

## ARTICLE 7

### SUPPLEMENTARY USE RESTRICTIONS

#### **Section 7-1 PURPOSE**

This article is intended to establish and outline the additional restrictions and guidelines certain uses must comply with. These additional requirements are to allow the full utilization of a property while ensuring that the use in question does not interfere with or impose upon the adjoining properties.

#### **Section 7-2 HOME OCCUPATIONS**

A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. Home Occupations do not include garage or yard sales. Those Home Occupations which have a steady and recurring flow of customers who come to the residence at scheduled or anticipated times shall be required to obtain a Special Use Permit. Those Home Occupations who make their goods or services available to members of the general public that stop or visit unannounced shall also be required to obtain a Special Use Permit. All Home Occupations not requiring a Special Use Permit should obtain a Certificate of Zoning Compliance. This will allow the City to verify that the Home Occupation is in compliance with the City's ordinances, and will protect the operator from unjust complaints.

All Home Occupations shall comply with the following guidelines:

A) Area of Use: Home Occupations shall be entirely contained within the interior of the residence, garage, or an accessory structure on the site. No visible evidence of the business shall be apparent from the street or surrounding area, except for the permitted signage.

The Home Occupation shall not occupy such a percentage of the total dwelling unit floor area that the interior character of the residence is substantially changed. Those Home Occupations which require occasional meetings occupying a majority of the total floor area may be permitted, providing such meetings do not disrupt the character of the neighborhood.

B) Employees: The Home Occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups.

C) Traffic and Parking: No parking in the public right-of-way shall occur as a result of this Home Occupation except for occasional meetings. If parking for a Home Occupation frequently causes a disturbance to the normal traffic flow of the neighborhood, the occupation shall be considered a business best handled in a business district. Any Home Occupation that is found to be disruptive to the traffic flow of the neighborhood shall be required to discontinue the Home Occupation, as it violates the intentions of the Zoning Ordinance.

D) Changes to Exterior: The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation. Alterations to the building, parking area, or any other exterior change should not cause the structure to change its residential character nor should it detract from the residential character of the neighborhood.

E) Nuisance Control: A Home Occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration, glare or bright lighting, which would be over and above that created by a residential dwelling. The production, dumping, or storage of combustible or toxic substances shall not be permitted on site. Additionally, a Home Occupation shall not create interference or fluctuations of radio or television transmissions.

F) Visitation: A Home Occupation may attract patrons, students, or any business related individuals only between the hours of 6 a.m. and 9 p.m. The parking standards in Article 6 shall apply to the Home Occupation. No Home Occupation shall receive customers or visitors at times or in a manner that will disrupt or alter the character of the neighborhood. The number of customers or visitors shall not be of a magnitude that it will have a profound effect on the neighboring streets or properties.

### **Section 7-3 DAY CARE CENTERS**

All day care centers operating within the City shall be licensed by the State of Illinois. Prior to beginning operation, documentation shall be provided verifying the operation complies with all fire and safety guidelines.

#### **Section 7-3.1 Day Family Care Home**

Any day care center operated out of a home shall be considered a Home Occupation. Because of the consistent and recurring traffic that is generated, a day care center operated out of a home is required to obtain a Special Use Permit. For a permit to be issued, the day care center will have to comply with the following restrictions:

1. The applicant shall possess a valid license from the State of Illinois and any other local, state or federal licenses as required by law.
2. The applicant shall install the minimum number of smoke detectors as specified by local, state and federal regulations and will have cleared all orders issued by the Office of the State Fire Marshal.
3. All exterior playground equipment shall be kept in good repair and free of hazards. All playground equipment shall be located in the rear yard.
4. Noise levels shall not consistently reach a level where they may be considered a public nuisance.
5. When deemed necessary for the health and safety of the individuals, the City may require fencing or screening of the outdoor play areas. Fences must extend from the ground to a minimum height of four feet.
6. Any sign installed for the day care center shall comply with the sign regulations for Home Occupations.

(Ord 20-04)

## **Section 7-4 FENCES, WALLS AND HEDGES**

For this section, the word fence shall be synonymous with walls, hedges, landscaping, and any other type of improvement.

Fences, walls, and hedges used for any purpose shall in all districts conform to the following:

- A) For the purpose of minimizing traffic hazards at street intersections, the triangular portion of corner lots that is bounded by the street lines and a line joining the two street lines at points on the street lines which are thirty feet from the point of intersection, shall be considered a restricted area. No fence, wall, vegetative planting or other type of obstruction shall intrude into the air space of the restricted area between two and ten feet above the level of the adjacent street.
- B) No fence, retaining wall, landscaping, or other type of improvement shall be constructed or placed within any public street or alley right-of-way unless approved by the City Council. In the event it becomes necessary for the City to remove such improvement for maintenance or other purpose, the removal and/or replacement of such improvements shall be the responsibility of the property owner. Any costs incurred by the City in removing any improvement in a public right-of-way shall be assessed to and paid by the owner of the property.
- C) Improvements shall be so constructed that drainage is not obstructed.
- D) Fences shall be maintained to be free of overgrowth from weeds and other vegetation. All fences shall be maintained to protect the structural integrity of the fence, and shall be removed by order of the Administrator if the fence is not properly maintained. Any fences or hedges installed as screening which is required by this ordinance shall be maintained to provide adequate and continuous screening.
- E) No permitted fence may be constructed in a district, on a lot, when the principal structure for that district does not exist on that lot. (Ord 20-04)

### **7-4.1 Fences in Residential Districts:**

In addition to complying with the above requirements, any fence which is constructed in a residential district shall adhere to the following restrictions:

- A) No barbed wire or other sharp-pointed fence and no electrically charged fence shall be erected or maintained;
- B) Fences, walls and hedges shall not exceed a maximum height of six feet and may be located up to lot lines provided that the height of fences, walls, and hedges does not exceed four feet when they extend beyond the front building line of a structure;
- C) Fences must be constructed of exterior fencing materials as approved by the Administrator. Only materials which are compatible with the character of the neighborhood will be allowed.

#### **7-4.2 Fences in Non-residential Districts:**

All fences constructed in a non-residential district must comply with the restrictions stated for all fences and with the guidelines listed below:

A) Fences, walls, and hedges in the BD, B-1, B-2, and B-3 districts shall not exceed a maximum height of eight feet and may be located up to lot lines provided that the height of fences, walls and hedges does not exceed four feet when they extend beyond the front building line of a structure. Fences in the I district shall not exceed a maximum height of twelve feet and may be located up to the lot lines. The height restriction of any fence which extends beyond the front building line does not apply to fences constructed in the I district.

B) Barbed wire or other sharp-pointed fence and electrically charged fences are only permitted in the A district. Fences located in the I district may install barbed wire on fences exceeding eight feet in height, provided the owner has supplied documentation justifying the need to the Administrator. Barbed wire will only be permitted if the Administrator determines that there is a justified need for it. Otherwise, it is strictly prohibited.

C) Fences must be constructed of exterior fencing materials as approved by the Administrator. Only materials which are compatible with the character of the area will be allowed.

#### **Section 7-5 LIGHTING CONTROLS WITHIN ANY DISTRICT**

Any light used for the illumination of signs, parking areas, swimming pools, or for any other general purpose, shall be arranged in such a manner as to direct the light away from neighboring properties, and away from the vision of passing motorist. The lighting of any premises shall not affect or disturb the adjacent properties.

#### **Section 7-6 SWIMMING POOLS**

Pools used for swimming or bathing shall be in conformity with the requirements given below. However, the following regulations shall not be applicable to any pool less than twenty-four inches deep.

A) A wall of a private swimming pool shall not be located less than six feet from any rear or side property line or ten feet from a side lot line abutting a street or ten feet from any principal structure. A swimming pool shall not be located in any front yard.

#### **Section 7-7 GREENHOUSES & PLANT NURSERIES**

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

A) No exterior storage of any fertilizer, compost, manure or other odor or dust producing substance shall be permitted within fifty feet of any other property line;

B) Greenhouse heating plants shall be in an enclosed building and shall not be less than fifty feet from any property line;

C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

**Section 7-8 HOSPITALS AND SANITARIUMS**

Hospitals and sanitariums shall be considered a special use in any district where they are considered a compatible use. A Special Use Permit would be required for each hospital and sanitarium.

