

Appendix A
PRAIRIE GROVE MUNICIPAL CODE DEFINITIONS

In addition to the definitions found elsewhere in this Code, the following words and terms, whether capitalized or not, shall have the meanings herein after set forth, except where otherwise specifically indicated. Terms not defined within this Code shall have the meanings customarily given them.

Abandoned vehicle: Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for 7 consecutive days or more and is apparently deserted; or any unlicensed vehicle.

Accessory structure: A building the use of which is incidental to that of the principal building and which is located on the same lot.

Air rifle: Includes any air gun, air pistol, spring gun, spring pistol, BB gun, pellet gun or any implement that is not a firearm which impels a projectile constructed of hard plastic, steel, lead, brass or any other hard material with a force that is reasonably expected to cause bodily harm or property damage.

Antique vehicle: Any motor vehicle or other vehicle 24 years of age or older.

Appendix A: This Appendix A of the Prairie Grove Municipal Code.

Appliances: Including but not limited to ranges, refrigerators, dishwashers, washing machines, dryers, room air conditions, freezers and water heaters.

ARC: The Architectural Review Commission of the Village, established by Section 8.02 of this Code.

ASTM ES 13-89: Pursuant to Chapter 24, emergency standard performance specifications for safety covers and labeling requirements for all covers for swimming pools, spas and hot tubs.

Barrier: Pursuant to Chapter 24, a fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

Basement: A portion of any building located partly underground but having less than half of its clear floor to ceiling height below the average grade of the adjoining ground.

Board of Trustees: The President and Trustees of the Village.

Boat: Any device used or capable of being used for navigation on water.

Building: Any residential or nonresidential support, shelter or enclosure of persons, animals or movable property of any kind, and which is permanently affixed to the land.

Building Code: Chapter 23 of this Code.

Building Inspector: The Building Inspector of the Village or authorized deputy, agent or representative. The Building Inspector is also the Building Official.

Building drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Building sewer: The extension from the building drain to the septic system or other place of disposal.

Cellar: A portion of a building located partly or wholly underground and having half or more than half of its clear floor to ceiling height below grade.

Chapter: When “Chapter” appears within a chapter of this Code, it means that particular chapter.

Chief: Pursuant to Chapter 4 of this Code, the duly appointed Chief of Police.

Civil emergency: A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by 3 or more persons acting together without authority of law; or any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Clerk: The Village Clerk of the Village of Prairie Grove.

Code, this Code: The Prairie Grove Municipal Code.

Combined sewer: A sewer receiving both surface runoff and sewage.

Construction: Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.

Construction vehicle: Any vehicle used in, and that is hauling, picking up or delivering materials, equipment and related apparatus then being used in the construction, remodeling, repair, replacement, enlargement or addition of or to any improvement on a lawful site within the corporate limits of the Village for which a building permit has been duly issued, and is then outstanding, by the Village under the provisions of Chapter 24 of the Code.

County: McHenry County.

Criminal Code: The Illinois Criminal Code of 1961, 730 ILCS 5/1-1 *et seq.*, as amended.

Curbside: Off the street and highway pavement and within 5 feet thereof.

Curfew: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, except officials of any governmental unit and persons officially designated to duty in a civil emergency.

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Deputy Clerk: The duly appointed Deputy Clerk of the Village.

Dwelling unit: A single family attached and detached residence and duplex.

Easement: Land specifically or generally designed for public and/or quasi-public utilities and facilities, only, associated with requirements for sanitary sewer, potable water, storm drainage, gas, electric, telephone, cable television and service.

Electrical Inspector: The designated Village official(s) for making inspections pursuant to Chapter 24 of this code.

EPA: The Environmental Protection Agency; IEPA is the Illinois organization and USEPA is the federal organization

Extermination: The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized legal pest elimination methods.

Fence: Any barrier either working alone or in conjunction with structures or natural features meant to so enclose an area to contain the contents within and/or prevent entry to the area so enclosed.

Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding any pneumatic gun, spring gun or BB gun which expels a single globular projectile not exceeding .18 inch in diameter.

Fire District or Fire Protection District: The applicable fire protection district that provides fire and ambulance service to the Village.

Fireworks: Any rocket, firecracker, torpedo, squib or other similar projectile, or anything containing any substance of an explosive nature, including but not limited to gun powder, gun cotton, giant powder, dynamite, nitroglycerine, fulminate of mercury or other explosives of a similar nature for blasting or other purposes. In addition, the definition for “fireworks” found in 425 ILCS 35/1, as amended, is incorporated into this definition.

Garage sale: For purposes of Section 31.01 of this Code, garage sales shall mean and include all sales entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale” or any

similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

Garbage: Any rejected or waste household food, offal, swill or carrion, and every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruits or vegetable, and any other matter of any nature which are subject to decay, putrefaction and the generation of noxious or offensive gases or odor, or, which during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

Highway or street: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public or purposes of vehicle travel. Any street, alley or public way within the Village.

Hot tub: See definition for spa.

