premise before 10:00 p.m., and 50 feet or more from the perimeter of the Licensed Premise after 10:00 p.m.

ARTICLE VIII

Beer Gardens/Outdoor Cafes

Section 1. Approval Required.

No licensee holding a Class A or Class B license under this Ordinance shall operate a beer garden or outdoor café as defined by this Ordinance except upon application to and approval by the Liquor Commissioner, subject to the terms, conditions, and restrictions of this Ordinance and of state law.

Section 2. Fees for Beer Garden/Outdoor Cafes

In addition to any other fees required under this Ordinance, a licensee seeking to operate a beer garden/outdoor café shall submit at the time of application the following fees:

- A. Fifty Dollars (\$ 50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor café;
- B. One Hundred Dollars (\$100.00) if the applicant offers or plans to offer entertainment of any type to the patrons of its beer garden/outdoor café.

Section 3. Time of Application

The application for a beer garden/outdoor café shall be filed along with the application for liquor license and with the application for renewal of liquor license. If a licensee wishes to begin operation of a beer garden/outside café during the course of a license year, the licensee shall submit an application to the Liquor Commissioner prior to commencing such operation.

Section 4. Contents of Application for Beer Garden/Outdoor Café

In addition to any other information required by this Ordinance for the issuance of a liquor license, the applicant seeking to operate a beer garden/outdoor café, shall also submit a drawing or diagram of the area designated as a beer garden/outdoor café. This drawing or diagram shall clearly display:

- A. Any and all lighting and fencing;
- B. The occupancy rate as approved by the State Fire Marshal; and
- C. Seating and serving plans.

Section 5. Limits on Entertainment

If the licensee offers or plans to offer entertainment in the area designated as a beer garden/outside café, such entertainment shall not be heard 100 feet or more from the exterior perimeter of the beer garden/outside garden before 10:00 p.m. and shall not be heard 50 feet or more from the exterior perimeter of the beer garden/outdoor café after 10:00 p.m.

Section 6. Modification by Liquor Commissioner

At the time of the application or at any time during the license year, after consideration of the location of the beer garden/outside café, the nature of the business activity conducted in the beer garden/outdoor café, the record of prior

violations by the licensee of this Ordinance or state law, and the public health, safety, and welfare, the Liquor Control Commissioner may impose specific requirements upon the licensee in the operation of the beer garden/outdoor café which may include, but is not limited to, provisions as to lighting, fencing, the erection of sound barriers, and the prohibition of entertainment.

Section 7. Violations of This Article

A violation of this Article or any other applicable provision of this Ordinance or of state law with respect to the operation of the beer garden/outdoor café may result in the closure of the beer garden/outdoor café and the prohibition of its re-opening, in addition to any other penalties as authorized by this Ordinance.

ARTICLE IX

Violations

Any person found to have violated any provisions of this ordinance may be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and every day that such violation is continued shall constitute a separate and distinct offense. In addition thereto, the Jackson County Liquor Control Commissioner may after proper hearing revoke, or suspend for not more than thirty (30) day, any license issued by him under the terms of this ordinance if he determines that the licensee has violated any of the provisions of the ordinance or any provision of the Illinois Liquor Control Act, (Chapter 235 of the Illinois Compiled Statutes); and, when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic

liquors in the premises described in such revoked license. Not more than ten thousand (\$10,000.00) dollars in fines under this Article may be imposed against any licensee during the period of his license.

ARTICLE X

Hearing Procedures

Section 1. Type of Notice Required

A. Whenever this ordinance requires a hearing before the Liquor Control Commissioner concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall state:

1. The time, place, and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
3. A reference to the particular Sections of the ordinances involved.
4. A statement informing the licensee that he may respond by presenting evidence and argument.

Section 2. Hearings

A. A hearing required under this ordinance shall be held in accordance with the following rules:

1. A hearing shall be held at a reasonable time, date and place.
2. No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this article.

3. A licensee may present evidence and argument and can be represented by a licensed attorney of this state.
 4. The Commissioner may limit, but not prohibit, the presentation of evidence and argument.
- B. Where a licensee has received the requisite notice under this article and fails to appear at hearing, the Commissioner may act ex parte.

Section 3. Decisions

Any decision, order, or determination rendered by the Commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision.

Section 4. Waiver

Compliance with any or all of the provisions of this Article concerning procedure may be waived by written stipulation of all parties.

Section 5. Continuances for Hearings

- A. A request for a continuance of any hearing in any matter before the Liquor Control Commissioner will not be allowed by the Commissioner unless for good and valid reason in writing.
- B. The Liquor Control Commissioner may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

Section 6. Record of Hearing

A complete record of all evidence, testimony and comments before the Liquor Control Commissioner shall be made by certified court reporter or may be electronically taken by tape recording.

Section 7. Witnesses

Witnesses shall be sworn, but in all other respects, hearings shall be informal and the strict rules of evidence shall not apply.

Section 8. Review

- A. Review of the proceedings before the Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
- B. All costs of preparing and transcribing an official record on appeal to the State Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings.