**Section 7-9 NURSING HOMES/CONVALESCENCE HOMES**

In any district where nursing homes/convalescence homes are considered a compatible use, these uses shall be required to obtain a Special Use Permit.

**Section 7-10 USED CAR LOTS**

No residence shall be allowed to park or display cars that are for sale which are visible from the public right of way. The only exception shall be if the car which is for sale is parked in the off-street parking required by this ordinance. No business shall allow cars that are for sale to be displayed on their lot unless that is the principal function of the property. Businesses allowing employees, customers, or the general public to display cars for sale on a recurring basis shall be subject to fines and other penalties.

**Section 7-11 KENNELS**

Any kennel which is operated within the City shall be situated on a lot with a minimum area of three acres. The kennel shall be located at least two-hundred feet from the nearest dwelling and at least one-hundred feet from any lot line. All kennels within the city shall be established and operated in accordance with City Code Section 91.65 - 91.99.

**Section 7-12 RECREATIONAL VEHICLES**

**7-12.1 General Restrictions:**

The following restrictions apply to all recreational vehicles, regardless of what district it is located in:

1. No recreational vehicle shall be used as a permanent dwelling.
2. No recreational vehicle shall be used as an office or for any other commercial purpose.
3. All travel trailers shall conform to and not exceed regulations for height and weight restrictions when in use within City boundaries. No vehicle shall be parked or stored in a manner which inhibits or impedes travel on City thoroughways.
4. Storage or parking of travel trailers and recreational vehicles must not violate any existing City fire codes.
5. All recreational vehicle parks developed for the parking of RV's which are in use shall be developed according to the applicable requirements of the Mobile Home Park Ordinance as determined by the Administrator.

**7-12.2 Storage of Recreational Vehicles and Utility Trailers in Residential Districts:**

Any recreational vehicle or utility trailer stored in a residential district shall comply with the following guidelines:

1. Not more than one recreational vehicle or utility trailer shall be parked on any lot.
2. The parking of a recreational vehicle or utility trailer is allowed in the rear yard only.
3. The parking of a recreational vehicle or utility trailer shall comply with the yard requirements for accessory buildings of the district in which it is located.
4. The parking of a recreational vehicle or utility trailer shall not impede the light or air of a neighboring structure. (Ord. 01-8)

**Section 7-13 SANITARY LANDFILLS**

Any person who intends to establish or conduct a Sanitary Landfill within the zoning jurisdiction of this municipality shall obtain a permit from the Illinois Environmental Protection Agency indicating that the Sanitary Landfill fully complies with the “Solid Waste Rules and Regulations” promulgated by the IEPA pursuant to the authority granted by State law.

**Section 7-14 SCHOOLS**

Any school established with the intention of educating kindergarten, elementary, junior-high, or senior-high school-aged children shall be considered a special use for any district in which it is determined to be a compatible use. Such schools will be required to obtain a Special Use Permit and must conform to the Regional Superintendent of Schools regulations.

Any school or temporary classroom established with the intention of offering educational classes for adults, specific trade-type classes, or similar type classes are permitted in the business districts provided they are approved by the Administrator. Any such educational facility must be compatible with the intended use of the district in which it is located, and must comply with the regulations of that district.

**Section 7-15 AUTO REPAIR/SERVICE STATIONS, AUTO BODY SHOPS**

This section is to clarify the distinction between automobile repair and service station and automobile body shops.

**7-15.1 Auto Repair/Service Stations:**

Establishments which sell and install the parts needed to make minor repairs to automobiles, as defined below, will be considered an auto repair/service station. Such establishments are permitted in the B-2, B-3, and I districts. Generally these stations contain the equipment to make the needed repairs in an enclosed facility. Repairs and services permitted by these establishments are limited to general maintenance and repairs such as:

Minor automotive repairs

- A) Servicing of spark plugs, batteries, and distributor parts
- B) Tire servicing and repairs
- C) Replacement and repairs of exhaust systems, hoses, belts, brakes, electric systems, wipers and wiper fluid, grease retainers, bearings and the like
- D) Radiator cleaning and flushing
- E) Repair or replacement of the fuel pump, oil pump and lines

F) Minor motor adjustment not involving the removal of the head or crankcase, or racing the motor.

Any repairs or maintenance which is similar to those listed above, or is considered to be part of the regular and routine maintenance of a car are permitted. Activities that are prohibited by auto repair/service stations are: trailer renting and leasing, auto body repair, undercoating, painting, dismantling of autos, engine rebuilding and other such activities.

#### **7-15.2 Auto Body Shops:**

Establishments which engage in auto body repair, rebuilding of engines, and other items considered major repairs, as defined below, are only permitted in the B-3 and I districts. Any repairs made in such establishment shall be done in an enclosed building whose doors shall be kept shut during all work hours. Such building shall be located at least forty feet from the nearest property line with the doors not to face any residentially zoned lot. Repairs permitted by these establishments include the following:

##### Major automobile repairs

- A) Body, fender, clutch, transmission, differential, axle, spring and frame repairs
- B) Sanding and spray painting
- C) Major overhauling of engines requiring the removal of the cylinder-head or crankcase pan.

#### **7-15.3 Parking Requirements:**

All auto repair/service stations and auto body shops shall comply with these parking requirements.

- A) There shall be no parking of damaged motor vehicles where they are visible from the public right-of-way except on a temporary basis not to exceed seven days. All new parts, scrap parts, and junk vehicles shall not be kept on the exterior of the establishment unless in a heavily screened area. No establishment shall have more than three junk vehicles on its premises.
- B) Off-street parking shall be provided on the site at a ratio of one parking space for each three-thousand square feet of floor area plus employee parking.

#### **7-16 GAS STATIONS**

Any establishment which sells gasoline, kerosene, diesel or any other petroleum product, excluding commercial establishments selling bottled or canned items, shall comply with the following guidelines. Gas stations may or may not coincide with service stations.

- A) All gasoline pumps and other service facilities shall be located at least twenty-five feet from any street right-of-way line, side lot line, or rear lot line.
- B) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

C) Whenever an establishment has discontinued the sale of gasoline and/or other petroleum products for twelve consecutive months, the City shall order that all underground storage tanks be removed per State statute.

**Section 7-17 DRIVE-IN THEATERS**

All drive-in theaters shall be considered a special use for any district in which it is considered a compatible use. A Special Use Permit is required for any drive-in theater.

**Section 7-18 TRUCKS, TRAILERS, EQUIPMENT, AND MATERIAL**

No trucks with a net legal carrying capacity exceeding one and one-half tons, truck trailers, tractors weighing more than one-thousand pounds, farming equipment or machinery, and construction equipment, machinery or materials shall be parked or stored upon any lot or tract of land in a residential district unless within an enclosed lawful structure. An exception is granted to such vehicles equipment, machinery and materials that are in temporary usage to actively accomplish permitted work and other similar activities. In such case they shall, upon completion of said activity, be removed from the lot or tract of land, or placed in an enclosed structure thereon.

**Section 7-19 MODULAR HOMES, MANUFACTURED HOMES**

**7-19.1 Modular Homes:**

Modular homes are permitted within the municipality but are regulated by the following guidelines:

A) Modular homes are an allowable use in the R-1, R-2 and MR-3 districts. Any modular home which is placed on a lot in either of these districts must meet all the regulations given for the district.

B) Only State-approved modular homes will be permitted in these districts. To meet the State requirements, the unit must comply with the CABO One and Two Family Dwelling Code, the Illinois State Plumbing Code, the National Electric Code, and the ASHRAE Energy Standard. If the unit does comply with these codes, a yellow State of Illinois sticker is placed by the manufacturer on either the electrical box or underneath the kitchen sink.

C) Any modular home that is manufactured at a factory without the installation of the utilities such as plumbing, electrical and heating systems are subject to the same local regulations as a site-built house.

