

TITLE IX
GENERAL REGULATIONS

*Amended 09.13.18
Ordinance (O)2018-09.35 Home Kitchen
& Cottage Food Operations*

TITLE IX: GENERAL REGULATIONS

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NOXIOUS PLANTS AND WEEDS

§ 90.01 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE

For the purpose of regulating noxious plants and weeds growing within the corporate limits of the Village, the Village adopts by reference the *2003 International Property Maintenance Code*.

(Ord. (O)2005-04.32, passed 4-28-05)

§ 90.15 PURPOSE; DECLARATION OF NUISANCE

Dutch Elm Disease is injurious and destructive to elm trees. Elm trees infected with Dutch Elm Disease serve as host trees or host plants and as such promote the prevalence and abundance of the pests and insects causing Dutch Elm Disease. In order to preserve the elm trees in the Village and control the spread of Dutch Elm Disease, it is necessary to declare any elm tree infested with Dutch Elm Disease a nuisance.

(Ord. passed 8-2-62) Penalty, see § 10.99

§ 90.16 DEFINITION

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

DUTCH ELM DISEASE. The infection, detrimental contact, or infestation of an elm tree by Dutch Elm Beetle or Elm Bark Beetle.

(Ord. passed 8-2-62)

§ 90.17 INSPECTOR TO BE APPOINTED

The President of the Board of Trustees by and with the consent of the Board shall annually appoint a Horticultural Inspector who shall serve until his successor is appointed and qualified. The salary of the Inspector shall from time to time be determined.

(Ord. passed 8-2-62)

§ 90.18 DUTIES OF INSPECTOR; LABORATORY ANALYSIS

(A) If the Inspector shall have reason to believe that any elm tree, shrub, or bush has Dutch Elm Disease, the Inspector shall have the right to enter on the property or premises on which the tree, shrub, or bush is located and shall have the power to inspect or cause to be inspected from time to time the tree, shrub, or bush on the property. The Inspector shall have the right to remove a sufficient specimen from the tree, trees, bush, or shrubs for laboratory analysis.

Public Nuisances

(B) If the laboratory analysis of the specimen described in division (A) of this section or an opinion of a qualified tree surgeon or horticulturalist discloses the infection, infestation, or detrimental contact by the Dutch Elm Disease of any tree, bush, or shrub, the Horticultural Inspector shall cause notice of the nuisance to be sent to the owner or other responsible person of the premises on which the tree, bush, or shrub is located.
(Ord. passed 8-2-62)

§ 90.19 ABATEMENT

(A) Upon receipt of the notice described in § 90.18(B), the owner shall abate and dispose of the nuisance under the direction of the Inspector within 15 days.

(B) Whenever the owner or other responsible person cannot be found or shall fail, neglect, or refuse to abate the nuisance, the Village may proceed to abate the nuisance and the expense thereof, together with all costs, shall be paid by the owner and shall be collected by the Village, or if not immediately, the Village Clerk shall prepare and file a lien against the premises in question with the appropriate county official in the county wherein the premises is located.
(Ord. passed 8-2-62)

CHAPTER 91: OPEN BURNING

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(Ord. (O)2008-03.13, passed 3-18-08)

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(Ord. (O)2008-05.24, passed 5-01-08)

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Section A – McHenry County (Ord. (O)2008-03.13, passed 3-18-08)

§ 91.01 GENERAL PROVISIONS

Intent and Purpose. Whereas, open burning creates a risk of losses due to fire and impairs air quality, regulation of open burning is necessary to protect the public health, safety, and welfare.

§ 91.02 DEFINITIONS

BRUSH. Tree trunks, limbs, branches, and twigs.

CEREMONIAL FIRE (BONFIRE). An outdoor fire larger than three feet by three feet by three feet (3'x3'x3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

GARBAGE” The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE STRUCTURE. Any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multi- family dwellings, churches, schools, food facilities and industrial buildings.

LANDSCAPE WASTE. All accumulation of grass or shrubbery cuttings, leaves, flowers and weeds.

LITTER. Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

MANURE. The fecal and urinary defecations of livestock and poultry. Manure may often contain some spilled feed, bedding or litter.

NON-HABITABLE STRUCTURE. Any structure not identified as habitable as defined and would include but is not limited to garages, sheds, barns, and swimming pools.

OPEN BURNING. The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the provisions of the Environmental Protection Act.

Open Burning

RECREATIONAL FIRE. A temporary outdoor fire for warmth, cooking for human consumption, or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3'x3'x3') and excludes leaves, grass or shrubbery clippings or cuttings.