Section 9. Prosecutions of Non-Licensees

Violations of this ordinance allegedly committed by non-licensees shall be prosecuted by the State's Attorney of Jackson County on behalf of the county in the Circuit Court of the First Judicial Circuit, Jackson County, Illinois. Such prosecutions shall be before the court without a jury with the burden of proof upon the County of Jackson. The standard of evidence shall be preponderance of the evidence. Upon convictions for any violation of this ordinance, the Court shall set a fine by a non-licensee pursuant to Article VI Violations, of this ordinance.

ARTICLE XI

Savings Clause

The present amending ordinance shall in no way be construed to repeal or alter, other than as stated in the present amending ordinance, any other provision of the Jackson County Liquor Ordinance

ARTICLE XII

Effective Date

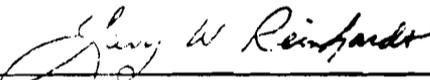
All ordinances heretofore adopted, and as amended pertaining to the sale at retail of alcoholic beverages in Jackson County are hereby repealed, and, all resolutions of the County Board of Supervisors of Jackson County, Illinois and all ordinances and or resolutions of the County Board of Jackson County, Illinois, which are in conflict with any of the provisions of this ordinance, are hereby repealed. This ordinance shall be in force and effect on May 15, 2003, following its adoption by the County Board of Jackson County.

Approved and enacted this 14th day of May, 2003
at a regular meeting of the Jackson County Board.



Gary Hartlieb
Jackson County Board Chairman

Attest:



Larry F. Reinhardt
County Clerk

ORDINANCE 03- 3

**AN ORDINANCE AMENDING THE JACKSON COUNTY REFUSE STORAGE,
HANDLING AND NUISANCE ABATEMENT ORDINANCE**

WHEREAS, the County of Jackson, Illinois (hereafter referred to as the "County") seeks to protect the health and welfare of its citizens and the environment to the fullest extent possible; and

WHEREAS, the County adopted the Jackson County Refuse Storage, Handling and Nuisance Ordinance (hereafter referred to as the "Nuisance Ordinance") on February 9, 1977, that provides the authority to abate declared nuisances within the limits of Jackson County; and

WHEREAS, the present amending ordinance shall not be construed to prevent the corporate authorities of a city, village, or incorporated town, from declaring what are nuisances and abating them within their limits; and

WHEREAS, the amendment made by this present amending ordinance is for the purpose of removing outdated references and including requirements for vehicles used to haul refuse that are consistent with requirements presently contained in the Jackson County Refuse Disposal Ordinance that the County adopted on May 22, 1970, amended December 16, 1980, and

WHEREAS, the amendment made by this present amending ordinance is for the purpose of revising a certain section to be consistent with current private sewage disposal program requirements and policies, and

WHEREAS, the amendment made by this present amending ordinance is for the purpose of adding to the list of declared nuisances prejudicial to public health, conditions that may lead to the proliferation of mosquitoes or other disease vectors or pests; and

WHEREAS, the amendment made by this present amending ordinance is for the purpose of revising the enforcement provisions to increase the minimum fine for violation of the Nuisance Ordinance.

WHEREAS, the present amending ordinance has been duly approved by the Jackson County Board of Health; and

WHEREAS, the present amending ordinance is adopted by virtue of the authority of the Jackson County Board, Jackson County, Illinois.

**THEREFORE, THE JACKSON COUNTY BOARD ORDAINS AND ADOPTS
THE FOLLOWING:**

1. The present amending ordinance shall be incorporated into the existing Jackson County Refuse Storage, Handling and Nuisance Abatement Ordinance, as amended, as if originally part of the Jackson County Refuse Storage, Handling and Nuisance Abatement Ordinance; further

2. Section II, Part 1 shall be amended as follows (additions are underlined - deletions are struck-out):

All refuse shall be disposed of at a site permitted ~~licensed and approved~~ by the Illinois Environmental Protection Agency. The location and methods of operation for final disposal of refuse shall conform with the requirements of the Illinois Environmental Protection Act and all applicable regulations ~~Illinois Refuse Disposal Law and the Jackson County Refuse Disposal Ordinance, copies of which shall be on file at the Jackson County Clerk's Office.~~ No person shall deposit or permit to remain in any waterway, drainage ditch or confined waters within Jackson County any manure, garbage, rubbish, junk, ashes, refuse or similar matter that may attract or harbor flies, rodents, vermin or mosquitoes; create offensive odors or unsightliness; or otherwise creates a health hazard or results in the existence of a nuisance condition.

3. Section II, Part 3 shall be amended as follows (additions are underlined - deletions are struck-out):

(a) All refuse shall be transported in a suitable private vehicle or properly licensed commercial vehicle registered and approved by the Health Department.

(b) All vehicles used for the collection or disposal of refuse shall have enclosed bodies, or suitable provision for covering the body, such as use of a tarpaulin that effectively contains refuse in the body of the vehicle.

(c) Vehicles used for the collection or disposal of refuse shall be cleaned at sufficient frequency to prevent nuisance or insect breeding, and shall be maintained in good repair.