A list of companies who construct modular homes that meet the requirements stated in item (B) is available from the Administrator. This list is prepared and distributed by the Illinois Department of Public Health.

**7-19.2 Manufactured Homes:**

Manufactured homes are only permitted in the MH district. Any pre-constructed dwelling unit which contains the red HUD approved label shall be considered a Manufactured home. The



placement of any such home within this city shall comply with the regulations and guidelines established for the MH district.

Differences in construction between Modular Homes and Manufactured Homes:

	<b>MODULAR HOME</b>	<b>MANUFACTURED HOME</b>
Foundation	A permanent perimeter foundation extending below the frost line.	Home generally supported by concrete blocks located underneath the I-beams. Required to be tied down to prevent possible personal or property damage.
Entrance Door	Minimum 6 feet 8 inches by 3 feet	A minimum 6 feet 2 inches by 2 feet 8 inch
Hallways	Minimum width of 36 inches	Minimum width of 28 inches
Plumbing System	1. Drainage system vented to the outside atmosphere.  2. A back flow protection device for all hose faucets	Allows “quick vents” which obtain their air from within the house.
Roofs	Units designed for a minimum load of 30 pounds per square foot	Units designed for a 20 pounds per square foot load
Type of Label	Yellow, State of Illinois sticker	Red, HUD approved sticker

**Section 7-20 UTILITY FACILITIES**

Every electrical substation, gas regulator station, telephone exchange facility, sewage lift station, water storage facility, or similar facility shall be deemed a special use. However, any such facility which is owned and operated by the City of Wood River shall be exempted from the required Special Use Permit if it has been approved by the City Council. Any facility requiring a Special Use Permit shall conform to the following guidelines:

- A) Every lot on which such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located. Every part of any such facility shall be located at least twenty-five feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- B) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.
- C) Screening at least ten feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility and a secure fence eight feet in height be installed behind the planting screen.

**7-20.1 Regulation of Telecommunication Facilities:** (Ord. 97-14)

Telecommunication towers, antennas, and all other facilities associated with this type of use will be regulated by the requirements contained within this subsection.

A) For this subsection, the following terms and phrases shall be defined as given below:

Telecommunication Facility: An unmanned facility consisting of an equipment building, shelter or cabinet, accessory equipment and an existing or new structure to support communications including, but not limited to paging, enhanced specialized mobile radio (ESMR), personal communication services (PCS), domestic public radio telecommunications services and similar technologies.

Co-use: The location of two or more telecommunication antennas and other telecommunication devices at a single, pre-existing telecommunication facility.

Freestanding: A telecommunication facility that consists of a stand alone support structure (typically a guyed-tower, self-supporting tower or a monopole), antennas and associated equipment storage shelter.

Stealth: A telecommunication facility that incorporates antennas and other telecommunication devices upon existing buildings and/or structures, does not extend more than twenty feet above the maximum existing structure height, and are appropriately painted and screened so as to harmonize with the existing building and/or structure.

B) Telecommunication facilities will be classified into the use groups for the districts given below:

- 1) Telecommunication facility, co-use - Permitted by right in B-2, B-3, I, BPE, CR, and A districts.
- 2) Telecommunication facility, freestanding - Permitted by Special Use in B-2, B-3, I, A, BPE, and CR districts. The facilities are strictly prohibited from all other zoning districts.
- 3) Telecommunication facility, stealth - Permitted by right in B-2, B-3, I, A, BPE, and CR districts. Permitted by Special Use in B-1 and BD districts.

C) Additional Standards and Regulations

The following additional standards and regulations shall be applied to all telecommunication facilities:

- 1) All new telecommunication facilities greater than eighty feet in height shall be constructed of sufficient strength to accommodate the co-use of at least three providers.
- 2) Co-use is preferred and shall be encouraged by the City. Therefore no two telecommunication facilities requiring a special use permit shall be allowed within one-half mile of each other, unless the applicant provides documentation that a

co-use or a stealth facility is not possible. The City reserves the right, at the expense of the applicant, to hire an independent consulting engineer to verify any findings alleging that a co-use facility is not possible.

3) Applicants for a telecommunication facility must supply the Administrator with five copies of the site plan. These will be distributed to the appropriate departments and agencies for their review. Public safety co-use shall be provided at no costs on the tower or on the ground.

4) The applicant for the telecommunication facility shall be required to notify the Administrator in their application of those entities contracted for co-use of the facility. Furthermore, any entity contacted for co-use after issuance of the special use permit shall be reported to the Administrator for his records. The applicant shall report to the Administrator any written requests received for co-use of space and the special use permit. Failure to do so within ninety days of said written request shall automatically void the special use permit.

5) Any telecommunication facility that is no longer in use for a communication purpose permitted under this ordinance shall be removed at the owner's expense. All obsolete and abandoned telecommunication facilities shall be removed within one year of cessation of use.

#### **Section 7-21 SEDIMENTATION CONTROL AND STORM WATER RUN-OFF**

This section shall apply to all new development and any redevelopment that occurs within the jurisdiction of this municipality.

##### **7-21.1 Storm water management:**

All developments shall be responsible for providing sufficient information for the Administrator to determine that storm water is not being discharged onto an adjacent property at a higher rate than prior to the development. No development shall discharge water into a storm sewer at a rate that exceeds the capacity of that sewer or imposes hardships upon the other users of that sewer system. No storm water shall be discharged in a manner which is detrimental to an adjacent property.

Developments may manage their storm water runoff by directing it to a retention pond or a percolation area prior to its exiting the property. Such detaining areas shall be constructed to hold the capacity of a 25 year storm for a 24 hour duration. Calculations to determine the capacity of such detaining areas shall be submitted to the City for approval.

Developments will be regulated on a case by case basis to ensure that the peak flow of storm water runoff from each site will not exceed the predevelopment runoff. (Ord. 03-13, passed 11/3/03)

##### **7-21.2 Sedimentation control:**

All developments shall implement siltation and soil erosion control measures as recommended by the Illinois Department of Transportation. Any development required to implement a sedimentation control plan shall submit proof of that plan to the City. Any development not

required to implement a sedimentation control plan may be required to follow the guidelines and principals of such a plan if the need is determined by the City. All developments shall take measures to ensure that sedimentation and soil erosion is minimized at the site.

## **Section 7-22 SOLAR ENERGY SYSTEMS**

This section applies to all solar energy system installations in the City of Wood River.

*Purpose.* The purpose of this section is to provide regulations for the permitting of ground mount solar systems as a special use within the zoning districts identified herein, as reflected in Section 3-2; and to provide regulations for the permitting of roof mounted solar systems within the zoning districts identified herein, as reflected in Section 3-2. This section provides for the preservation, protection of natural resources such as forests, tributaries, and habitat while also providing restrictions for the development to aid in the quality of life for the adjacent property owners and general aesthetic qualities for the city while preventing detriment to the public health, safety and welfare of the city as a whole. This section is intended to ensure that any development and production of Solar Energy Systems is safe and to minimize any potentially adverse effects on the community. This ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

### **(7.22.1) Filing requirements for a special use of a ground mount solar energy system.**

Submittal packets for a special use for the construction of a ground mount solar energy system shall contain the following:

- (1) *Application.* The applicant for a ground mount solar system shall adhere to the provisions of this chapter.

