

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMAL CONTROL

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§ 90.01 DEFINITIONS.

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

ADMINISTRATOR. A veterinarian licensed by the state and appointed pursuant to this chapter.

ANIMAL CONTROL WARDEN. Any person hired by the Administrator to perform the duties assigned by the Administrator. The **ANIMAL CONTROL WARDEN** shall have the ability to enforce the County Animal Control Ordinance and to enforce state laws pertaining to animal control issues.

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BOARD. The County Board of Effingham.

DEPUTY ADMINISTRATOR. A veterinarian licensed by the state, appointed by the Administrator and approved by the Board of the county.

DOG. All members of the family Canidae.

LEASH. A cord, rope, strap, chain or frame which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such a dog or other animal under control.

OWNER. Any person having a right of property in a dog or other animal, or who has a dog or other animal in his or her care, or acts as its custodian or who knowingly permits a dog or other domestic animal to remain on or about and premise occupied by him or her.

STRAY DOG. Any dog not on the premises of the owner or under control by leash, or identifiable by collar or tags.

(Ord. passed 1-21-2014)

§ 90.02 PERSONNEL.

The Chairperson of the County Board shall appoint with the advice and consent of the Board an Administrator. The appointment shall be for one year. The Administrator's salary and expenses, if any, shall be set annually by the Board and incorporated in the annual budget. The Administrator may appoint as many Deputy Administrators and/or Animal Control Wardens as authorized by the Board. The Administrator and Deputy Administrator may be removed for cause.

(Ord. passed 1-21-2014)

§ 90.03 ADMINISTRATOR.

(A) The Administrator shall have control of all equipment and personnel and shall carry out the Animal Control Program in the county; however, the Administrator will be responsible and accountable to the County Board for all equipment and personnel. A budget will be prepared annually and submitted to the County Board at the proper time. The budget will outline all expenditures for the Animal Control Program including the contract fee paid to the Administrator.

(B) The Administrator shall control and prevent the spread of rabies, and shall also have the following duties:

(1) Administer the Animal Control Program in the county;

(2) Make such reports as are required by the Director of the Department of Agriculture of the state and the County Board;

(3) Direct the activities of and assign duties to the personnel working in the County Animal Control Program; and

(4) Develop quarantine procedures for any and all animals that bite another animal and/or human being where it cannot be proven that the biting animal(s) has been vaccinated for rabies.
(Ord. passed 1-21-2014)

§ 90.04 POWERS OF THE COUNTY BOARD.

The County Board, by virtue of this chapter, has the following powers:

(A) Direct the Administrator to develop written job descriptions for all personnel working in the County Animal Control Program;

(B) Direct the Administrator to draft written rules and regulations for the operation of the County Animal Control Program as needed;

(C) Direct the Administrator to prepare an annual budget for the operation of the County Animal Control Program; and

(D) To approve all expenditures under the Animal Control Program.
(Ord. passed 1-21-2014)

§ 90.05 POLICE POWERS.

(A) The Administrator, Deputy Administrator and Animal Control Wardens do not have the power of peace officers in the county, except for the purpose of enforcing the provisions of the Illinois Animal Control Act, being 510 ILCS 5 or this chapter, including the issuance and service of citations and summonses.

(B) The County Animal Control Wardens are hereby allowed to carry animal control spray and a tranquilizer gun after proper training to be used only in case of emergency. Authorization to use this equipment will be at the discretion of the Administrator.
(Ord. passed 1-21-2014)

§ 90.06 ADOPTION OF STATE STATUE.

(A) The county adopts the Illinois Animal Control Act, 510 ILCS 5/1 et seq., as it may be amended from time to time and as allowed by said division.

(B) The county adopts the Illinois Domestic Animals Running at Large Act, 510 ILCS 55/1 et seq., as they may be amended from time to time and as allowed by said division.
(Ord. passed 1-21-2014)

§ 90.07 INTERFERENCE WITH ENFORCEMENT.

No person shall, in any way, interfere with any person who is known to such person to be or who identifies himself or herself to be a county employee or officer enforcing the provisions of this chapter or engage in catching or impounding any animal under the authority of this chapter.
(Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.08 ANIMALS CONSIDERED A NUISANCE.

(A) No person owning, possessing or harboring any animal within unincorporated the county shall permit said animal to become a nuisance; an animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

(1) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner; or

(2) Chases, molests, attacks, bites and interferes with other domestic animals off the premises of the owner.

(B) The Animal Control Warden, or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of division (A)(1) or (A)(2) above and restrained by a competent person.
(Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.09 REGISTRATION FORMS AND TAG FEES.

The Administrator shall provide licensed veterinarians with rabies inoculation certificates in a form approved by the County Board, which shall be signed by the veterinarian administering the rabies inoculation vaccine. The original of said certificate shall be issued to the owner of the dog or other animal which has been inoculated and a copy of the certificate shall be returned to the Administrator or his or her designated representative.
(Ord. passed 1-21-2014)

§ 90.10 DOG BITES.

(A) When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his or her authorized representative, shall have such dog or other animal

confined under the observation of a licensed veterinarian for a period of ten days. The Administrator may, by regulation, permit such confinement to be reduced to a period of less than ten days. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within 24 hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of such dog or other animal, on appropriate form approved by the Administrator. The Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him or her of the final disposition of such dog or other animal on appropriate forms approved by the Administrator. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in a manner, on the owner's premises, which will prohibit it from biting any person for a period of ten days, if the Administrator, or other licensed veterinarian, adjudges such confinement satisfactory. The Administrator may, by regulation, permit such confinement to be reduced to a period of less than ten days. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or licensed veterinarian.

(B) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away or otherwise dispose of such dog or other animal known to have bitten a person, until it is released by the Administrator or his or her authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator or his or her authorized representative. If such instructions can not be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his or her authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his or her responsibilities. Any expense incurred in the handling of a dog or other animal under this section shall be borne by the owner. For the purpose of this section, the work "immediately" means by telephone, in person, or by other than use of the mail.

(Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.11 INOCULATION, REGISTRATION AND IDENTIFICATION REQUIREMENTS.

(A) Every owner of a dog four months or more of age shall register every 12 months the dog with the Administrator. A valid registration and rabies inoculation tag shall be attached to a collar or harness and worn by the dog to which tag was issued. Consideration shall be given to farm or hunting dogs or other special cases. Fee for registration shall be set by Administrator with approval of the County Board. The yearly tag fee shall be \$5 per year.