4. Section III, Part 2 shall be amended as follows (additions are underlined - deletions are struck-out):

It is hereby, declared that the following are nuisances, but are not inclusive of all conditions or acts that may give rise to the creation or continued existence of a nuisance.

(a) To cause or suffer the carcass of any animal or any offals, filth, or noisome substance to be deposited or to remain in any place to the disgust of others or to allow the carcasses of dead animals or any part of decaying animal matter to remain not buried, destroyed or collected, within 24 hours after death or dismemberment.

(b) To throw or deposit any offals, refuse, junk, or the carcass of any dead animal, in any water course, lake, pond, spring, well, or common sewer, street, or public highway.

(c) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake.

(d) To allow a diseased animal to run at large.

(e) To allow excessive amounts of manure, refuse, human or noxious or offensive waste to accumulate. This definition excludes the normal storage of manure on a farm.

(f) To allow any discharge of untreated raw or insufficiently treated human waste or sewage onto the surface of the ground or into any water course, spring, lake, pond, or well through either direct or indirect means.

(g) To allow any waste from a factory, cannery, storage-yard, distillery, packing-house, slaughter-house, rendering establishment, or other such commercial or industrial facility to accumulate or to become foul, offensive, or to otherwise become a health hazard.

(h) To allow any open dug or bored well, ~~sewage lagoon~~, cistern, hole or pit to remain open without suitable protection such as fencing, warning devices, cover or barricade,

(i) To allow an abandoned refrigerator to remain on any premises that does not have the doors, lock, or latches removed.

(j) To allow any building, mobile home, shed, fence, or other man-made structure to exist which is dangerous to public health because of its condition, faulty construction or lack of proper repair and which may cause or aid in the spread of disease or injury to the health of the occupants and/or neighboring structures and occupants.

(k) To allow the spillage, scatter or loss of refuse from any vehicle used to transport refuse.

(l) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(m) To create a condition, through the improper maintenance of a swimming pool, wading pool, or sewage treatment system, or by causing an action that alters the condition of a natural body of water or existing drainage causeway, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

5. Section IV, Part 6 (a) shall be amended as follows (additions are underlined - deletions are struck-out):

(a) Any person(s) found guilty of violating any provision of this Ordinance shall be fined a sum of not less than ~~\$10.00~~ \$100.00 and not more than \$500.00. Each day's violation shall constitute a separate offense.

6. The present amending ordinance shall be inserted and incorporated into the existing Jackson County Refuse Storage, Handling and Nuisance Abatement Ordinance; further

7. The present amending ordinance shall be effective on the first day of the month following its adoption by the Jackson County Board; further

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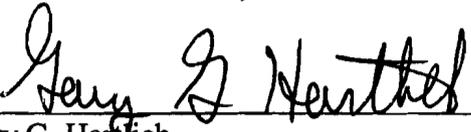
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8. The Chairman of the County Board shall be authorized to sign this present ordinance.

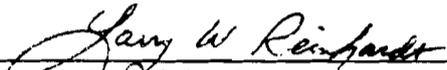
ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY MEETING THIS 11 DAY OF June, 2003.

BY ITS CHAIRMAN,



Gary G. Harvie

ATTEST:



Larry W. Reinhardt
Jackson County Clerk

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AN ORDINANCE FOR THE ESTABLISHMENT

OF AN ALTERED SPEED ZONE

03-3A

IT IS HEREBY DECLARED by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-604 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Murphysboro Township has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

BE IT FURTHER DECLARED that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

BE IT FURTHER DECLARED that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper absolute maximum speed limit upon Health Department Road (TR 209C) as listed below shall be 30 m.p.h.

A 30 mile per hour speed limit beginning at Murdale Gardens Road and extending easterly to the end of Murphysboro Township Maintenance for a total distance of 0.315 miles.

BE IT FURTHER DECLARED that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

BE IT FURTHER DECLARED that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on July 9, 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 9 day of July, 2003.


Larry Reinhardt, County Clerk

SEAL

ORDINANCE NO. 03-4

AN ORDINANCE TO MAKE A TECHNICAL CORRECTION
TO THE JACKSON COUNTY ENTERPRISE ZONE
(JACKSON COUNTY)

WHEREAS, the Jackson County Board established an Enterprise Zone through Ordinance No. 90-2, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act"; P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Jackson, Illinois (hereinafter "County") and the Cities of Carbondale and Murphysboro (hereinafter collectively "Cities"), through which the governments designated certain areas, and any areas subsequently certified from time to time, as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Jackson County Enterprise Zone; and

WHEREAS, the Jackson County Carbondale-Murphysboro Enterprise Zone was approved by the Illinois Department of Commerce and Economic Opportunity, effective March 1, 1990; and

→ WHEREAS, it is necessary that a technical correction be made to the current Enterprise Zone ordinance to clarify that abatement of taxes does not apply to Tax Increment Financing properties located within the Enterprise Zone as stated in resolutions adopted by taxing bodies and subject to approval by the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, the designating units of government through their designated zone administrator, and pursuant to statute, conducted at least one public hearing within the Enterprise Zone area.