STRUCTURE. The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

§ 91.03 EXEMPTIONS

- (A) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.
- (B) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fire-places, or to self-contained outdoor wood- burning devices or fireplaces.
- (C) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the open burning of brush for purposes of recreational fires.
- (D) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the McHenry County Department of Health. Failure to obtain a permit from the McHenry County Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article.
- (E) Section 500 B1 shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

§ 91.04 PROHIBITION

- (A) Open burning of landscape waste shall not take place within one hundred feet (100') feet of a habitable structure.
- (B) Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.

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- (C) The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in McHenry County.
- (D) The Chairman of the County Board shall have the authority to prohibit all open burning of landscape waste in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

§ 91.05 RESTRICTIONS

Any open burning in the County of McHenry shall be in accordance with the restrictions enumerated below:

- (A) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.
- (B) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
 1. Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.
 2. Burning is not permitted when the wind is in excess of ten (10) miles per hour.
 3. Burning is not permitted of any material other than dry landscape waste and/or brush.
 4. Burning is not permitted on public or private roads, alleys, sidewalks or easements.
 5. Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or air fields.

§ 91.06 CONDITIONS AND LIMITATIONS OF OPEN BURNING

- (A) All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.
- (B) A fire extinguisher or garden hose or water source shall be available at the burning site.
- (C) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.

Open Burning

- (D) It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.
- (E) Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.
- (F) The Chairman of the County Board shall have the authority to waive all or part of the requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

§ 91.07 ENFORCEMENT, VIOLATIONS AND PENALTIES

- (A) McHenry County Department of Health shall be primarily responsible for the enforcement of this Ordinance. Any enforcement officer of the McHenry County Department of Health, law enforcement agency, fire department or fire protection district is hereby authorized to enforce the provisions of this article.
- (B) Any person who violates any provision of this article shall be punished by a fine of one hundred dollars (\$100.00) for a first time offense and a fine of up to one thousand dollars (\$1,000) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this article shall be considered factors in aggravation for purposes of the assessment of any fines.

§ 91.08 PROGRAM OVERSIGHT

- (A) The McHenry County Solid Waste Manager shall endeavor to create economical alternatives to the open burning of landscape waste for McHenry County residents.
- (B) The Public Health and Human Services Committee of the McHenry County Board shall have oversight responsibility for, and will review quarterly, the development and implementation of all programs in all categories set forth herein and which may be recommended in the future.
- (C) This ordinance does not supersede any requirements of a government entity that may be more restrictive.

(Ord. (O)2008-03.13, passed 3-18-08)

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Section B – Kane County (Ord. (O)2008-05.24, passed 5-01-08)

§ 91.09 GENERAL PROVISIONS

Intent and Purpose Whereas, open burning creates a risk of losses due to fire and impairs air quality, regulation of open burning is necessary to protect the public health, safety, and welfare.

§91.10 DEFINITIONS

“BRUSH” Tree trunks, limbs, branches, and twigs.

“CEREMONIAL FIRE (BONFIRE)” An outdoor fire larger than three feet by three feet by three feet (3'x3'x3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

“GARBAGE” The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“HABITABLE STRUCTURE” Any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multi family dwellings, churches, schools, food facilities and industrial buildings.

“LANDSCAPE WASTE” All accumulation of grass or shrubbery cuttings, leaves, flowers and weeds.

“LITTER” Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

“MANURE” The fecal and urinary defecations of livestock and poultry. Manure may often contain some spilled feed, bedding or litter.

“NON-HABITABLE STRUCTURE” Any structure not identified as habitable as defined and would include but is not limited to garages, sheds, barns, and swimming pools.

“OPEN BURNING” The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the provisions of the Environmental Protection Act.

Open Burning

“RECREATIONAL FIRE” A temporary outdoor fire for warmth, cooking for human consumption, or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3'x3'x3') and excludes leaves, grass or shrubbery clippings or cuttings.

“STRUCTURE” The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

§91.11 EXEMPTIONS

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- (B) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fire-places, or to self-contained outdoor wood- burning devices or fireplaces.
- (C) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the open burning of brush for purposes of recreational fires.
- (D) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the Village of Huntley Development Services Department. Failure to obtain a permit from the Village of Huntley Development Services Department prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the fire protection district and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article.
- (E) Section 500 B1 shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

§91.12 PROHIBITION

- (A) Open burning of landscape waste shall not take place within one hundred feet (100') feet of a habitable structure.
- (B) Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.