(B) Every owner of a dog four months or more of age shall cause such dog to be inoculated against rabies by a licensed veterinarian annually or every three years depending on the type of vaccine used. (Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.12 CONTROL BY OWNER.

(A) Every owner of a dog shall keep such dog from leaving the premises occupied by said owner unless the dog is accompanied or supervised by its owner or on a leash.

(B) Consideration shall be given to farm and hunting dogs or other special cases.
(Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.13 IMPOUNDMENT.

(A) The Animal Control Wardens shall and any peace officer may apprehend and impound the following dogs:

(1) Dogs which have bitten a person;

(2) Dogs four months or more of age which have not been inoculated against rabies by a licensed veterinarian;

(3) Dogs four months or more of age not on the premises of their owners and which do not have a current, valid rabies inoculations tag attached to their collar or harness; except special circumstances in § 90.12; and

(4) Dogs wearing a current valid rabies inoculation tag which are not on the premises occupied by the dog's owner and are not accompanied or supervised by the owner and are not on a leash when a complaint has been received by the Animal Control Wardens.

(B) When a dog whose owner is known is impounded, notice shall be immediately given to the owner by the Administrator or his or her authorized representative. The owner will be contacted and an attempt to serve a copy of that notice personally will be made. If the notice cannot be given personally to the owner, the notice shall be left with any person 13 years or older residing at the last known mailing address of the owner or by attaching the notice to the main entrance of the owner's residence. An affidavit or testimony of the Administrator or his or her authorized representative who gives the notice shall be prima facie evidence of the receipt of such notice by the owner. In the case of dogs impounded pursuant to divisions (A)(2) through (A)(4) above, if the dog is not redeemed within five days from the date the notice was given of the dog impounded, the impounded dog shall be humanely dispatched, or otherwise disposed of by the impounding facility as a stray dog in accordance with the laws that exist or may hereafter exist. When an owner cannot be identified, the animal shall be deemed a stray and if unclaimed for three days may be humanely dispatched and/or adopted. Should the owner become known after three days all rights to the animal shall have been forfeited.

(Ord. passed 1-21-2014)

§ 90.14 MICROCHIPPING IMPOUNDED ANIMALS.

Every canine and feline that is impounded by the County Animal Control shall be microchipped if not already. The cost of the microchipping shall be \$15 and shall be paid by the owner or individual adopting said animal. The microchipping fee is in addition to the other fees assessed according to this chapter and the animal control fee schedule.

(Ord. passed 1-21-2014)

§ 90.15 REDEMPTION.

(A) When the owner of any dog impounded pursuant to § 90.13(A)(2) and (A)(3) desires to redeem the dog, the following procedures shall be followed.

(1) At the time of impoundment the Animal Control Warden shall prepare an impoundment form to be approved by the Administrator indicating the fine of \$25 for first offense, \$50 for the second offense within 30 days, and third and any other occurrence may result in citation of \$75, \$100 and/or court appearance.

(2) The impounding authority shall place on the impoundment form, previously prepared by the Animal Control Warden, a charge of \$15 per day for each day (a day is 24 hours) the dog was impounded.

(3) At time of release, the owner shall present a current registration and rabies inoculation certificate and a receipt from the Administrator showing that the total amount due, as indicated by the impoundment form, has been paid. If no current rabies inoculation certificate is available, a receipt from a licensed veterinarian showing fee for rabies inoculation has been paid must be presented prior to release.

(B) All amounts collected by the Administrator pursuant to this section shall be placed in the Animal Control Fund and shall be used in paying the cost of operating the Animal Control Program.

(Ord. passed 1-21-2014)

§ 90.16 PREVENTION OF SPREAD OF RABIES.

(A) Whenever a case of rabies has occurred in a locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the Administrator may order:

- (1) That all dogs or other animals in the locality be:
 - (a) Kept confined with an enclosure; or
 - (b) Kept muzzled and restrained by a leash.

(2) That all owners or keepers of dogs or other animals take prophylactic measures as they deem necessary to prevent the spread of rabies; and/or

(3) Other measures as may be necessary to control the spread of rabies.

(B) The Administrator may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

(Ord. passed 1-21-2014)

§ 90.17 APPREHENSION AND INVESTIGATION.

(A) For the purposes of carrying out the provisions of this chapter, the Administrator or his or her authorized representative or any peace officer may enter onto private property to apprehend a dog or other animal thought to be infected with rabies; to apprehend a straying dog or other animal; or, to apprehend a dog or other animal that has bitten any person.

(B) At the request of the owner or occupier of private property, the Administrator or his or her authorized representative may enter onto such property to apprehend any dog whether or not said dog is wearing a rabies inoculations tag or an identification tag.

(Ord. passed 1-21-2014)

§ 90.18 CITATIONS.

(A) Animal Control Wardens and peace officers of the county may issue citations to the owners of dogs for violation of §§ 90.15 and 90.16, in lieu of impounding the dog.

(B) When such a citation is issued, an appearance date of not less than ten days and not more than 45 days shall be entered by the officer on the citation.

(Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.19 DUMPING OF ANIMALS.

No person shall cause any animal to be dumped or abandoned in any area of the county.

(Ord. passed 1-21-2014) Penalty, see § 90.99

§ 90.20 ADOPTION POLICY AND FEES FOR ADOPTION AND OTHER SERVICES.

(A) The Administrator shall develop a policy for the adoption of dogs and/or other animals not redeemed by owner, and dogs and/or other animals brought to the animal control facility by the owners that wish to make available their animals adoption.

(B) The adoption fees are outlined in § 90.21.

(C) Further, § 90.21 contains the fees for other services provided by County Animal Control.

(D) The fee schedule set forth herein as § 90.21 shall be posted at the Animal Control Center such that citizens may be able to read it upon entering the animal control facility.
(Ord. passed 1-21-2014)

§ 90.21 FEE SCHEDULE.

After hours fee	\$30 (per call out, added to impound fee)
Boarding fee	\$15 (per day)
Cats and kittens, not spayed/neutered	\$65 (includes cost of spay/neuter and microchip)
Cats and kittens, spayed/neutered	\$5 (must be microchipped; if not already: \$15 more)
Dogs and pups, not spayed/neutered	\$90 (includes cost of spay/neuter and microchip)
Dogs and pups, spayed/neutered	\$20 (must be microchipped, if not already - \$15 more)
Rabies tag, yearly	
Altered	\$5
Unaltered	\$15
Redemption fee (if animal is not microchipped, it will be chipped and cost will be \$15 more; includes \$25 public safety fine)	
First offense	\$50
Second offense	\$75
Third offense	\$100

(Ord. passed 1-21-2014)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter, other than the dumping of animals provision, or counterfeiting or forging any rabies inoculation certificate, shall be guilty of a petty offense and upon conviction thereof be fined in an amount not less than \$50, and not more than \$500.