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. That Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for the Jackson County, Illinois, is hereby amended by inserting a new Section VI(h) as follows:

SECTION VI

(h) No abatement shall be applicable to any such improvement located within the boundaries of a Tax Increment Development Project District.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the Jackson County Board that this

Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the Jackson County Board finds that the subject matter of this Ordinance pertains to the government and affairs of the Jackson County and is passed pursuant to authorities granted it by State statute and the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance No. 03-4 of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Community Affairs has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

SECTION 7. The County Board Chairman of the Jackson County is hereby authorized to execute an amendment to the Intergovernmental Agreement of February 15, 1990, executed between Jackson County and the Cities of Carbondale and Murphysboro to establish jointly an Enterprise Zone within the jurisdiction of the County and Cities.

PASSED this 9 day of July, 2003.

APPROVED this 9 day of July, 2003.

JACKSON COUNTY BOARD

Gary S. Warthel
COUNTY BOARD CHAIRMAN

ATTESTED:

Greg W. Reinhardt
COUNTY CLERK

ORDINANCE NO. 03-5

AN ORDINANCE TO ADD TERRITORY
TO THE JACKSON COUNTY ENTERPRISE ZONE
(JACKSON COUNTY)

WHEREAS, the Jackson County Board established an Enterprise Zone through Ordinance No. 90-2, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act"; P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Jackson, Illinois (hereinafter "County") and the Cities of Carbondale and Murphysboro (hereinafter collectively "Cities"), through which the governments designated certain areas, and any areas subsequently certified from time to time, as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Jackson County Enterprise Zone; and

WHEREAS, the Jackson County Carbondale-Murphysboro Enterprise Zone was approved by the Illinois Department of Commerce and Economic Opportunity, effective March 1, 1990; and

WHEREAS, a request has been made to expand the current Enterprise Zone area through the addition of a certain parcel of property, pursuant to authority of the Act, and subject to approval by the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, the designating units of government through their designated zone administrator, and pursuant to statute, conducted at least one public hearing within the Enterprise Zone area.

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-26 and B-26 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the Jackson County Board that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the Jackson County Board finds that the subject matter of this Ordinance pertains to the government and affairs of the Jackson County and is passed pursuant to authorities granted it by State statute and the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance No. 03-5 of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Economic Opportunity has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

PASSED this 9 day of July, 2003.

APPROVED this 9 day of July, 2003.

JACKSON COUNTY BOARD

Gary G. Hartheb
COUNTY BOARD CHAIRMAN

ATTESTED:

Gary W. Reinhardt
COUNTY CLERK

LEGAL DESCRIPTION

**CONNECTING STRIP
LINKING THE PROPOSED DEVELOPMENT WITH THE ENTERPRISE ZONE**

GENERAL DESCRIPTION

The strip lies within Section 13, Township 9 South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois.

DETAILED DESCRIPTION

Beginning at the intersection of the Southerly Right-of-Way line of FA Route 14 (Illinois Route 13) and the centerline of Reeds Station road, said centerline also being the West line of the Northeast Quarter of said Section 13 as well as an existing connector strip within the Enterprise Zone; from said point of beginning, thence Northeasterly along the existing Southerly Right-of-Way line of FA Route 14 a distance of 1391 feet, more or less, to a point in the East line of said Northeast Quarter, said point being the end of the description for this connecting strip and the point of beginning for the detailed description of the property to be added to the Enterprise Zone.

GENERAL DESCRIPTION OF PROPERTY

A part of the West Half of the Northeast Quarter of Section 13, Township 9 South, Range 1 West of the Third Principal Meridian in Jackson County, Illinois described as follows:

DETAILED DESCRIPTION OF PROPERTY

Commencing at the Southeast corner of the North Half of the Southwest Quarter of the Northeast Quarter of aforesaid Section 13;

thence North along the East line of the West half of the Northeast Quarter of said Section 13 with a bearing of N 00 degrees 37' 08" W a distance of 1539.38 feet to the South Right-of-Way line of FA Route 14 (Illinois Route 13) and the POINT OF BEGINNING of the land herein described;