In addition, every ground mount solar system application shall include the following information and documentation:

- a. *Host agreement.* An executed host agreement must be appended to, and included as part of, any solar system special use application filed with the city.
- b. *Applicant information.* The applicant shall describe itself, its legal standing as to whether it is a corporation, limited liability company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the ground mount solar system. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to bring this application in the name of such property owners.
- c. *Project description.* The applicant shall provide a general description of the project, including its total generating capacity; the equipment manufacturer, the type and model of solar collectors proposed, the number of solar collectors, the nameplate generating capacity of each solar collector, the proposed height of each solar collector and overall dimensions thereof, a power transmission plan which details the point at where electricity

generated on the site connects to electric utility lines/facilities (and any related easements), and a statement as to which utility company the electricity generated on the site will be supplied.

d. *Site plan.*

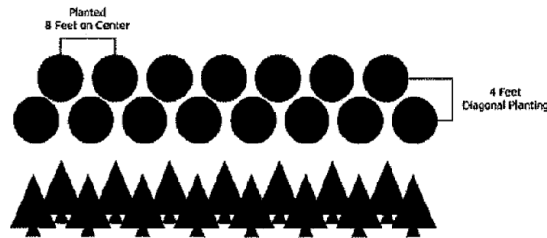
1. All proposed setback dimensions.
2. All proposed structures on the property, including, but not limited to, solar collectors, substations, and service roads.
3. Topographic site information for the subject property and the adjacent properties within a quarter mile of the property line of the subject property indicating contours in five foot intervals.
4. Existing structures on subject property and properties within a quarter mile of the property.
5. All existing and proposed underground and aboveground utilities.
6. All rights-of-way, wetlands, wooded areas, and public conservation lands.
7. Location of transitional buffer yard in conformance with section 7-22.2(6) with statement on the site plan that all screening will be properly maintained, including a schedule indicating when and how diseased or dead trees/shrubs will be removed and replaced.
8. Ingress and egress from the site as proposed during construction and thereafter, which indicates:
  - i. Proposed road surface and cover.
  - ii. Dust control.
  - iii. Width and length of access route and location of ingress.
  - iv. Road maintenance progress or schedule for proposed use of land.
  - v. Certified easements, contracts, waivers, and option agreements for proposed use of the land.
  - vi. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
  - vii. Fire protection plan for the construction and the operation of the facility, and emergency access to the site.
  - viii. Revegetation or reclamation plan of the areas that will be disturbed.
  - ix. Drainage plan and erosion control plan.

- x. Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.
- xi. Public road routes.

(7.22.2) **Design and installation requirements.**

- (1) *Setbacks.* The solar array and all components of the solar collector system in a ground mount solar energy system shall be set back a minimum of the greater of the following:
  - a. Seventy-five feet from all property lines;
  - b. One hundred fifty feet from public parks, public conservation lands, and/or the high water mark of all navigable waterways.
  - c. Ground mount solar systems may only be placed in the rear section of a lot.
- (2) *Height.* The total height of the solar collectors shall not exceed 20 feet in height when oriented at a maximum tilt position unless specifically allowed by the Wood River Planning and Zoning Board.
- (3) *Electrical components.* All electrical components of a ground mount solar energy system shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines that are used in conjunction with the ground mount solar energy system, including all electrical control wiring and connections to power lines, shall be installed underground unless specifically allowed otherwise by the Wood River Planning and Zoning Board.
- (4) *Environmental impact.* In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the department's online EcoCat Program (or equivalent review process). The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat (or equivalent process) shall be provided to the City of Wood River building and development before a special use permit application will be considered by the combined planning and zoning board. In all undeveloped areas, the solar energy developer will be required to supply a draft copy of the Agricultural Impact Mitigation Agreement ("AIMA") with the Illinois Department of Agriculture.
- (5) *Warning signage.* Signs warning of the high voltage associated with the solar system shall be posted at every entrance to the facility, at the base of all pad mounted transformers, and all substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.
- (6) A transitional buffer yard (TBY) shall be used to screen solar electricity systems from adjacent properties and adjacent public rights-of-way. The TBY shall be located within the required 75 foot setback area.

The TBY must achieve a 100 percent screen through the use of either landscape berms or trees to a minimum height of eight feet within two years of installation. To achieve this appearance with trees, a staggered spacing approach with trees on eight-foot centers, should be utilized as shown below. All TBY landscaping shall be evergreen trees. Trees and/or landscape berms may be placed on either the inside or outside of any required fencing. The TBY must be kept in excellent condition, with dead or diseased trees removed and replaced on an annual basis, or as otherwise required in writing by the building and zoning supervisor or his/her designee.



- (7) *Federal and state requirement compliance.* The solar collecting system shall meet or exceed any standards and regulations of any agency of the state or federal government with the authority to regulate solar energy systems.
- (8) *Points of access and interior roadways.* Points of access to solar energy systems and interior private access roads shall be of sufficient width to accommodate access by emergency response vehicles, including firefighting apparatus as deemed necessary. Access points and interior roads shall be shown on a general site layout that is approved by the Wood River fire chief and the Wood River emergency medical services chief or his/her designee at the time of Special Use Permit application. An "after-hours" access plan shall be included and approved by the fire chief or designee. Once approved, access points and roadways shall be appropriately maintained.
- (9) *Exterior roads.* All routes that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown.
- (10) *Complaint resolution.* The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar system. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.
- (11) *Waste disposal.* All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state and federal rules and regulations.

- (12) *Drainage.* The plan shall state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the solar system shall be completely repaired to near original condition and so as not to impede the natural flow of water. All repairs shall be completed within a reasonable amount of time. Ground mount solar systems shall be built to the same requirements as any other accessory structure in the city, particularly pertaining to items like run off and lot coverage.

The ground mount solar system owner is to notify the director of public works director that the construction of any part of the project encounters any underground field drainage tiles. A plan sufficient to provide remediation shall be submitted, reviewed and subject to the approval of the director of public works director. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the city engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of 30 feet across the private access roads and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tiles that are encountered during construction shall be noted on the site plan. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the director of public works shall be posted to assure compliance with this section.

- (13) *Conformance to industry and code standards/engineer certification.* The ground mount solar system shall comply with all applicable codes for the electrical, mechanical and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer. All solar collection system panels shall be certified by the Solar Collector and Certification Corporation (SRCC). All applications shall conform with the requirements established by Ameren and Illinois Administrative Code Part 466, including the certificates, applications, studies and agreements included therein.
- (14) *Fencing.* Perimeter fencing having a minimum of eight feet in height shall be installed around the boundary of the solar system. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.
- (15) *Reflective coating.* Solar energy system components shall be designed with an antireflective coating. Verification shall be provided that verifies that the components of the solar energy system have this quality.
- (16) *Reflection angles.* Reflection angles for solar collectors shall be oriented such that they do not direct glare toward residential users on adjacent properties. Verification shall be provided by the applicant that reflection angles have been taken into account for both fixed position and pivoting solar collectors as well as for all seasonal changes to sun angles.
- (17) *Lot area.* Ground mount solar systems and components thereof shall be located on a parcel that is a minimum of 14 acres in size.



- (18) *Vegetation control.* A vegetation and weed control plan, which includes details of how frequently the site will be mowed, shall be provided that protects against the creation of a prey habitat and/or aesthetic impacts to the surrounding area. As the site shall be screened with a transitional buffer yard (TBY), the combined planning and zoning board may allow grass/vegetation heights to exceed the city's established maximum growth heights as required elsewhere in the city.
- (19) *Cleaning supplies and solvents.* Cleaning chemicals and solvents used during the operation or maintenance of the solar energy system facility shall consist of biodegradable products and shall be low in volatile organic compounds.
- (20) *Equipment and capacity upgrades.* Any change to equipment and/or increase in overall peak electrical capacity for solar energy systems shall require a revised special use permit which shall be reviewed and approved by the combined planning and zoning board. However, administrative review of an equipment change and/or capacity increase may occur by unanimous agreement of an administrative panel comprised of the building and zoning director, the fire chief, and the public works director if all of the following are met:
- a. The cumulative increase in overall peak electrical capacity as compared to the original amount approved in the special use permit is less than 20 percent;
  - b. The cumulative increase in the overall number of solar collectors as compared to the original amount approved in the special use permit is less than 20 percent;
  - c. At the time of application for an upgrade, there are no standing or unresolved complaints from surrounding property owners per the complaint resolution provision in section 90-214(c)(10).
  - d. The city building and zoning division has verified that there are no standing or unresolved issues with regard to the design and installation requirements contained within this section (90-214(c)).
- (21) *Applicant contact information.* The applicant shall keep on file with the city building and zoning division current contact information, including mailing address(es), daytime telephone number(s), and emergency contact information of the property owner(s) and the solar collector operator(s). In addition, the applicant shall provide written information as to frequency of site and equipment inspections.
- (7-22.3) **Decommissioning or abandonment of the solar system.** Prior to receiving a special use of the ground mount solar system, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy. If the ground mount solar system is out of service or not producing electrical energy for a period of 90 days, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The decommissioning plan shall be updated every ten years from the date of approval of the special use permit and provided to the combined planning and zoning board as an

informational item. The decommissioning plan shall provide the following information:

- (1) Removal of the following within nine months:
  - a. All solar collectors and components, aboveground improvements and outside storage.
  - b. Foundations, pads and underground electrical wires and reclaim the site to a depth of four feet below the surface of the ground.
  - c. Hazardous material from the property and dispose of in accordance with federal and state law.
  - d. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar system. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar system. The decommissioning cost shall be made by cash, surety bond or irrevocable letter of credit before any construction commences.
  - e. A restoration plan shall be provided for the site.