(B) The fine for a violation of §§ 90.08, 90.09 and 90.12 shall be a range of \$50 to \$500 per day, per occurrence plus court costs, and shall be set by the court. The owner or custodian of the dog

receiving the citation may plead guilty to the offense(s) charged in the citation if prior to the scheduled appearance date, a fine within the range is recommended by the State's Attorney's Office, and approved by the court.

(C) Any person who is convicted of an offense of § 90.19 shall be guilty of a petty offense and shall be fined not less than \$100 or more than \$500.

(Ord. passed 1-21-2014)

CHAPTER 91: FAIR HOUSING

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§ 91.01 SHORT TITLE.

This chapter shall be known and may be cited as the Fair Housing Code of the county.
(Prior Code, § 13-1-1)

§ 91.02 PURPOSE AND DECLARATION OF POLICY.

It is hereby declared to be the policy of the county and the purpose of this chapter, in the exercise by the county of its police and regulatory powers for the protection of the public safety for the health, morals, safety and welfare of the persons in and residing in the county, and for the maintenance and promotion of commerce, industry and good government in the county, to secure to all persons living or desiring to live in the county a fair opportunity to purchase, lease, rent or occupy housing without discrimination based on race, color, religion, national origin, sex or disability.

(Prior Code, § 13-1-2)

§ 91.03 CONSTRUCTION.

This chapter shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in § 91.02 and the special purposes of the particular provision involved.

(Prior Code, § 13-1-3)

§ 91.04 DEFINITIONS.

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

DWELLING. Any building or structure, or portion thereof, within the county which is arranged, designed or used as a home, residence or living quarters of one or more individuals.

HOUSING. Includes any building or structure, or portion thereof, within the county, which is used or occupied or is intended, arranged or designed to be used or occupied as a home, residence or living quarters of one or more individuals, groups or families, and includes any vacant land within the county which is zoned or intended to be used for the construction of any such building or structure.

LEASE. Includes sublease, assignment or rent (or rental), and includes any contract to do any of the foregoing.

LENDING INSTITUTION. Any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to a security interest in real estate, but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

NATIONAL ORIGIN. Includes the national origin of an ancestor.

OWNER. Any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.

PERSON. Includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees in bankruptcy, receivers and fiduciaries.

PURCHASE. Includes any contract to purchase.

REAL ESTATE AGENT. Any real estate broker, and real estate salesperson and any other person who, as employee or agent or otherwise, engages in the management or operation of any dwelling or housing.

REAL ESTATE BROKER. Any person licensed as a real estate broker in accordance with the provisions of the state statutes, or required thereby to be so licensed. (See 225 ILCS 454/1 et seq.)

REAL ESTATE SALESPERSON. Any person licensed as a real estate salesperson in accordance with the provisions of the state statutes, or required thereby to be so licensed.

REAL ESTATE TRANSACTION. The purchase, sale, exchange or lease of any dwelling or housing, and an option to do any of the foregoing.

SALE. Includes any contract to sell, exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real estate.
(Prior Code, § 13-1-4)

§ 91.05 DISCRIMINATORY TERMS.

It shall be an unlawful housing practice and a violation of this chapter for any owner or other person to sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion, national origin, sex or disability.
(Prior Code, § 13-1-5) Penalty, see § 91.99

§ 91.06 REFUSALS TO DEAL.

It shall be an unlawful housing practice and a violation of this chapter or any owner or other person to refuse to negotiate for, enter into, or perform any sale or lease of any dwelling or housing, because of the race, color, religion, national origin, sex or disability of any party, to such sale or lease, or of any member of the family of any such party, or of any person using or occupying or intending to use or occupy such dwelling or housing, or of any person using or occupying any dwelling or housing in the area in which such dwelling or housing is located.
(Prior Code, § 13-1-6) Penalty, see § 91.99

§ 91.07 WITHHOLDING HOUSING.

It shall be an unlawful housing practice and a violation of this chapter for any owner or other person to represent to any person that any dwelling or housing is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, religion, national origin, sex or disability.

(Prior Code, § 13-1-7) Penalty, see § 91.99

§ 91.08 ADVERTISEMENTS.

It shall be an unlawful housing practice and a violation of this chapter for any owner or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this chapter.

(Prior Code, § 13-1-8) Penalty, see § 91.99

§ 91.09 ADVERTISEMENTS, CAUSING OR PERMITTING.

It shall be an unlawful housing practice and a violation of this chapter for any owner or other person to cause any person to circulate or publish a statement, advertisement or notice that such owner or other person intends to sell or lease any dwelling or housing in a manner that is unlawful under this chapter, or to consent thereto.

(Prior Code, § 13-1-9) Penalty, see § 91.99

§ 91.10 SIGNS AND NOTICES.

It shall be an unlawful housing practice and a violation of this chapter for any owner or other person to post or erect, or cause any person to post or erect, any sign or notice upon any dwelling or housing, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under this chapter.

(Prior Code, § 13-1-10) Penalty, see § 91.99

§ 91.11 EXEMPTIONS.

This chapter shall not apply to the rental of any room or dwelling unit in any owner-occupied dwelling which consists of more than one but less than five dwelling units. As used herein, the term **DWELLING UNIT** means one or more rooms which are arranged, designed or used as living quarters for one family or one individual. The term owner includes the spouse or any lineal descendant or ancestor of the owner.

(Prior Code, § 13-1-11)

§ 91.12 LIMITATIONS.

Nothing in this chapter shall require an owner to offer property to the public at large before selling or renting it, providing he or she complies with all other provisions of this chapter, nor shall this chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color, national origin, sex or disability. Nothing in this chapter shall require an owner to offer property for sale or lease or to show his or her property to any person if such person is not negotiating for the purchase or lease of such property in good faith.

(Prior Code, § 13-1-12)

§ 91.13 WITHHOLDING HOUSING.

It shall be an unlawful housing practice and a violation of this chapter for any real estate agent or other person to represent to any person that any dwelling or housing is not available for inspection, sale, lease or occupancy when in fact it is so available or otherwise to withhold housing from any person because of race, color, religion, national origin, sex or disability.