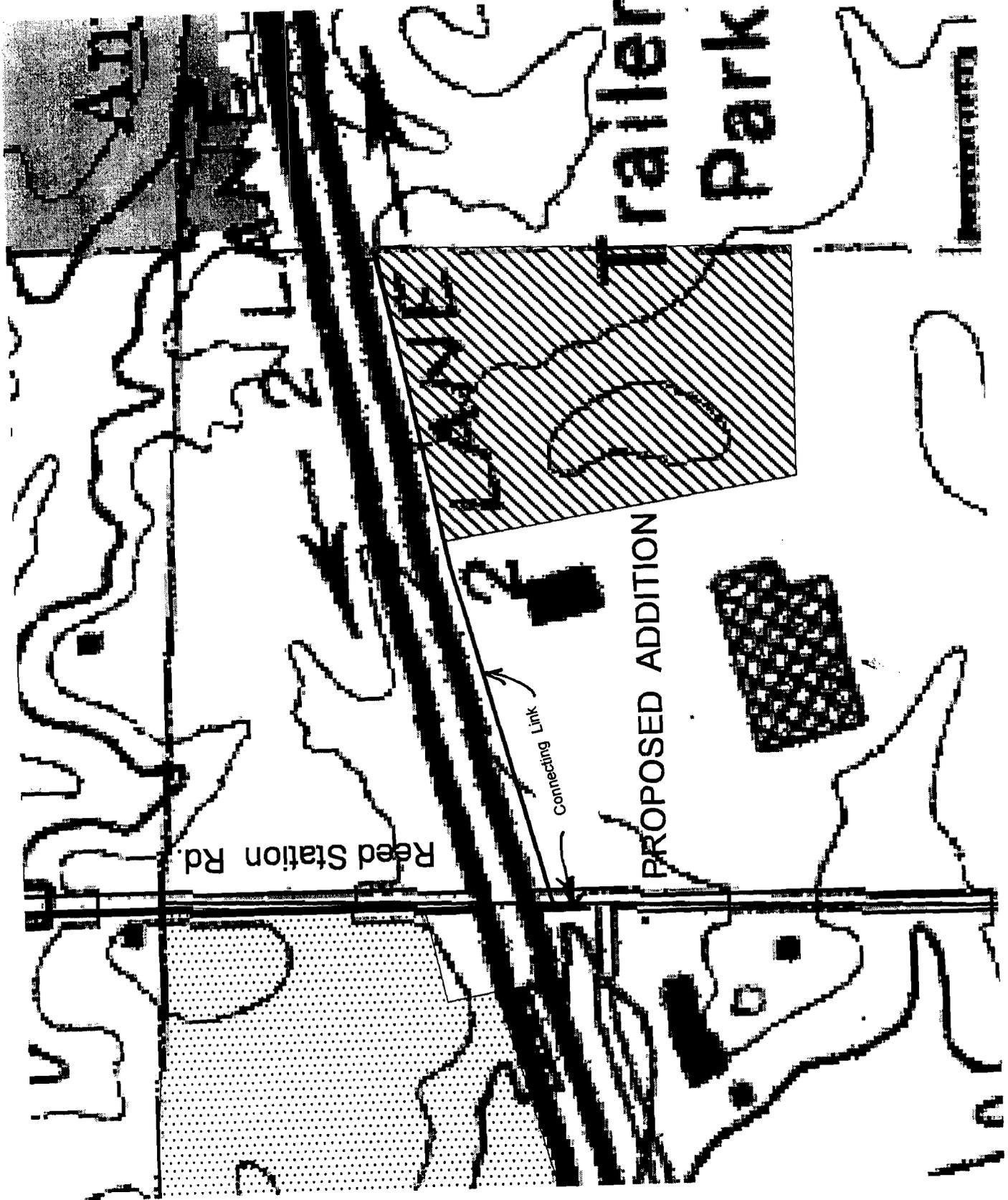
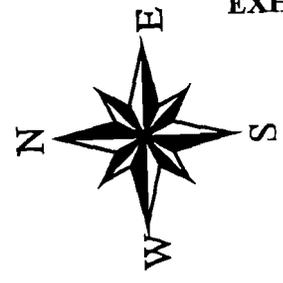
thence Southwesterly along aforesaid Right-of-Way line along a curve concave to the South, said curve having a radius of 17013.8 feet and a chord that lies on a bearing of S 76 degrees 36' 35" W, an arc distance of 667.64 feet to a point that lies 40 feet Easterly of a projection of the East line of Lot 1 in Lakewood Subdivision projected to the South Right-of-Way line of FA Route 14;

thence Southeasterly along a line that lies 40 feet Easterly as measured perpendicular to and parallel with the East line of Lot 1 in Lakewood Subdivision and a projection thereof with a bearing of S 14 degrees 42' 27" E a distance of 727.25 feet;

thence Easterly with a bearing of N 89 degrees 22' 52" E a distance of 474.01 feet to the East line of the West half of the Northeast Quarter of aforesaid Section 13;

thence North along aforesaid East line with a bearing of N 00 degrees 37' 08" W a distance of 853.14 feet to the point of beginning of the land herein described, containing 10.25 acres more or less.

JACKSON COUNTY
ENTERPRISE ZONE
PROPOSED ADDITION



ORDINANCE NO. 2003 - 6

AN ORDINANCE REPEALING THE JACKSON COUNTY
REFUSE DISPOSAL ORDINANCE

WHEREAS, on May 22, 1970 the Jackson County Board adopted an Ordinance titled 'Jackson County Refuse Disposal Ordinance', pertaining to refuse and waste disposal; and

WHEREAS, the issues and matters addressed and taken up in that Ordinance have been superceded and taken up in other Ordinances and Resolutions of the County of Jackson; and

WHEREAS, in order to avoid confusion, the County Board deems it advisable that Ordinance be repealed; and

WHEREAS, the present Ordinance is intended to repeal that Ordinance adopted in 1970 and subsequently amended.