IDOT: Illinois Department of Transportation.

IEPA regulations: Illinois Environmental Protection Agency 35 Administrative Code 653.

Illinois Compiled Statutes (ILCS): The most current edition of the Illinois Compiled Statutes.

Illinois Municipal Code: 65 ILCS 5/1 *et seq.*

Infestation: The presence within or around a dwelling unit of any insects, rodents or other pests.

In-ground pool: See definition for swimming pool.

Inoperable motor vehicle: Any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

The term “inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to historic vehicles over 25 years of age, nor to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles, nor to any motor vehicle which has been rendered temporarily incapable of being driven under its own power by authorization of the Chief of Police.

Legal guardian: A person appointed guardian or given custody of a minor by a Circuit Court of the State, but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act, 705 ILCS 405/1-1, as amended.

Let: To give another person the right to occupy any portion of a building or real estate or both. The act of “letting” shall be deemed to be a continuing act for so long as the person given the right to occupy the premises continues to do so. A further “letting” by any occupant or a portion

of a building is, for the purpose of this Ordinance, also a “letting” by the owner or operator of the building.

Licensee: An organization, person or firm which has been issued a license, such as to operate a raffle.

Liquor Control Act: The Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, as amended.

May: May is permissive.

MCDH: McHenry County Department of Health.

Minor: A person who is above the age of 11 years but not yet 18 years of age.

Motor vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

Motorcycle: An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

Municipality: The Village of Prairie Grove.

Must: Must is mandatory.

Natural barrier: A non-seasonal lake, pond or stream greater than 20 feet in width.

Natural outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Neighboring residence: A 1-family dwelling or a single-family townhouse not more than 3 stories in height situated on improved property within 500 feet of a residential swimming pool.

Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance: Any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Noise sensitive zone: Any area designated pursuant to this Code for the purpose of ensuring exceptional quiet.

Noncombustible waste: All other waste substance not capable of incineration or burning, including ashes, glass, metal, earthenware and the like.

Occupant: Any person, over 1 year of age, living in, sleeping in or having actual possession of a building or portion thereof.

Open burning: The burning of any materials or substances outside of the confines of the dwelling or buildings located on the premises.

Open Meetings Act: 5 ILCS 120/1, *et seq.*

Operator: Any person having charge, care, management or control of any building or part thereof.

Owner: Any person who alone or jointly or severally with others shall have legal or equitable title to any building, the agent of said person or any person having management or control of the building or portion thereof, including, but not limited to a purchaser, mortgagee, receiver or lessee in possession of any building or portion thereof.

Parabolic or dish type television antenna: Any circular or similar dish shaped transmitting or receiving antenna for communications or for transmitting or receiving television signals from a satellite.

Parade: Any parade, march, ceremony, show, exhibit, pageant or procession of any kind, or any similar display, in or upon any street in the Village.

Park or parking: For purposes of Chapter 15 of this Code, the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading and unloading merchandise or passengers.

Peddling: The selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the Village or from house to house, whether at one place or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

Person: Any natural individual, firm, partnership, trust, estate, club, association, not-for-profit organization, society, taxing body or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

PIN: Permanent Index Number assigned by the appropriate county department.

Plumbing: Gas pipes, gas burning equipment, water heating equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs,

shower baths, installed clothes washing machines, wells, septic tanks, catch basins, drains, vents and any similar supplied fixtures, together with all connections to water, sewer or gas lines.

Police Department: The Prairie Grove Police Department.

Population: The population determined by the most recent official federal, state or Village census.

Powered model vehicle: Any self-propelled airborne, waterborne or land born plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

Premises: Any or part of a lot, plot or parcel or tract of land, including the buildings and structures, or part of a building or structure, thereon.

Property: Any real property within the Village which is not a street of highway.

Public employee or employee: Any individual employed by the Village but shall not include elected officials, members of boards, authorities and commissions, management employees who are involved directly in the determination of policy or who responsibly directed implementation thereof, supervisors, or any employee who acts as a representative of the Village and any employee who, in the interest of the Village has access to confidential collective bargaining information or who, as determined by the Village Board, is a confidential employee.

Public right-of-way: Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

Public safety emergency: Any condition wherein the service offered by a public utility or a unit of government has been interrupted, curtailed or damaged, an immediate, substantial and harmful threat to the public health and safety exists, and will continue if such condition is not immediately repaired. Without limiting the generality thereof, a threat to the public health and safety includes damage to telegraphic, telephonic, heating, cooling, lighting, power, electrical, water, sewerage, oil or gas equipment facilities, machinery or property of a hospital or other building providing inpatient health care services, a school, a nursing home or a government building.

Public sewer: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Public space: any real property or structures thereon which are owned or controlled by a government entity.

Public utility: Any corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates or manages, with the State of Illinois, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in:

1. The transmission of telegraph or telephone messages between points within the State of Illinois;
2. The production, storage, transmission, sale, delivery or furnishing of heat, cold, light, power, electricity or water;
3. The conveyance of oil or gas by pipeline; and
4. The disposal of sewerage.