(Prior Code, § 13-1-13) Penalty, see § 91.99

§ 91.14 REFUSALS OF OFFERS.

It shall be an unlawful housing practice and a violation of this chapter for any real estate agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any dwelling or housing because of the race, color, religion, national origin, sex or disability of the person making such offer.

(Prior Code, § 13-1-14) Penalty, see § 91.99

§ 91.15 ADVERTISEMENTS.

It shall be an unlawful housing practice and a violation of this chapter for any real estate agent or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this chapter.

(Prior Code, § 13-1-15) Penalty, see § 91.99

§ 91.16 SIGNS AND NOTICES.

It shall be an unlawful housing practice and a violation of this chapter for any real estate agent or other person to post or erect, or cause or permit any person to post or erect, any sign or notice upon any dwelling or housing, other person, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under this chapter.

(Prior Code, § 13-1-16) Penalty, see § 91.99

§ 91.17 DISCRIMINATION IN LENDING.

It shall be an unlawful housing practice and a violation of this chapter for any lending institution, in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, conditions or privileges that discriminate between persons because of race, color, religion, national origin, sex or disability.

(Prior Code, § 13-1-17) Penalty, see § 91.99

§ 91.18 REFUSALS TO DEAL IN LENDING.

It shall be an unlawful housing practice and a violation of this chapter for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing because of the race, color, religion, national origin, sex or disability of any party to such agreement or of any member of the family of any such party, or of the residents of the area in which such dwelling or housing is located.

(Prior Code, § 13-1-18) Penalty, see § 91.99

§ 91.19 COVERAGE.

This chapter shall apply, respectively, to every real estate agent who, within the county, performs any function as such real estate agent but does not maintain an office or place of doing business within the county, and this chapter applies to every real estate agent and lending institution who maintains an office of place of doing business within the county; provided, however, that the provisions of this chapter shall not be so construed as to prohibit a real estate broker or real estate agent on behalf of the owner, from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, national origin, sex or disability.

(Prior Code, § 13-1-19)

§ 91.20 REPRESENTATION.

It shall be an unlawful housing practice and a violation of this chapter for any person, for the purpose of inducing any other person to enter into a real estate transaction with such person, his or her principal or his or her agent:

(A) To represent that a change has occurred, will occur or may occur with respect to the race, color, religion, national origin, sex or disability in composition of the owners or occupants in any block, neighborhood or area in which the dwelling or housing (which is the subject of the real estate transaction) is located; or

(B) To represent that a change with respect to the race, color, religion, national origin, sex or disability in the composition of the owners or occupants in any block, neighborhood or area will result in lowering of property values, or in an increase in criminal or anti-social behavior, or in a decline in the quality of schools, in such block, neighborhood or area.

(Prior Code, § 13-1-20) Penalty, see § 91.99

§ 91.21 OTHER VIOLATIONS.

It shall be an unlawful housing practice and a violation of this chapter for any person:

(A) To aid, abet, incite or coerce a person to engage in unlawful housing practice;

(B) Willfully to interfere with the performance of a duty or the exercise of a power by the County Board or one of its members or representatives; or

(C) Willfully to obstruct or prevent a person from complying with the provisions of this chapter or an order issued thereunder.

(Prior Code, § 13-1-21) Penalty, see § 91.99

§ 91.22 COMPLAINTS.

(A) Any person aggrieved in any manner by a violation of any provisions of this chapter may file with the County Board a written verified complaint setting forth his or her grievance; the complaint shall state the following, and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts:

(1) The name and address of the complaint;

(2) The name and address of the person against whom the complaint is brought, if known to the complainant; and

(3) The alleged facts surrounding the alleged violation of this chapter;

(B) After the filing of any complaint, the County Board shall serve a copy of the complaint on the party or parties charged.

(Prior Code, § 13-1-22)

§ 91.23 HEARINGS BY COUNTY BOARD.

(A) Such hearing shall be conducted by the County Board upon due and reasonable notice to all parties. The County Board shall have power to administer oaths and to take sworn testimony. Any party

alleged to have violated this chapter shall be entitled to be represented by counsel and shall have the right to call witnesses in his or her own behalf and to cross-examine witnesses,

(B) At the conclusion of such hearing, the County Board shall render the complainant a decision. (Prior Code, § 13-1-23)

§ 91.24 ENFORCEMENT.

(A) The County Board shall be empowered to order any person found to be engaging in an unfair housing practice to cease and desist from such practice, upon such terms as shall be necessary and proper for the enforcement of this chapter.

(B) The County Board shall be empowered at the conclusion of proceedings held under § 91.23, to direct the County Attorney to do any one or more of the following:

(1) To institute and prosecute proceedings to enforce, against any person found in violation of this chapter, the fine provided for in § 91.99;

(2) To apply to any court of competent jurisdiction:

(a) For an order restraining any person from violating any provision of this chapter; or

(b) For such other or further relief as may seem to the court appropriate for the enforcement of this chapter and the elimination of violations hereof.

(3) To petition or institute proceedings with the Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any real estate broker or real estate salesman found to have violated any provision of this chapter; and/or

(4) In the case of any unlawful housing practice or violation of this chapter by any person in the course of performing under a contract or subcontract with the state or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of this chapter.

(C) The County Board may issue such cease and desist orders and may direct such action by the County Attorney, as shall be necessary for the enforcement of this chapter. (Prior Code, § 13-1-24)

§ 91.25 REMEDIES.

Any person aggrieved in any manner by the violation of any provision of this chapter who has exhausted the remedies provided in § 91.24 may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

(A) An order compelling compliance with this chapter;

(B) An order to prohibit any person found by the court to have violated any provision of this chapter from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation;

(C) An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing or any person who, in violation of this chapter, refuses or fails to perform such contract;

(D) Compensatory damages; and

(E) Such other and further relief as may seem to the court appropriate for the enforcement of this chapter and the elimination of violations hereof.

(Prior Code, § 13-1-25)

§ 91.99 PENALTY.

Any person who violates any provision of this chapter shall be subject to a fine as provided in § 10.99.