WHEREFORE, be it ordained as follows:

1. The ordinance titled 'Jackson County Refuse Disposal Ordinance' shall be and is forthwith repealed.
2. The present Ordinance shall become effective immediately.

ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY
MEETING THIS 9 DAY OF July, 2003.

By its Chairman,

Gary G. Hartleb

Attest:

Larry W. Reinhardt
Larry W. Reinhardt, County Clerk

Skipped

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STATE MODEL FLOODPLAIN ORDINANCE #03-8

AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Be it ordained by the County Board of Jackson County, Illinois as follows:

Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to Jackson County by County Statutory Authority in 55 Illinois Compiled Statutes 5/5-1041, 5/5-1063, 5/5-1113 and 5/5-40001 in order to accomplish the following purposes:

- a. to prevent unwise developments from increasing flood or drainage hazards to others;
- b. to protect new buildings and major improvements to buildings from flood damage;
- c. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- d. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- e. to maintain property values and a stable tax base by minimizing the potential for creating blight areas; and
- f. to make federally subsidized flood insurance available.

g. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2. Definitions.

For the purposes of this ordinance, the following definitions are adopted:

- a. "Base Flood" The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.



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b. "Base Flood Elevation" (BFE) The elevation in relation to mean sea level of the crest of the base flood.

c. "Building" A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, **and gas or liquid storage tanks**. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days **per year**.

d. "Critical Facility" Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

e. "Development" Any man-made change to real estate including, but not necessarily limited to:

i. **Demolition**, construction, reconstruction, **repair**, placement of a building, or any **structural alteration** to a building,

ii. substantial improvement of an existing building;

iii. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days **per year**;

iv. installation of utilities, construction of roads, bridges, culverts or similar projects;

v. construction or erection of levees, dams, walls, or fences;

vi. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

vii. storage of materials including the placement of gas and liquid storage tanks; and

viii. channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include **routine** maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

f. "FEMA" Federal Emergency Management Agency.

g. "Flood" A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

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- h. "Flood Fringe" That portion of the floodplain outside of the regulatory floodway.
- i. "Flood Insurance Rate Map" A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.
- j. "Floodplain" and "Special Flood Hazard Area (SFHA)" are synonymous. Those lands within the jurisdiction of the county that are subject to inundation by the base flood. The floodplains of Jackson County are generally identified as such on the Flood Insurance Rate Map of **Jackson County** prepared by the Federal Emergency Management Agency and dated August 8, 1980. ***Floodplain also includes those areas of known flooding as identified by the community.***
- k. "Floodproofing" Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.
- l. "Floodproofing Certificate" A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.
- m. "Flood Protection Elevation" or "FPE" The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
- n. "Floodway" That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of **Jackson County** shall be according to the best data available from Federal, State, or other sources.
- o. "IDNR/OWR" Illinois Department of Natural Resources/Office of Water Resources.
- p. "Manufactured Home" A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.
- q. "NFIP" National Flood Insurance Program.
- r. "Repetitive Loss" Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.***
- s. "SFHA" See definition of floodplain.

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t. **"Substantial Damage"** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. Damage of less than 50% of the fair market value will be applied to the repetitive loss calculations.

u. **"Substantial Improvement"** Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, **"Substantial improvement"** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

v. "Travel Trailer" (or Recreational Vehicle) A vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less in size;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

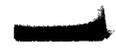
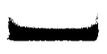
Section 3. Base Flood Elevation.

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party **shall** finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval **prior to any development of the site**.

a. The base flood elevation for each of the floodplains delineated as an "A Zone" on the Flood Hazard Boundary Map of the county shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

Section 4. Duties of the Chief County Assessment Officer

The Chief County Assessment Officer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Jackson County meet the requirements of this ordinance. Specifically, the Chief County Assessment Officer shall:



- a. Process development permits in accordance with Section 5;
- b. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- c. Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- d. Assure that all subdivisions and annexations meet the requirements of Section 8;
- e. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;**
- f. If a variance is requested, ensure that the requirements of Section 10 are met and maintain documentation of any variances granted;
- g. Inspect all development projects and take any and all actions outlined in Section 12 as necessary to ensure compliance with this ordinance;
- h. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- i. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- j. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- k. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance; and
- l. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.
- m. Perform site inspections and make substantial damage determinations for structures within the floodplain.**
- n. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.**



Section 5. Development Permit.

No person, firm, corporation, or governmental body not ***exempted by law shall*** commence any development in the floodplain without first obtaining a development permit from the **Chief County Assessment Officer**. The **Chief County Assessment Officer** shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- a. The application for development permit shall be accompanied by:
 - i. drawings of the site, drawn to scale showing property line dimensions;
 - ii. existing grade elevations and all changes in grade resulting from excavation or filling;
 - iii. the location and dimensions of all buildings and additions to buildings; and
 - iv. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance.

v. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

b. Upon receipt of an application for a development permit, the **Chief County Assessment Officer** shall compare the elevation of the site to the base flood elevation. ***Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance.*** The **Chief County Assessment Officer** shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within all floodplains where a floodway has not been delineated, the following standards shall apply:

- a. except as provided in Section 6b, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

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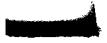
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- i. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
 - ii. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
 - iii. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
 - iv. Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No 6;
 - v. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
 - vi. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
 - vii. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
 - viii. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
 - ix. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
 - x. Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and**
 - xi. Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and**
 - xii. Any development determined by IDNR/OWR to be located entirely *within* a flood fringe area.
- b. Other development activities not listed in (a) may be permitted only if:
- i. a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
 - ii. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.