Public Works: The Public Works Department of the Village.

Real property boundary: A line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

Recreation vehicle: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and/or vehicles with “RV” license plates. A recreation vehicle shall include, but not be limited to, the following: travel trailer, pick-up camper, motorized home, camping trailer.

Registered solicitor: Any person who has obtained a valid certificate of registration as provided in this Code, and which certificate is in the possession of the solicitor on his person while engaged in soliciting.

Residence: Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Residential: That which is situated on the premises of a detached single or a one-family townhouse, not more than three stories in height.

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals actually are served and regularly served, without sleeping accommodations, such space being provided with 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 its guests.

Sanitary landfill: A type of operation in which refuse is deposited by plan in a pit or excavation of open land, is compacted by force applied by mechanical equipment and then is covered by a layer of earth, ashes or suitable covering material to a depth of at least two feet.

Sanitary sewer: A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section: Whenever “Section” appears within a particular section number of this Code, it means that particular section. For example, if “Section” appears within Section 1.01 of this Code, Section means Section 1.01. Whenever a number is included with the word “Section,” it shall mean that section number of the Code.

Sewage: A combination of the water carried wastes from business buildings, residences, institutions and industrial establishments, together with such ground, surface and storm waters as may naturally be present.

Shall: Shall is mandatory.

Sign Regulations: Chapter 24 of this Code.

Snowmobile: A self-propelled device designed for travel on snow or ice or natural terrain, steered by skis or runners, and supported in part by skis, belts or cleats.

Soliciting: Any one or more of the following activities:

1. Seeking to obtain orders for the purpose of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
3. Seeking to obtain information on the background, occupation, economic status, social status, religious status, political status, attitude, viewpoints, occupants of a residence, telephone numbers, address furnishings, or the like of another person for the purpose of compiling information as raw data or refined data into a document, record book or directory to be sold or to be used wholly or in part for a commercial purpose; or
4. Seeking to obtain gifts for contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation, or project.

Solicitor: Any person who has obtained a valid license as provided in Chapter 17 of this Code, and which license is in the possession of the solicitor and on his person while engaged in soliciting. *Amended, 500*

Spa - portable, non-portable, hot tub: A non-permanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product.

State: State of Illinois.

Storm sewer or storm drain: A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subdivision Code: Chapter 22 of this Code.

Street or highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public or purposes of vehicle travel.

For purposes of Chapter 15 of this Code, that portion of the roadway or highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Strike: Any concerted action in failing to report for duty, the willful absence from one's position, the stoppage of work (including a stoppage by reason of the expiration of a collective bargaining agreement), the interruption or interference with operation of the Village, slow downs or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment.

Supervisor: Any individual who has authority to recommend hiring, firing, transferring, suspending, promoting and discharging employees; those who have authority to assign employees; and those who direct work, as well as adjust compensation of employees.

Supplied: Paid for, installed, furnished or provided by and under the control of the owner or operator at its own expense.

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

Swimming pool - indoor: A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

Swimming pool - outdoor: Any swimming pool which is not an indoor pool.

Taxicab: For purposes of Chapter 36, any vehicle used to carry passengers for hire but not operating on a fixed route.

Temporary parking: With respect to Section 15.07 of this Code, the stationary placement of any mobile home, boat, trailer or recreation vehicle for a continuous period of less than 48 hours.

Through vehicle: Any vehicle that traverses the roads of the Village from the point of entrance to the point of exit without providing a legitimate service as described in Section 15.13 to a lawful location within the corporate limits of the Village during the course of such traverse, other than a public utility vehicle engaged in a public service emergency.

Topping: The severe cutting back of limbs of a tree to stubs larger than 3 inches in diameter within the tree's crown, and shall mean such cutting as would remove the tree's normal canopy and disfigure the tree.

Townhouse: A single family dwelling having one or more common wall with another single family dwelling, oriented so all exits open directly to the outside.

Trailer: With respect to Section 15.07 of this Code, every vehicle designed or utilized for the transportation of any boat, auto, snowmobile and the like, which does not have motor power but is designed to be drawn by another vehicle.

Treasurer: The duly appointed Treasurer of the Village of Prairie Grove appointed pursuant to Section 3.03 of this Code.

Vehicle: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

Vehicle: Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Illinois Snowmobile Registration and Safety Act (625 ILCS 40/1-1).

Village: Village of Prairie Grove, Illinois.

Village Attorney: The duly appointed Village Attorney pursuant to Section 3.04 of this Code.

Village Board: The President and Board of Trustees of the Village of Prairie Grove.

Village Engineer: The duly appointed Village Engineer pursuant to Section 3.06 of this Code.

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

Zone Code: Chapter 21 of this Code, which is the zoning ordinance of the Village, as amended.

Zoning Official: The individual that has been, or will be duly appointed by the Village Board, who is in charge of the administration and enforcement of the Zoning Code.

Zoning Ordinance: Chapter 21 of this Code, which is the Zoning Code of the Village, as amended.

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