(Prior Code, § 13-1-26)

CHAPTER 92: FIREWORKS

Section

- 92.01 Definitions
- 92.02 Possession, use and discharge of dangerous fireworks
- 92.03 Permit required to sell, purchase, possess or use consumer fireworks
- 92.04 Permit fees
- 92.05 Issuance; non-transferable voiding
- 92.06 Application for consumer fireworks display permit
- 92.07 Application for consumer retailer/distributor permit; conditions for issuance
- 92.08 Standards for temporary stands
- 92.09 Standards for permanent fireworks structures and approved portable metal storage containers
- 92.10 Use of consumer fireworks in public parks
- 92.11 Non-prohibited acts
- 92.12 Applicability
- 92.13 Enforcement
- 92.14 Reckless discharge or use prohibited
- 92.15 Consumer operator permits for display and purchase of consumer fireworks
- 92.16 Approved consumer fireworks

- 92.99 Penalty

§ 92.01 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meaning given them by the Pyrotechnic Use Act of Illinois, 425 ILCS 35/0.01 *et seq.*, as currently in effect and hereafter amended. Additionally, the following definitions shall apply, unless in conflict with the Pyrotechnic Use Act of Illinois, as currently in effect and hereafter amended.

CONSUMER DISPLAY. Any display of consumer fireworks.

CONSUMER FIREWORKS. Any firework as described as a “consumer fireworks” provided by §1 of the Pyrotechnic Use Act (425 ILCS 35/1).

DANGEROUS FIREWORKS. Any firework not defined as a “consumer firework”.

FIREWORKS. Any composition or device, whether in a finished state or individual components, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified pursuant to this chapter as either common or dangerous fireworks.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.02 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS.

It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the county; provided that this prohibition shall not apply to duly authorized consumer fireworks displays.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016) Penalty, see § 92.99

§ 92.03 PERMIT REQUIRED TO SELL, PURCHASE, POSSESS OR USE CONSUMER FIREWORKS.

(A) It is unlawful for any person to engage in the retail sale of, or to sell, consumer fireworks or to hold, conduct, or engage in a consumer fireworks display of fireworks within the county without first having obtained a valid fireworks consumer operator permit issued pursuant to the provisions of this chapter, Illinois Compiled Statutes, and the Illinois Office of the State Fire Marshal regulations. No retail sales to any resident of the State of Illinois shall be made without proof of a valid consumer fireworks permit or valid pyrotechnic permit issued to the purchaser. Any sales to customers for display or use outside the regulatory boundaries of the State of Illinois, must be at wholesale and to be shipped according to Illinois and United States Department of Transportation Standards to a location out of the State of Illinois, with county approved documentation signed by the purchaser assuring and agreeing to these terms. See appendix A attached to the ordinance codified herein.

(B) Effingham County, at its discretion, may provide fireworks consumer operator training annually for the general public provided participants seeking consumer operator permits are 18 years of age and meet any requirements of state law and Office of State Fire Marshal regulations.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016) Penalty, see § 92.99

§ 92.04 PERMIT FEES.

(A) The annual fee for a “seller’s permit” for the sale of consumer fireworks as may be authorized under this chapter shall be \$500 per year for each seller’s permit, payable in advance.

(B) “Consumer Fireworks Operator Permit” is \$10 which is collected at the time of annual training. The fee includes all training and material.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.05 ISSUANCE; NON-TRANSFERABLE VOIDING.

(A) *Sellers.* Each seller's permit issued under this chapter shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in § 92.07. Each seller's permit issued pursuant to this chapter shall be valid only for the current year, shall be used only by the designated permittee, and shall be non-transferable.

(B) *Display permit.* Consumer display permits issued pursuant to this chapter shall be valid for the specific authorized display area only, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this chapter.

(C) *Consumer fireworks operator permits.*

(1) Consumer fireworks operator permits are not transferrable and must be in the possession of any person operating consumer fireworks as defined by the Office of State Fire Marshal.

(2) Consumer fireworks operator permits shall be issued to any qualified individual who has successfully completed an Illinois Office of the State Fire Marshal approved course that was provided by an Office of the State Fire Marshal trainer/instructor.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.06 APPLICATION FOR CONSUMER FIREWORKS DISPLAY PERMIT.

Applications for a permit to conduct a consumer fireworks display of consumer fireworks shall be made to the Fire Chief of the fire protection district where the display will be held at least 14 days prior to the scheduled event. Applicants shall meet all qualifications and requirements of Illinois State Law and the regulations of the State Fire Marshal's office, regarding consumer fireworks display of fireworks and all fire and safety requirements as set forth in the standards for consumer fireworks display, and as set forth in § 92.15.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.07 APPLICATION FOR CONSUMER RETAILER/DISTRIBUTOR PERMIT; CONDITIONS FOR ISSUANCE.

Applications for seller's permits shall be made to the County Clerk annually on or after May 1st of the year for which the permit is issued and the filing period shall close on May 31st of such year unless extended by action of the County Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for, or to obtain a retail sales permit on behalf of any retailer other than themselves. Seller's permits for the sale of those fireworks allowed pursuant to this chapter shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be 21 years of age or older, of good moral character, and of demonstrated responsibility;

(B) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: \$1,000,000 for injuries to any one person in one accident or occurrence; \$2,000,000 for injuries to two or more persons in any one accident or occurrence; \$1,000,000 for damage to property in any one accident or occurrence; \$1,000,000 combined single limit for any one accident or occurrence. In addition, the county is to be an additional named insured and the policy shall provide for the immediate notification of the county by the insurer of any cancellation of any policy; and

(C) Comply with all Illinois Compiled Statutes and the regulations of the Office of State Fire Marshal.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016) Penalty, see § 92.99

§ 92.08 STANDARDS FOR TEMPORARY STANDS.

(A) The temporary stands of all permit holding sellers shall conform to the following minimum standards and conditions:

(1) Temporary fireworks stands need not comply with all provisions of the applicable Building Codes; provided, however, that all such stands be inspected by the Fire Chief of the district covering the property where the stand is located, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(2) No temporary fireworks stand shall be located within 50 feet of any other building or structure, nor within 250 feet of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(3) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(4) Each temporary fireworks stand shall have, in a readily accessible place, at least two, two and one-half gallon pressurized water fire extinguishers which are in good working order.

(5) Dried vegetation and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than 25 feet, measured from the exterior walls of the temporary fireworks stand.

(6) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than 50 feet measured from the exterior walls of the temporary fireworks stand. Signs stating: “No Smoking within 50 Feet” shall be posted on the exterior of each wall of the temporary fireworks stand.

(7) Each temporary fireworks stand shall have a person who is 18 years old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief for the location involved.

(8) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by 12:00 noon on the seventh (7th) day of July of each year, unless an extension is granted in writing by the County Board Chairman or Vice Chairman.