Section 7. Protecting Buildings.

a. In addition to the damage prevention requirements of Section 6, ***all buildings located*** in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

i. construction or placement of a new building valued at more than \$1,000 ***or 70 square feet***;

ii. ***substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this ordinance;***

iii. ***repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance.***

iv. structural alterations made to an existing building that increase the floor area by more than 20%;

v. installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and

vi. installing a travel trailer ***or recreational vehicle*** on a site for more than 180 days ***per year***.

vii. ***repetitive loss to an existing building as defined in Section 2q.***

b. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

i. The building may be constructed on permanent land fill in accordance with the following:

(1) the lowest floor (including basement) shall be at or above the flood protection elevation;

(2) the fill shall be placed in layers no greater than ***six inches*** before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(3) the fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;



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(4) the fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(5) the fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

ii. The building may be elevated in accordance with the following:

(1) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;

(2) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(3) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent openings on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;

(4) the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

(5) the finished interior grade shall not be less than the finished exterior grade;

(6) all structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(7) water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

(8) the area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

c. Manufactured homes to be permanently installed on site shall be:

i. elevated to or above the flood protection elevation; and

ii. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.



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d. Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of section 7c. unless the following conditions are met:

i. the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

ii. the vehicle must not be attached to external structures such as decks and porches; and

iii. the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

iv. the vehicles largest horizontal projections must be no larger than 400 square feet; and

v. the vehicle's wheels must remain on axles and inflated; and

vi. air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and

vii. Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and

viii. The vehicle must be licensed and titled as a recreational vehicle or park model; and

iv. The vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

e. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

i. below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

ii. the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and

iii. floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

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f. Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

- i. the garage or shed must be non-habitable; and**
- ii. the garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and**
- iii. the garage or shed must be located outside of the floodway; and**
- iv. the garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and**
- v. below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and**
- vi. all utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and**
- vii. the garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and**
- viii. the garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet; and**
- iv. the structure shall be anchored to resist floatation and overturning; and**
- v. all flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and**
- vi. the lowest floor elevation should be documented and the owner advised of the flood insurance implications.**

g. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

- i. the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and**
- ii. any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade; and**

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iii. the interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade; and

iv. the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point; and

v. an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

vi. portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

vii. utility systems within the crawlspace must be elevated above the flood protection elevation.

Section 8. Subdivision Requirements.

The Jackson County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

a. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 6 and 7 of this ordinance.

Any proposal for such development shall include the following data:

i. the base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

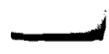
ii. the boundary of the floodway when applicable; and

iii. a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

Section 9. Public Health and Other Standards

a. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7, the following standards apply:

i. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a ***floodproofed and anchored*** storage tank ***and certified by a professional engineer*** or floodproofed building constructed according to the requirements of Section 7 of this ordinance.



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ii. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;

iii. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

iv. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

v. Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

b. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

Section 10. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Board of Review for a variance. The Board of Review shall review the applicant's request for a variance and shall submit its recommendation to the Jackson County Board. The Jackson County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

a. No variance shall be granted unless the applicant demonstrates that ***all of the following conditions are met:***

i. the development activity cannot be located outside the floodplain;

ii. an exceptional hardship would result if the variance were not granted;

iii. the relief requested is the minimum necessary;

iv. there will be no additional threat to public health or safety, or creation of a nuisance;

v. there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

vi. the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

vii. all other required state and federal permits have been obtained.

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b. The Board of Review shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 7 that would lessen the degree of protection to a building will:

i. result in increased premium rates for flood insurance up to \$25 *per* \$100 of insurance coverage;

ii. increase the risks to life and property; and

iii. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

c. Variances to the building protection requirements of Section 7 of this ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Subsection 10 (a)(i-v).

Section 11. Disclaimer of Liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of Jackson **County** or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 12. Penalty

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the **Chief County Assessment Officer** may determine that a violation of the minimum standards of this ordinance exists. The **Chief County Assessment Officer** shall notify the owner in writing of such violation.

a. If such owner fails after ten days notice to correct the violation:

i. Jackson County shall **refer the matter to the State's Attorney's office for consideration of an** application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance;

ii. Any person who violates this ordinance shall upon conviction thereof be fined not less than *fifty (\$50.00) nor more than five hundred dollars (\$500.00) for each offense*; and

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iii. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

iv. ***The Jackson County Clerk and Recorder shall record a notice of violation on the title to the property.***

b. The **Chief County Assessment Officer** shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

c. Nothing herein shall prevent Jackson County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 13. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Jackson County Board to fulfill the requirements of the National Flood Insurance Program including, **but not limited to**, Ordinances 93-3, **94-2**, and 99-3. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14. Separability.