(7-22.4) **Liability insurance.** The owner or operator of the ground mount solar system shall maintain a current general liability policy covering bodily injury and property damage and name the City of Wood River as an additional insured with limits of at least \$3,000,000.00 per occurrence and \$5,000,000.00 in the aggregate with a deductible of no more than \$5,000.00.

Such insurance may be provided pursuant to a plan of self-insurance, by a party with a net worth of \$20,000,000.00 or more. The city shall be named as an individual insured on the policy to the extent the city is entitled to indemnification.

(7-22.5) **Administration and enforcement.** The zoning officer shall enforce the provisions of this section through an inspection of the solar system every year. The zoning officer and/or a designated public safety representative are hereby granted the power and authority to enter upon the premises of the solar system at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall, upon conviction, be fined not less than \$75.00 nor more than \$500.00 for each offense. Each tower, solar array, or any other component of the solar energy system shall be the subject of a separate violation and further each week that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties.

(7-22.6) **Location of Ground Mount Solar Energy Systems.** Ground Mount Solar Energy Systems meeting the aforementioned requirements are permitted only by Special Use in Districts A and I, as identified in Section 3-2.

(7-22.7) **Roof Mount Solar Energy Systems.** Roof Mount Solar Energy Systems may be

erected or installed on properties within the corporate limits and extraterritorial jurisdiction of the City of Wood River, Illinois, in accordance with this Article 7-22, as well as all City, County, State and Federal laws and regulations, as amended from time to time, concerning the use and operation of said Roof Mount Solar Energy System, and shall be further subject to the following standards:

- a) Except as authorized by the City Council for public utility and/or public infrastructure purposes, Roof Mount Solar Energy Systems shall only be permitted if accessory to a principal building and/or principal use.
  
- b) Any person seeking to erect, construct, install, or maintain a Roof Mount Solar Energy System on property located within the corporate limits and/or extraterritorial jurisdiction of the City of Wood River, Illinois, shall obtain an Electrical Permit prior to the installation of any Roof Mount Energy System. As part of the application for an Electrical Permit, a person seeking to erect, construct, install, or maintain a Roof Mount Solar Energy System shall also submit a written application and/or graphic form, which includes all of the items listed below:
  1. Name, address, and telephone number of property owner;
  
  2. Name, address, and telephone number of the installer of the Roof Mount Solar Energy System;
  
  3. Description of the proposed Roof Mount Solar Energy System indicating the following:
    - i. Plan showing the proposed location of the Roof Mount Solar Energy System;
    - ii. System dimensions and specifications;
    - iii. Evidence showing compliance with all applicable setback requirements;
    - iv. Evidence showing compliance with applicable setback and/or height regulations;
    - v. Distance to any roads or overhead utility lines; and,
    - vi. Compliance with each regulation contained in this Article 23A-2.
  
  4. A professional engineer, licensed in the State of Illinois, shall stamp all plans and specifications for the proposed Roof Mount Solar Energy System.
  
  5. Utility Notification: No grid-intertie Photovoltaic Cell system shall be installed until evidence has been given to the City of Wood River Plumbing and Electrical Inspector

that the person seeking to erect or install said Roof Mount Solar Energy System has submitted notification to the utility company of their intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

- a) The City of Wood River Fire Department, shall review said application for an Electrical Permit to verify that adequate roof access will be allowed for emergency personnel in the case of an emergency.
- b) Roof Mount Solar Energy Systems shall be installed according to manufacturer specifications and in accordance with all applicable City of Wood River, Illinois, building codes, electrical codes, fire codes, and other ordinances, codes, rules, and regulations pertaining to Roof Mount Solar Energy Systems.
- c) Electric solar energy system components must have a UL listing.
- d) All Roof Mount Solar Energy Systems shall have a lockable, utility accessible, load breaking, manual disconnect switch, which can be utilized to connect and/or disconnect all electric solar energy system components. The manual disconnect switch shall be located not more than four (4) feet from the building's Electric Service Meter. The manual disconnect switch shall not be obstructed from access in any manner, including, but not limited to, landscaping, shrubs, trees, terraces, fencing, etc.
- e) All Roof Mount Solar Energy Systems shall have the following caution labels installed and/or placed on said Roof Mount Solar Energy System:

1. A "Caution Solar Electric System" label shall be installed and/or placed adjacent to the manual disconnect switch.

2. "Caution Solar Circuit" directional labels shall be placed on any and all DC raceways and equipment, and shall depict the direction of the electrical flow inside said raceway and/or other equipment. Said "Caution Solar Circuit" directional labels shall be located and spaced out not more than every ten (10) feet along said raceway.

3. All caution labels shall be weather resistant and reflective, with a red background and white lettering with a minimum of 3/8 inch lettering.

**(7-22-8) Locations Permitted and Maximum Area of Roof Mount Solar Energy Systems.**

1. Roof Mounted Solar Energy Systems are permitted by right, so long as compliance with this Article is met.

- i. Building Integrated Solar Energy Systems and/or Flush Mounted Solar Energy Systems are permitted to be installed as a Roof Mount Solar Energy System, so long as compliance with this article is met;

- ii. Non-Flush Mounted Solar Energy Systems are permitted on a building with a flat roof if the Solar Collector is completely screened from view to an observer five (5) feet above the ground at any point along an abutting property line;
- iii. The Solar Collector surface area and set back on the roof shall be provided and shown on the application with review and approval by the Wood River Fire Department, and Building and Zoning Department.
- iv. Reflection angles from Solar Collector surfaces shall be oriented away from neighboring windows.

All Roof Mount Solar Systems must provide for a minimum of three (3) feet of accessible roof surface around the entire outer perimeter of the roof. The three (3) feet is measured from the edge of the solar panel to the edge of the roof surface area, not including gutters.

**Sec. 7-23 – BODY ART ESTABLISHMENTS.**

Purpose: This purpose of section is to identify requirements and restrictions for Body Art Establishments in the City of Wood River, which shall be authorized by special use permits.

7-23.1 Definitions. Words and phrases shall be taken in their plain, or ordinary and usual sense, except where used in a technical sense or where context or the intent of the City of Wood River, Illinois, Madison County Board of Health, or Illinois Department of Public Health indicates or requires a different meaning.

*Aftercare* shall mean written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.

*Antiseptic* shall mean an agent that destroys disease-causing microorganisms on human skin or mucosa.

*Autoclave* shall mean a pressurized device used to heat aqueous solutions up to temperatures above the boiling point of water, typically used to sterilize equipment and other objects.

*Body art* shall mean the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, branding and scarification. This definition does not include "cosmetic tattooing" as defined herein, practices that are considered medical procedures by a state medical board, such as implants under the skin, nor the piercing of the outer perimeter or lobe of the ear using presterilized single-stud and clasp ear piercing systems.

*Body art establishment* shall mean any place or premises, whether public or private, permanent in nature and location, where the practices of body art, whether or not for profit,

are performed.

*Body piercing* shall mean puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

*Branding* shall mean a form of body modification that involves applying extreme heat to the skin in order to create a burned image or pattern, usually done with a pen-like instrument for precise artistry, rather than a large heated iron poker.

*Contaminated waste* shall mean any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

*Cosmetic tattooing* also known as permanent cosmetics, micropigment implantation or dermal pigmentation, means the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.

*Department* shall mean the City of Wood River Building and Zoning Division.