(9) No temporary fireworks stand shall be located within 500 feet of any other temporary, permanent or portable container fireworks structure, unless it is a part of the same retail/wholesale business operation.

(10) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least 15 spaces, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(11) No person shall discharge any fireworks within 500 feet of the exterior walls of any temporary fireworks stand. Signs stating: “No discharge of fireworks within 500 feet.” shall be posted on the exterior of all walls of the temporary fireworks stand.

(12) Any issued permit or license to sell fireworks at retail must be publicly displayed any time the fireworks stand is open for business in such a manner that it can be readily visible to customers.

(B) *Exception to temporary stands.* Building location and distances if located in a permanent structure, the building must be approved by the resident Fire Chief or his designee, and comply with the rules, herein, except for the limit of being within 50 feet of another adjacent structure.

(C) Nothing in this section will prohibit another unit of local government from denying the temporary fireworks stand because of concerns over building issues.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016) Penalty, see § 92.99

§ 92.09 STANDARDS FOR PERMANENT FIREWORKS STRUCTURES AND APPROVED PORTABLE METAL STORAGE CONTAINERS.

(A) Permanent fireworks structures need to comply with all provisions of the applicable building and safety codes. The most common codes used are the Life Safety Code and State Fire Marshal Administrative Code Chapter I Part 105 Fireworks § 105.20 Storage and Wholesaling of Class “C”

Common Fireworks. However, consult with the local fire district in which your structure is located, to ensure your structure is meeting the required codes of that fire district. Portable metal storage containers can also be used if approved by your fire district. If the structure or portable container is used for any other purpose than the sale of fireworks, then all fireworks must be removed from the structure or portable container during the period of time the structure or portable container is used for any other purpose than the sale of fireworks. Under no circumstances shall the sale of fireworks be allowed in the same permanent structure or portable container while operating or conducting any other type of business or service or while storing any other type of products.

(B) No permanent fireworks structure or portable container shall be located within 250 feet of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Permanent fireworks structures must have at least two exits, which shall be unobstructed at all times. Portable containers will not allow customers inside the container, unless approved by the fire district in which you are doing business and shall have a sign visible to the public on each container stating: "Do Not Go Inside The Container". In this case you will need to provide a way for your customer to view and handle your products without entering the inside of the portable container.

(D) Permanent fireworks structures or portable containers shall have, in a readily accessible place, at least two, two and one-half gallon pressurized water fire extinguishers which are in good working order.

(E) Combustible materials, not related to the fireworks operation, shall be cleared from the location of the permanent fireworks structure or portable container and the surrounding area at a distance of not less than 25 feet, measured from the exterior walls of the permanent fireworks structure or portable container.

(F) No smoking shall be permitted in or near a permanent fireworks structures or portable containers for a distance of not less than 50 feet measured from the exterior walls of the permanent fireworks structures or portable containers. Signs stating: "No Smoking Within 50 Feet" shall be posted, visible to the public at all entrances and exits of the permanent fireworks structure or portable container.

(G) Permanent fireworks structures or portable containers must have at least one person who is 18 years old or older in attendance at all times during normal hours of operation or while stocking inventory in the structure.

(H) No Permanent fireworks structure or portable container shall be located within 500 feet of any other fireworks structure or portable container, unless it is a part of the same retail/wholesale business operation.

(I) Permanent fireworks structures or portable containers shall have provisions for sufficient parking to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(J) No person shall discharge any fireworks within 500 feet of the exterior walls of any permanent fireworks structure or portable container. Signs stating: “No Discharge of Fireworks within 500 Feet”, shall be posted, visible to the public at all entrances and exits of the permanent fireworks structure or portable container.

(K) Any issued permit or license to sell fireworks in a permanent fireworks structure or portable container must be publicly displayed at all times when the fireworks structure is open for business in such a manner that it can be readily visible to the public.

(L) Portable metal storage containers can be used as permanent or temporary fireworks structures. Consult with the local fire district, in which your structure is located, to ensure your structure is meeting the required codes, of that fire district.

(M) Permanent fireworks structures and portable fireworks containers may be open for business the entire year if they have met the requirement of this chapter.
(Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.10 USE OF CONSUMER FIREWORKS IN PUBLIC PARKS.

It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the county or any municipality, provided, however, that such use shall be permitted, as long as it is a public firework display as allowed pursuant to Illinois Compiled Statutes, the Office of the State Fire Marshal, and local ordinance.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016) Penalty, see § 92.99

§ 92.11 NON-PROHIBITED ACTS.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.12 APPLICABILITY.

The provisions of this chapter shall not be applicable to toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick nor to novelty devices not classified as common fireworks.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.13 ENFORCEMENT.

The Sheriff's office, other law enforcement agencies of jurisdiction, or Fire Chief of the fire protection district where any firework is located or situated is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or failure to comply with any provision of this chapter or any requirement of the community development code relating to temporary structures.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.14 RECKLESS DISCHARGE OR USE PROHIBITED.

It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016) Penalty, see § 92.99

§ 92.15 CONSUMER OPERATOR PERMITS FOR DISPLAY AND PURCHASE OF CONSUMER FIREWORKS.

(A) A valid consumer operator permit holder as defined by Illinois Law and the regulations of the Office of State Fire Marshal may publicly display consumer fireworks, as defined by Illinois State Law and the Office of the State Fire Marshal, on special occasions and holidays as determined by the County Board. This consumer fireworks display shall be subject to the approval of the Fire Chief in charge of the fire protection district covering the location the fireworks will be displayed. The special occasions and holidays may be determined by the County Board at any regular or special meeting of the Effingham County Board.

(B) The County Board Chairman or Vice Chairman may cancel any permit to display in the event of natural or man-made circumstances are determined to cause an undue public safety issue.

(C) The consent of the land owner on which the fireworks are to be launched or displayed is required prior to the display. Fireworks shall not be launched or displayed in any common area of residential or commercial property, on any public lands without approval of the responsible governmental body or common residential parking lots.

(D) Any person launching or displaying fireworks, in compliance with this ordinance, shall not be intoxicated or impaired by any drug or alcohol as defined by 625 ILCS 5/11-501 et seq., and shall be at least 18 years of age.

(E) The Fire Chief of any fire protection or municipal district in which the fireworks display is to be held, may require permits and fees not to exceed \$25 as directed by the controlling elected board or authority of the Fire Protection District.

(F) With regards to these conditional consumer permit displays the following rules shall apply:

(1) All combustible debris and trash shall be removed from the area of discharge for a distance of 200 feet in all directions.