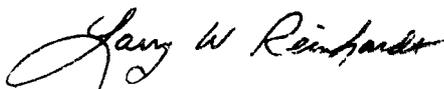
The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 15. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

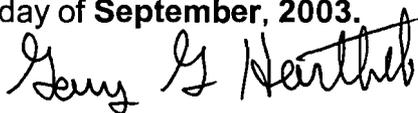
Passed by the County Board of Jackson County, Illinois, this **10th** day of **September, 2003**.

(Clerk)



Approved by me this **10th** day of **September, 2003**.

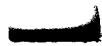
(Board Chairman)



Attested and filed in my office this **10th** day of **September, 2003**.

(Clerk)





03-9

AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 2003 THROUGH NOVEMBER 30, 2004

WHEREAS, the Jackson County Board is authorized and required by law to levy and collect taxes annually for various purposes; and

WHEREAS, the Jackson County Board has heretofore adopted a budget for the fiscal year beginning December 1, 2003 and ending November 30, 2004;

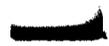
NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$6,338,784.56 is hereby levied upon all taxable property in Jackson County, Illinois, as equalized or assessed by the Department of Revenue, for the purpose of meeting and defraying the necessary expenses and liabilities as set forth in the aforesaid annual budget and the budgets of the County agencies referred to herein. The following levies are hereby made and adopted:

- 1. The sum of \$1,314,419.99 is levied pursuant to 55 ILCS 5/5 - 1024, for general corporate purposes;**
- 2. The sum of \$775,136.61 is levied pursuant to 55 ILCS 5/5 - 1028, for Ambulance purposes;**
- 3. The sum of \$254,997.54 is levied pursuant to 745 ILCS 10/9 - 107, for costs of tort liability protection;**
- 4. The sum of \$171,848.11 is levied pursuant to 745 ILCS 10/9 - 107, for costs of insurance contracts for worker's compensation;**
- 5. The sum of \$53,210.26 is levied pursuant to 745 ILCS 10/9 -107, to provide for the County's payment and contribution for unemployment insurance;**
- 6. The sum of \$452,712.37 is levied pursuant to 40 ILCS 5/7 - 171 & 5/7 - 132, for the County's payment and contribution to the Illinois Municipal Retirement Fund (I.M.R.F.);**
- 7. The sum of \$735,411.47 is levied pursuant to 40 ILCS 5/21 - 110, 5/21 -110.1, for the County's payment and contribution to the Social Security System;**
- 8. The sum of \$458,850.00 is levied pursuant to 55 ILCS 5/5 - 25003, for Public Health purposes;**

JACKSON COUNTY CLERK'S OFFICE
COUNTY CLERK
[Signature]

NOV 21 2003

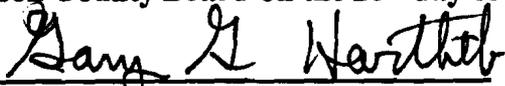
FILED



9. The sum of \$64,987.00 is levied pursuant to 55 ILCS 5/5 - 23029, 23030, 23039, 23040, for the purpose of treating and caring for those affected with Tuberculosis;
10. The sum of \$364,008.00 is levied pursuant to 405 ILCS 20/4 - 5, 6, for the operation of the Community Mental Health (708) Board;
11. The sum of \$486,822.22 is levied pursuant to 605 ILCS 5/5 - 601, for the County Highway purposes;
12. The sum of \$243,411.11 is levied pursuant to 605 ILCS 5/5 - 603, for Federal Aid Matching;
13. The sum of \$243,411.11 is levied pursuant to 605 ILCS 5/5 - 602, for the County Bridge Funds;
14. The sum of \$64,500.03 is levied pursuant to 55 ILCS 5/5 - 1034, for the purpose of social services for senior citizens;
15. The sum of \$171,600.00 is levied pursuant to 505 ILCS 45/8, for support of the Jackson county Cooperative Extension Service.
16. The sum of \$11,855.74 is levied pursuant to 55 ILCS 5/5-1012, for the purpose of debt service payments on an indebtedness owed the county on general obligation bonds issued for the purpose of river levee improvements.
17. The sum of \$471,603.00 is levied pursuant to 55 ILCS 5/5-21001, for the purpose of maintaining and operating the County Nursing Home.

The Jackson County Clerk of Jackson County is directed to extend and the Ex-Officio Collector of taxes for Jackson County is directed to collect the foregoing amounts pursuant to law.

Approved at this special meeting of the Jackson County Board on the 20th day of November 2003.

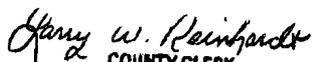

Gary G. Hartlieb, Chairman
Jackson County Board

ATTEST:


Larry Reinhardt
Jackson County Clerk & Recorder

FILED

NOV 21 2003


COUNTY CLERK
JACKSON COUNTY CLERK'S OFFICE

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