*Disinfection* shall mean the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

*Ear piercing* shall mean the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufactures instructions.

*Equipment* shall mean all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

*Handsink* shall mean a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

*Health officer* shall mean the administrator of the City of Wood River Building and Zoning Division or his authorized representative, or any Madison County or State of Illinois authorized public health employee.

*Hearing officer* shall mean the Mayor of the City of Wood River.

*Instruments used for body art* shall mean hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during body art procedures.

*Jewelry* shall mean any personal ornament inserted into a newly pierced area, which must

be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

*Liquid chemical germicide* shall mean a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500ppm, ¼ cup/gal. or two tablespoons/quart of tap water).

*Operator/technician* shall mean any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

*Person* shall mean an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, firm, limited liability company, association, trust or unincorporated organization.

*Physician* shall mean a person licensed by the State of Illinois to practice medicine in all its branches and may include other areas such as dentistry, osteopathy or acupuncture.

*Procedure surface* shall mean any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area, which may require sanitizing.

*Sanitize/sanitization procedure* shall mean a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which the department has approved.

*Sexual area* shall mean the genitalia, pubic area, buttocks, or anus of any person and the breasts of any female person.

*Scarification* shall mean a process of puncturing or cutting patterns and motifs into the dermis or upper levels of skin, which when heals, allows the scar to remain.

*Sharps* shall mean any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

*Sharps container* shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

*Single use* shall mean products or items that are intended for one-time, one-person and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

*Sterilization* shall mean a very powerful process resulting in the destruction of all forms of

microbial life, including highly resistant bacterial spores.

*Tattooing* shall mean any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Cosmetic tattooing shall not be included in this definition.

*Universal precautions* shall mean a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures", in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

#### **7-23.2 Special Use Permit requirements.**

(a) *Special Use Permit required.*

(1) It shall be unlawful for any person to operate a body art establishment within the City of Wood River, Madison County, State of Illinois, who does not possess a valid Special Use Permit issued by the City of Wood River. Body art establishments are only allowed by special use. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a Special Use Permit.

(2) Special Use Permits for Body Art Establishments shall not be transferable from one person to another person nor shall said Permit be transferable to any location, building, or place other than that which it was originally issued. Permits expire upon closure of a current Body Art Establishment.

(3) Any person desiring to operate a body art establishment shall make written application to the City of Wood River for a Special Use Permit for a Body Art Establishment.

(4) Any person desiring to operate a body art establishment shall be required to pay a Business License fee and application fee for a special use permit.

(5) Two (2) special use permits for Body Art Establishments are established and currently in use in District BD, and one (1) special use permit for Body Art Establishment is established and currently in use in District B-3, (Districts are as identified in Section 3-2). These special use permits shall expire upon closure of the Body Art Establishments currently holding the permit, and are not to remain available upon expiration.

(6) A valid special use permit shall be posted in every body art establishment as so to be clearly visible to all clients. A valid special use permit is one that is not suspended, revoked or expired.



### **7-23.3 Exemptions**

(a) Physicians licensed by the State of Illinois who perform either independent of, or in connection with, body art procedures as part of patient treatment are exempt from these regulations.

(b) Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear. Individuals who use ear-piercing systems must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration requirements. The department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

### **7-23.4 Suspension or revocations of Special Use Permits.**

(a) *Special Use Permit suspension.* Special Use Permits issued under the provisions of this article may be suspended by the Health or Building and Zoning officer upon notice to the Special Use Permit holder. Reasons for suspending the Special Use Permit may include, but are not limited to, the following:

- (1) Failure to comply with the provisions of this article;
- (2) Failure to comply with the provisions of this article after notification by the Health or Building and Zoning officer;
- (3) Failure to comply with the provisions of this article within the time established by the Health or Building and Zoning officer;
- (4) Interference with the Health or Building and Zoning officer in the performance of his duties, including, but not limited to, failure to allow the Health or Building and Zoning officer access to the Special Use Permit holder's building or records;
- (5) Failure to update the City of Wood River Business License , as required by this article; or,
- (6) Knowingly furnishing false information on the original or renewal applications.

(b) *Notice of suspension.*

(1) Upon making a determination that a suspension is appropriate, the Health or Building and Zoning officer shall advise the Special Use Permit holder in writing of the intended suspension. The notice shall be delivered in person by the City of Wood River or sent via certified mail. Suspensions for health or building code violations shall go into effect immediately upon delivery of the notice to the Special Use Permit holder.

With regard to suspensions for paperwork violations, the Special Use Permit holder may make a written request for a hearing with the hearing officer before imposition of the period of suspension. The hearing regarding paperwork violations shall not be a formal hearing and not subject to administrative review. The hearing officer shall, within five

days after such a hearing, if it is determined that the Special Use Permit should be suspended, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail.

The Special Use Permit holder may make a written request for a hearing with the hearing officer for all other suspensions, and prior to the imposition of the period of suspension. The Special Use Permit holder shall be afforded a hearing before the hearing officer within seven days of the Special Use Permit holder receiving notice of the suspension, with additional time being freely given if agreed to by the parties, unless said Special Use Permit holder does not wish to contest the suspension. The hearing officer shall, within five days after such a hearing, if it is determined that the Special Use Permit should be suspended, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail. The hearing regarding all other suspensions other than paperwork violations shall be conducted via public meeting, shall be recorded or transcribed, and shall be “on the record.” The hearing shall not be a formal trial-type hearing and shall be informally conducted according to the direction of the hearing officer, but procedural safeguards to afford the parties due process shall be observed as stated herein.

(2) Special Use Permit issued under the provisions of this article may be suspended by the health officer without notice to the Special Use Permit holder when, in the judgment of the health officer, a condition exists that will result in an imminent health hazard to the public. (Typically would be a health violation).

(3) Upon making a determination that a suspension without notice is appropriate, the health officer shall immediately, without warning or notice, advise the Special Use Permit holder of said condition and all body art operations shall be immediately discontinued.

*(c) Special Use Permit revocation.*

(1) Special Use Permit issued under the provisions of this article may be revoked by the Health or Building and Zoning Officer upon notice to the Special Use Permit holder of same. Reasons for revoking the Special Use Permit may include, but are not limited to, the following:

- a. Repeatedly failing to comply with the provisions of this article;
- b. Interference with the Health and/or Building and Zoning Officer in the performance of his duties, including, but not limited to, failure to allow the Health and/or Building and Zoning Officer access to the Special Use Permit holder's building or records;
- c. Failure to update the original and renewal applications, as required by this article;
- d. Knowingly furnishing false information on the original or renewal applications;
- e. Failure to apply for reinspection within 30 days of the end of a suspension period imposed for violations of the provisions of this article; and,
- f. When the continuous operation of the business has lapsed for a period of more than 30 days.

(2) Revocations for health violations shall go into effect immediately. With regard to revocations for paperwork violations, the Special Use Permit holder may make a written request for a hearing with the hearing officer. The hearing regarding paperwork revocation shall not be a formal hearing and not subject to administrative review. The hearing officer shall, within five days after such a hearing, if it is determined that the revocation should stand, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail.

The Special Use Permit holder may make a written request for a hearing with the hearing officer for all other revocations. The Special Use Permit holder shall be afforded a hearing before the hearing officer within seven days of the Special Use Permit holder receiving notice of the revocation, with additional time being freely given if agreed to by the parties, unless said Special Use Permit holder does not wish to contest the revocation. The hearing officer shall, within five days after such a hearing, if it is determined that the revocation should stand, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail. The hearing regarding all revocations other than paperwork revocations shall be conducted via public meeting, shall be recorded or transcribed, and shall be “on the record.” The hearing shall not be a formal trial-type hearing and shall be informally conducted according to the direction of the hearing officer, but procedural safeguards to afford the parties due process shall be observed as stated herein.

**Sec. 7-23.5. Prohibitions.**

(a) No mobile, temporary, or transient body art establishment shall operate in City of Wood River, State of Illinois.

(b) No person shall perform any body art procedure (tattooing) upon a person under the age of 21 other than a physician [720 ILCS 5/12-10].