(2) Minimum requirements, at the fireworks discharge site, shall be sand, shovel, and two AA-rated pressurized water fire extinguishers or a charged water hose capable of reaching the launch or detonation site of the fireworks.

(3) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity, dry conditions, or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(4) All unfired or “dud” fireworks shall be disposed of in a safe manner after letting it sit undisturbed for five minutes, dousing it with water and then letting it sit undisturbed for 15 minutes.

(5) All fireworks displayed shall be no less than 200 feet away in all directions from any spectators, buildings, structures, property lines and must be free of any overhead obstructions.

(6) Under no circumstances shall a minor under the age of 18 possess, detonate, use or be within 200 feet of any consumer fireworks being ignited or detonated with the exception of those currently allowed by the Illinois Compiled Statutes and the Office of the State Fire Marshal. (Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.16 APPROVED CONSUMER FIREWORKS.

A complete list of restricted and allowable consumer fireworks is available from the office of the State Fire Marshal and is updated as needed. (Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

§ 92.99 PENALTY.

(A) Any violation of this chapter regarding the retail sales of fireworks shall be subject to the seizure of the fireworks displayed, as well as any and all means of business, including receipts and cash derived from sales, until such time as the disposition of these items is determined by judicial due process.

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(B) Fireworks illegally used in a display may be seized and the operator cited. Any seized property will be maintained by the arresting authority until such time as a judicial disposition is ordered.

(C) Upon conviction of an offense, the courts may levy fines to the maximum allowed by state law, and the seized property may be returned, destroyed, or disposed of as adjudicated.
(Ord. passed 3-16-2015; Ord. 16-51, passed 7-18-2016; Ord. 16-60, passed 8-15-2016)

CHAPTER 93: SMOKING

Section

- 93.01 Definitions
- 93.02 Smoking in public places, places of employment and governmental vehicles prohibited
- 93.03 Posting of signs; removal of ashtrays
- 93.04 Smoking prohibited in student dormitories
- 93.05 Designation of other nonsmoking areas
- 93.06 Exemptions
- 93.07 Enforcement; complaints
- 93.08 Entrances, exits, windows and ventilation intakes

- 93.99 Penalty

§ 93.01 DEFINITIONS.

All words and phrases as used in this chapter shall have the same meaning given to said word or phrase in the Smoke Free Illinois Act being 410 ILCS 82, as approved on July 27, 2007, as amended and now in full force and effect, or as said Act may be amended.

(Ord. 14-72, passed 9-15-2014)

§ 93.02 SMOKING IN PUBLIC PLACES, PLACES OF EMPLOYMENT AND GOVERNMENTAL VEHICLES PROHIBITED.

No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased or operated by the state or the county, or political subdivision of the state or the county. An owner shall reasonably assure that smoking is prohibited in indoor public places and workplaces unless specifically exempted by this chapter.

(Ord. 14-72, passed 9-15-2014) Penalty, see § 93.99

§ 93.03 POSTING OF SIGNS; REMOVAL OF ASHTRAYS.

(A) “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and

conspicuously posted in each public place and place of employment where smoking is prohibited by this chapter by the owner, operator, manager or other person in control of that place.

(B) Each public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(C) All ashtrays shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager or other person having control of the area.

(Ord. 14-72, passed 9-15-2014) Penalty, see § 93.99

§ 93.04 SMOKING PROHIBITED IN STUDENT DORMITORIES.

Notwithstanding any other provision of this chapter, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

(Ord. 14-72, passed 9-15-2014) Penalty, see § 93.99

§ 93.05 DESIGNATION OF OTHER NONSMOKING AREAS.

Notwithstanding any other provision of this chapter, any employer, owner, occupant, lessee, operator, manager or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in this chapter.

(Ord. 14-72, passed 9-15-2014) Penalty, see § 93.99

§ 93.06 EXEMPTIONS.

Notwithstanding any other provision of this chapter, smoking is allowed in the following areas:

(A) Private residences or dwelling places, except when used as a child care, adult day care or healthcare facility or any other home-based business open to the public;

(B) Retail tobacco stores as defined in this chapter shall be any legitimate business as defined in this chapter and authorized by the state to engage in the retail sales of tobacco;

(C) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25%

of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed, The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms; and

(D) Common smoking rooms in long-term care facilities operated under the authority of the State Department of Veterans Affairs or licensed under the Illinois Nursing Home Care Act, being 210 ILCS 45, that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility.

(Ord. 14-72, passed 9-15-2014)

§ 93.07 ENFORCEMENT; COMPLAINTS.

(A) The County Public Health Department and local law enforcement agencies shall enforce the provisions of this chapter through the issuance of citations and/or summons to appear in court to answer the charge.

(B) Complaints involving businesses possessing a county liquor license also shall be forwarded to the County Liquor Commissioner, the County Board Chairperson, or his or her designee.

(C) All citations or summons regarding this chapter shall be charged on a uniform citation or summons, and shall include the name, address and birthday of the person being accused, the location and date and time of the alleged violation, the name of the person making the accusation and specific reference to the ordinance alleged to have been violated.

(Ord. 14-72, passed 9-15-2014) Penalty, see § 93.99

§ 93.08 ENTRANCES, EXITS, WINDOWS AND VENTILATION INTAKES.

Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this chapter so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows or other means.

(Ord. 14-72, passed 9-15-2014)

§ 93.99 PENALTY.

Upon conviction of a violation of this chapter in a circuit court of jurisdiction, no person shall be fined in excess of \$1,000 per violation.

(Ord. 14-72, passed 9-15-2014)

CHAPTER 94: GROUND AMBULANCE SERVICE

Section

94.01 Ground ambulance service

94.02 Emergency medical service, medical transport and ambulance standard of care

Cross-reference:

Emergency management, see Ch. 31

§ 94.01 GROUND AMBULANCE SERVICE.

(A) The County Board shall contract with, Mission Care of Illinois, LLC, d/b/a Abbott EMS ("Abbott"), a private ground ambulance service for the exclusive provision of emergency ambulance service within the County of Effingham.

(B) Said contract shall include regulations, terms, and conditions for the performance of said ground ambulance service which the County Board in its discretion, may deem to be in the best interests of the citizens of the County of Effingham.

(C) Said contract shall permit the contractor to enter into mutual aid agreements with other ambulances services so that adequate ground ambulance service will be available in situations in which the contractor may not have adequate equipment or personnel available; and that any such other ground ambulance sendee shall be duly licensed by the Illinois Department of Public Health.