(c) No person shall perform any body art procedure (piercing the body or oral cavity) upon a person under the age of 18 without written consent of a parent or legal guardian [720 ILCS 5/12-10.1]. The client's age is to be documented by a picture identification that includes the client's date of birth. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.

(d) Subsections (b) and (c) are to be posted as to be clearly visible to all clients.

(e) Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under age, under the influence of alcohol or drugs.

(f) No body art procedure shall be done on any sexual area of any person and all sexual areas shall be completely clothed during the application of a body art procedure.

(g) Body scarification procedures and body branding procedures are strictly prohibited.

(h) No person shall sell, give, dispense, provide, possess, keep, or cause to be sold, given, dispensed, provided, possessed, or kept any alcoholic beverages on the premises of a body art establishment.

### **Sec. 7-23.6 - Client records**

So that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator/technician shall ask for the information as follows:

(1) In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:

- a. Diabetes;
- b. History of hemophilia (bleeding);
- c. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- d. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
- e. History of epilepsy, seizures, fainting or narcolepsy;
- f. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.

(2) The operator/technician should ask the client to sign a release form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information that would aid the operator/technician in the client's body art healing process evaluation.

(3) Each operator shall keep records of all body art procedures administered; including date, time, identification and location of the body art procedure(s) performed, and operator's name. All client records shall be confidential and be retained for a minimum of three years and made available to the department upon notification.

(4) Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

### **Sec. 7-23.7 - Records retention**

The following information shall be kept on file on the premises of the body art establishment and available for inspection by the department:

(1) Records of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, name of the operator who performed the procedure(s), type and location of procedure performed, aftercare instruction document, with operator signature and signature of client and if the client is a minor, written consent of parent or legal guardian. All client records shall be confidential and be retained for a minimum of three years.

(2) Identification photos of all operators/technicians.

- (3) Proof that all operators have either completed or were offered and declined, in writing, the Hepatitis B vaccination series.
- (4) A complete description of all body art procedures performed.
- (5) Autoclave spore destruction test records shall be retained by the establishment for a period of three years.
- (6) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
- (7) A copy of these regulations.

**Sec. 7-23.8 - Body fluid precautions**

- (a) The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- (b) The operator shall wear disposable medical gloves while performing body art procedures. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or contact with a third person. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client and hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. Any interruption in any body art procedure which requires the use of the operator's hands, shall require the operator to remove the gloves, rewash the hands, and put on new gloves. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.
- (c) If, while performing a body art procedure the operator's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be immediately discarded and the hands washed thoroughly before a fresh pair of gloves are applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (d) Contaminated waste, as defined in this article, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the International Biohazard Symbol.

**Sec. 7-23.9 - Diseases**

- (a) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

(b) The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is likelihood that they could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

(c) All infections, complications or diseases resulting from any body art procedure that becomes known to the operator shall be reported to the department by the operator within 24 hours.

**Sec. 7-23.10 - Preparation of skin and aftercare**

(a) There shall be no smoking, eating, or drinking by anyone in the area where body art is performed.

(b) Instruments used for body art shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(c) All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Only single service or individual containers of dye or ink shall be used for each person. Upon completion of the tattoo, these single service or individual containers and their contents shall be discarded. Any dye in which the needles were dipped shall not be used on another person.

(d) Before performing a body art procedure, the immediate and surrounding area of the skin where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after each use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.

(e) All products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate containers.

(f) Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers.

(g) All products applied to the skin, including body art stencils shall be single use and disposable. Acetate stencils shall be allowed for re-use if sanitization procedures are performed between uses. Soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. Petroleum jellies used in the application of stencils shall be dispensed and applied on the area to be tattooed with

sterile gauze or in a manner to prevent contamination of the original container and its contents. Only petroleum jelly in individual single use packets or in collapsible metal or plastic tubes shall be used. All unused portions shall be disposed of after completion of the procedure on the person. All sterile gauze shall be used only once and then discarded.

(h) Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sight of infection or swelling and shall contain the name, address and phone number of the body art establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.

**Sec. 7-23.11 - Equipment sanitation and sterilization**

(a) All body art establishments must have at least two working autoclaves onsite. All other forms of sterilization are prohibited.

(b) All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or follow the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which will also be operated in accordance with manufacturer's instructions.

(c) After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six months.

(d) All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of their sterilization unit must be available for inspection by the department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Autoclaves shall be located away from workstations or areas frequented by the public.

(e) The body art establishment shall demonstrate that the autoclaves used are capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory.

(f) After sterilization, the instruments used for body art shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(g) Kneeling pads, other pads, and contact surfaces such as, but not limited to machine head and clip cords, shall be cleaned and sanitized after each use. Such contact surfaces shall be sanitized by rinsing, spraying, or swabbing with a chemical sanitizing solution.

(h) A chemical test kit that accurately measures the parts per million concentration of the sanitizing solution shall be available and used when mixing a sanitizing solution.

**Sec. 7.23-12 - Sanitary facilities**

(a) Potable water supply shall be constructed and operated in accordance with the law.

(b) All water-carried waste shall be disposed of by discharging into a sewerage system operated and maintained under permit the Illinois Environmental Protection Agency (IEPA), or a private sewage system constructed in accordance with the Illinois Private Sewage Licensing Act and Code.

(c) All solid waste, except contaminated waste outlined in subsection 33-164(d) of this article, shall be kept in durable containers that do not leak or absorb liquids.

(d) Containers stored outside the establishment shall be provided with tight-fitting lids and kept covered when not in use.

**Sec. 7.23-13 – Premises**

(a) All walls, floors, ceilings and all procedure surfaces of a body art establishment shall be smooth, non-absorbent, free of open holes or cracks, light colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

(b) Effective measures shall be taken by the operator to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Evidence of insects, vermin and rodents shall not be present in any part of the establishment.

(c) Each establishment shall have an area that may be screened from public view for clients requesting privacy. Dividers, curtains or partitions shall separate multiple body art stations.

(d) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 footcandles three feet off the floor, except that at least 100 footcandles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

(e) A separate hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art procedural area. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

(f) At least one covered waste receptacle shall be provided in each operator area and each



toilet room. All refuse containers shall be easily cleanable.

(g) All instruments and supplies shall be stored in clean, dry and covered containers.

(h) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities. Fish aquariums may be allowed in waiting rooms and non-procedural areas.

#### **Sec. 7.23-14 - Construction and remodeling**

When a body art establishment is constructed or remodeled, or whenever an existing structure is converted to use as a body art establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the health officer for review and approval before construction, remodeling, or conversion may begin.

#### **Section 7-24 – ALTERNATIVE NICOTINE PRODUCT RETAIL**

The purpose of this ordinance is to identify requirements and restrictions for Alternative Nicotine Product Retail in the City of Wood River, Madison County, Illinois, which shall be authorized by special use permits.

7-24.1 Definitions. Words and phrases shall be taken in their plain, or ordinary and usual sense, except where used in a technical sense or where context or the intent of the City of Wood River, Illinois (“City”), Madison County Board of Health, or Illinois Department of Public Health indicates or requires a different meaning.

*Alternative Nicotine Product* shall mean any product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. The term “alternative nicotine product” excludes any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco use cessation product or for other medical purposes, and is being marketed and sold solely for that approved purpose.

*Alternative Nicotine Product Retail Establishment* shall mean any establishment engaged in the retail sale and display of alternative nicotine products, electronic cigarettes, vape or vaping products including without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing. The definition shall also include smoking lounges, which are retail establishments dedicated in whole or in part to entertaining smokers and users of alternative nicotine products. The definition does not include Cannabis dispensaries.

*Department* shall mean the City Building and Zoning Division.

*Electronic Cigarette* or “E-cigarette” shall mean:

- 1) Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;
- 2) Any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or

- 3) Any solution or substance, whether or not it contains nicotine intended for use in the device.
- 4) Any electronic nicotine delivery system, vapes, vaporizers, vape pens, vape cigarettes, alternative vapor transmission modalities, e-cigars, hookah pens, electronic hookahs, electronic pipes, electronic cigarillos and any other similar product or device, and any components or parts that can be used to build the product or device.