(D) That no person or entity, other than the contractor and ambulance sendees having a mutual aid agreement with the contractor, shall operate or cause to be operated a vehicle for emergency ground ambulance purposes, nor furnish, conduct, maintain, advertise or otherwise be engaged in the business of sendee of the emergency transportation of ambulance patients within the County of Effingham.

(E) By the passage of this section, Effingham County expressly repeals its previous Ordinance No. 14-88, adopted by the Effingham County Board on November 17, 2014 and amends Ordinance 14-93 passed on December 1, 2014.

(F) The provisions of division (D) shall not apply to:

(1) Rendering assistance to patients in the case of a major catastrophe or emergency in which the contractor's ambulances and those of mutual aid providers are insufficient or unable to cope; or

(2) Transporting a patient from outside of the County of Effingham to a point within the County of Effingham; or

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(3) Transporting a patient picked up outside of the County of Effingham traveling through the County of Effingham to a destination outside the County of Effingham; or

(4) Giesking Ambulance Service of Altamont which will continue to have the privilege of providing ambulance sendee to its area residents;

(5) Stewardson Ambulance Service, which serves a small portion of northern Effingham County within its taxing district, which will continue to have the privilege of providing ambulance service to its area residents.

(G) Any ambulance service establishing a physical base of operation within Effingham County or, providing routine services of transfers from acute care facilities or as an emergency ambulance sendees within the county, shall acquire a letter of authorization from the County Board, signed by not less than three Board members.

(1) The County Board may limit the number of authorization letters it issues with regards to this section.

(2) The County Board may withdraw the letter of authorization, or issue a temporary letter of authorization with regard to this section.

(3) This letter may be revoked by a majority vote of the County Board.

(H) Violations of the section are hereby declared to be public nuisances, and shall be prohibited and abated in actions in law or in equity.

(Ord. 17-19, passed 3-29-2017; Ord. 17-76, passed 9-18-2017)

§ 94.02 EMERGENCY MEDICAL SERVICE, MEDICAL TRANSPORT AND AMBULANCE STANDARD OF CARE.

(A) It is the purpose of this section to provide a standard of care for all patients transported by any ambulance, medical transport service or emergency medical service, operating by ground ambulance on a regular basis in the County of Effingham; to provide a diagnostic and/or treatment process that an emergency clinician should follow for certain types of patient illness or clinical circumstances; to establish a level of competence with which the typically prudent care provider within a given community, region or system would treat the patient; and to establish a standard of uniformity in Effingham County as to how a qualified practitioner would manage the care of patients under the same or similar circumstances.

(B) All Advanced Life Support (ALS) ambulances operated within Effingham County as a normal part of business, based in Effingham County, or doing business as a result of any agreement with Effingham County, shall be operated as follows:

(1) All vehicles will be current on registration, safety inspections, insurance and any other inspections required by any government or controlling medical entity.

(2) All vehicles must be manned by at least one Illinois-licensed paramedic with current, valid certifications in:

(a) Basic life support;

(b) Advanced cardiac life support;

(c) Pediatric advanced life support (PALS) or Pediatric Education for Pre-hospital Professionals(PEPPS);

(d) Pre-Hospital Trauma Life Support (PTLS) or International Trauma Life Support (ITLS); and

(e) Successfully tested and approved by the EMS System to work in the system under system protocols.

(3) The Paramedic must be assisted by another like-qualified paramedic or Illinois-licensed Emergency Medical Technician (EMT) approved to operate under the EMS System Protocols.

(4) Paramedics and EMT shall be trained, with documented testing to proficiency, on all equipment listed herein, all equipment available on any given ambulance, and all systems protocols.

(5) Each Paramedic and EMT shall complete documented annual training as required by OSHA, the Illinois Department of Labor and the Illinois Department of Public Health, and must show proof of successful completion of any other training required by all relevant units of government relevant to the operation of emergency medical ground transportation in Effingham County, including - but not limited to - the following subject areas, for which training must be completed within one year of employment with the ambulance service:

(a) Blood borne pathogens;

(b) Back safety;

(c) Workplace violence;

(d) Emergency service vehicle operations;

(e) Health Information Patient Privacy Act (HIPPA);

(f) Critical Incident Stress Management (CISM); and

(g) National Incident Management (NIMS) 100, 200, 700, 800.

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(6) Each Paramedic and Emergency Medical Technician shall complete and pass at least two mandated clinical skills review competency tests every six months from the medical director or their designee to determine any necessity of remedial training.

(7) Each Paramedic and Emergency Medical Technician shall provide proof of Hepatitis B Series vaccinations, an annual TB skin test, and shall be offered an annual flu shot (including a declination form or proof of currently valid test results) to be provided at the expense of the ambulance service provider.

(8) Every Advanced Life Support ambulance shall possess the following equipment on board in operational and currently maintained status:

(a) All required Illinois Department of Public Health and Emergency Management System listed equipment;

(b) 12 Lead EKG monitor/defibrillator with telemetry operational capabilities to send EKG readings to the hospital receiving system;

(c) Carbon Dioxide ETCO₂ (End Tidal Carbon Dioxide) Monitoring with Capography wave form;

(d) Transport Intravenous (IV) medication pump;

(e) Non-invasive continuous blood pressure monitoring equipment;

(f) Continuous Positive Air Pressure (CPAP) and Biphasic Positive Air Pressure (Bi-PAP);

(g) Transport Ventilator;

(h) Intraosseus (IO) Access devices for adult, child and infant;

(i) Blind Insertion Airway Device (BIAD) - all sizes;

(j) Power Patient Cot; and

(k) Automatic Vehicle Locator (AVL).

(9) All medical equipment shall be maintained and calibrated according to manufacturer recommendations by qualified technicians.

(10) All medical replacement supplies shall be maintained and replaced by the ambulance provider to maintain required levels of equipment supplies at all times.

(11) All providers must ensure adequate crew quarters to provide rest and comfort and health for crews and to ensure maximum alertness while responding to emergency medical calls. Crew quarters shall be maintained to the appropriate standards, including, but not limited to, the following:

(a) Reasonable climate control;

(b) Adequate shelter from weather elements; and

(c) Reasonable cleanliness, free of harmful germs, molds, mildew, and materials that would threaten crew health.

(C) Fines upon conviction for violating this section shall not exceed \$1,000 per day for each day the violation occurs.

(Ord. 18-37, passed 5-21-2018)