*Health officer* shall mean the administrator of the City Building and Zoning Division or his authorized representative, or any Madison County or State of Illinois authorized public health employee.

*Hearing officer* shall mean the Mayor of the City .

*Person* shall mean an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, firm, limited liability company, association, trust or unincorporated organization.

*Tobacco Products* shall mean any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. This definition includes any component, part or accessory of a tobacco product, whether or not sold separately. This definition does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

*Vape or Vaping* shall mean the use of alternative nicotine product to inhale and/or exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation.

*Vapes, Vaporizers, Vape Pens, Vape Cigarettes and Alternative Vapor Transmission Modalities* shall mean electronically-operated devices which contain a cartridge or open space filled with nicotine and/or other chemicals which are turned into vapor or steam that is inhaled and exhaled by the user.

#### **7-24.2 Special Use Permit requirements.**

(a) *Special Use Permit required.*

(1) It shall be unlawful for any person to operate an Alternative Nicotine Product Retail Establishment within the City who does not possess a valid City issued Special Use Permit. . Alternative Nicotine Product Retail Establishments are only allowed by special use. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a Special Use Permit.

(2) Special Use Permits for Alternative Nicotine Product Retail Establishments shall not be transferable from one person to another person nor shall said Permit be transferable to any location, address, building, or place other than that which it was originally issued.

Permits expire upon closure of a current Alternative Nicotine Product Retail Establishment.

(3) Any person desiring to operate an Alternative Nicotine Product Retail Establishment shall make written application to the City for a Special Use Permit for an Alternative Nicotine Product Retail Establishment.

(4) Any person desiring to operate an Alternative Nicotine Product Retail Establishment shall be required to pay a Business License fee and application fee for a special use permit.

(5) Three (3) special use permits for Alternative Nicotine Product Retail Establishments are established and currently in use in District B-3, and one (1) special use permit for Alternative Nicotine Product Retail Establishment is established and currently in use in District B-2, (Districts are as identified in Section 3-2). These special use permits shall expire upon closure of the Alternative Nicotine Product Retail Establishment currently holding the permit, and are not to remain available upon expiration.

(6) A valid special use permit shall be posted in every Alternative Nicotine Product Retail Establishment as so to be clearly visible to all clients. A valid special use permit is one that is not suspended, revoked or expired.

#### **7-24.3 Reserved.**

#### **7-24.4 Suspension or revocations of Special Use Permits.**

(a) *Special Use Permit suspension.* Special Use Permits issued under the provisions of this article may be suspended by the Health or Building and Zoning officer upon notice to the Special Use Permit holder. Reasons for suspending the Special Use Permit may include, but are not limited to, the following:

- (1) Failure to comply with the provisions of this article;
- (2) Failure to comply with the provisions of this article after notification by the Health or Building and Zoning officer;
- (3) Failure to comply with the provisions of this article within the time established by the Health or Building and Zoning officer;
- (4) Interference with the Health or Building and Zoning officer in the performance of his/her duties, including, but not limited to, failure to allow the Health or Building and Zoning officer access to the Special Use Permit holder's building or records;
- (5) Failure to update the City's Business License, as required by this article; or,
- (6) Knowingly furnishing false information on the original or renewal applications.

#### *(b) Notice of suspension.*

(1) Upon making a determination that a suspension is appropriate, the Health or Building and Zoning officer shall advise the Special Use Permit holder in writing of the intended suspension. The notice shall be delivered in person by the City, or sent via certified mail. Suspensions for health or building code violations shall go into effect immediately upon delivery of the notice to the Special Use Permit holder.

(2) With regard to suspensions for paperwork violations, the Special Use Permit holder

may make a written request for a hearing with the hearing officer before imposition of the period of suspension. The hearing regarding paperwork violations shall not be a formal hearing and not subject to administrative review. The hearing officer shall, within five (5) days after such a hearing, if it is determined that the Special Use Permit should be suspended, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail.

(3) The Special Use Permit holder may make a written request for a hearing with the hearing officer for all other suspensions, and prior to the imposition of the period of suspension. The Special Use Permit holder shall be afforded a hearing before the hearing officer within seven (7) days of the Special Use Permit holder receiving notice of the suspension, with additional time being freely given if agreed to by the parties, unless said Special Use Permit holder does not wish to contest the suspension. The hearing officer shall, within five (5) days after such a hearing, if it is determined that the Special Use Permit should be suspended, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail. The hearing regarding all other suspensions other than paperwork violations shall be conducted via public meeting, shall be recorded or transcribed, shall be “on the record,” and shall not be subject to “de novo” review. The hearing shall not be a formal trial-type hearing and shall be informally conducted according to the direction of the hearing officer, but procedural safeguards to afford the parties due process shall be observed as stated herein.

*(c) Special Use Permit revocation.*

(1) Special Use Permit issued under the provisions of this article may be revoked by the Health or Building and Zoning Officer upon notice to the Special Use Permit holder of same. Reasons for revoking the Special Use Permit may include, but are not limited to, the following:

- a. Repeatedly failing to comply with the provisions of this article;
  - b. Interference with the Health and/or Building and Zoning Officer in the performance of his/her duties, including, but not limited to, failure to allow the Health and/or Building and Zoning Officer access to the Special Use Permit holder's building or records;
  - c. Failure to update the original and renewal applications, as required by this article;
  - d. Knowingly furnishing false information on the original or renewal applications;
  - e. Failure to apply for reinspection within thirty (30) days of the end of a suspension period imposed for violations of the provisions of this article;
- and,
- f. When the continuous operation of the business has lapsed for a period of more than thirty (30) days.

(2) Revocations for health violations shall go into effect immediately. With regard to revocations for paperwork violations, the Special Use Permit holder may make a written request for a hearing with the hearing officer. The hearing regarding paperwork revocation shall not be a formal hearing and not subject to administrative review. The hearing officer shall, within five

(5) days after such a hearing, if it is determined that the revocation should stand, state the reason or such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail.

(3) The Special Use Permit holder may make a written request for a hearing with the hearing officer for all other revocations. The Special Use Permit holder shall be afforded a hearing before the hearing officer within seven (7) days of the Special Use Permit holder receiving notice of the revocation, with additional time being freely given if agreed to by the parties, unless said Special Use Permit holder does not wish to contest the revocation. The hearing officer shall, within five (5) days after such a hearing, if it is determined that the revocation should stand, state the reason for such a determination in a written order to be served upon the Special Use Permit holder via hand delivery or certified mail. The hearing regarding all revocations other than paperwork revocations shall be conducted via public meeting, shall be recorded or transcribed, shall be “on the record,” and shall not be subject to “de novo review.” The hearing shall not be a formal trial-type hearing and shall be informally conducted according to the direction of the hearing officer, but procedural safeguards to afford the parties due process shall be observed as stated herein.

(4) Any act constituting a violation of this chapter by an agent or employee of any person shall be deemed and held to be the act of the person, and that person shall be punishable in the same manner as if the act had been done personally by that person.

**Sec. 7-24.5 Prohibitions.**

(a) No mobile, temporary, or transient Alternative Nicotine Product Retail Establishment shall operate in the City .

(b) No person shall sell, transfer or otherwise make available alternative nicotine products to any person under the age of 21.

**Sec. 7-24.6 – Premises**

(a) All Alternative Nicotine Product Retail Establishments shall display the following notice in red letters at least one inch in height on a white background: THE SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, OR ALTERNATIVE NICOTINE PRODUCTS TO ANY PERSON UNDER THE AGE OF 21 IS PROHIBITED BY LAW.

**Sec. 7-24.7 – Construction, remodeling, and exterior advertising.**

When an Alternative Nicotine Product Retail Establishment is constructed or remodeled, or whenever an existing structure is converted to use as an Alternative Nicotine Product Retail Establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the building and zoning officer for review and approval before construction, remodeling, or conversion may begin.

Approval by the City shall also include a review of all exterior signage, window signage, and exterior flag advertising. City reserves the right under its police powers, and pursuant to the health, safety, general welfare, and economic welfare of the City residents, to regulate all Alternative Nicotine Product Retail Establishments.