Huntley – General Regulations

- (C) The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in the Village of Huntley.
- (D) The Village President shall have the authority to prohibit all open burning of landscape waste in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

§91.13 RESTRICTIONS

Any open burning in the Village of Huntley shall be in accordance with the restrictions enumerated below:

- (A) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.
- (B) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
 - 1) Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.
 - 2) Burning is not permitted when the wind is in excess of ten (10) miles per hour.
 - 3) Burning is not permitted of any material other than dry landscape waste and/or brush.
 - 4) Burning is not permitted on public or private roads, alleys, sidewalks or easements.
 - 5) Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or air fields.

§91.14 CONDITIONS AND LIMITATIONS OF OPEN BURNING

- (A) All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.
- (B) A fire extinguisher or garden hose or water source shall be available at the burning site.
- (C) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.

Open Burning

- (D) It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.
- (E) Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.
- (F) The Village President shall have the authority to waive all or part of the requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

§91.15 ENFORCEMENT, VIOLATIONS AND PENALTIES

- (A) The Village of Huntley Development Services Department shall be primarily responsible for the enforcement of this Ordinance. Any enforcement officer of the Village, law enforcement agency, or the fire protection district is hereby authorized to enforce the provisions of this article.
- (B) Any person who violates any provision of this article shall be punished by a fine of one hundred dollars (\$100.00) for a first time offense and a fine of up to one thousand dollars (\$1,000) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this article shall be considered factors in aggravation for purposes of the assessment of any fines.

(Ord. (O)2008-05.24, passed 5-01-08)

CHAPTER 92: ANIMALS

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- 92.02 Rules and regulations
- 92.03 Kennels
- 92.04 Dogs to be licensed and registered by county
- 92.05 Running at large prohibited
- 92.06 Animals as nuisances
- 92.07 Defecation nuisance; animals prohibited in cemeteries
- 92.08 Mistreatment of animals

Rabies Control

- 92.20 Dogs suspected of rabies
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Administration and Enforcement

- 92.30 Services provided by county
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§ 92.01 DEFINITIONS

ANIMAL. Any living creature, domestic or wild.

ANIMAL SHELTER. Any premises designated by the Village Manager for the purpose of impounding and caring for animals held under authority of this chapter.

GOOD ANIMAL CONTROL PRACTICE. Courteous, rapid response to complaints with response time being dependent upon the priority and emergency character of the complaint compared with other calls dispatched simultaneously.

KENNEL. Any person, partnership, or corporation engaged in the business or act of breeding, buying, selling, or boarding of or care for dogs and cats or any other animals or pets.

OWNER. Any person, partnership, or corporation owning, keeping, or harboring animals.

PERSON. An individual, partnership, company, or corporation.

PET SHOP. Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding animals of any species.

RESTRAINT. An animal shall be deemed to be under restraint if on the premises of its owner or is accompanied by a responsible person and under that person's control.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries in animals.

(Ord. 92-10-1, passed 10-8-92; Am. Ord. 99-01-14-04, passed 1-14-99)

§ 92.02 RULES AND REGULATIONS

No person shall, own, keep, harbor, or have custody of any animal over three months of age, within the Village except upon properties zoned "farming" or approved for such use by proper zoning amendment, special use, or other approval pursuant to the ordinances of the Village, except that this section shall not apply to the keeping of a combined total of three household domestic animals, commonly known as pets, such as cats, small cage-birds or aquatic and amphibian animals solely as pets, or to the registration of dogs as provided in § 92.04.

(Ord. 92-10-1, passed 10-8-92; Am. Ord. 99-01-14-04, passed 1-14-99) Penalty, see § 92.99

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§ 92.03 KENNELS

Any premises or portion thereof on which more than three dogs, cats, or other household domestic animals over one year old are kept, or on which more than two such animals are maintained, boarded, bread, or cared for in return for remuneration or kept for the purpose of sale shall qualify as a kennel and shall comply with all zoning requirements regulating business districts. (Ord. 92-10-1, passed 10-8-92)

§ 92.04 DOGS TO BE LICENSED AND REGISTERED BY COUNTY

All dogs, kept, harbored, or maintained by their owners within the Village shall be licensed and registered by the County of McHenry, the County of Kane, or the Village. (Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.05 RUNNING AT LARGE PROHIBITED

It shall be unlawful for any person to permit any dog owned, controlled, or kept by him whether licensed or unlicensed, to run at large within the Village. Any dog found to be running at large is hereby declared a nuisance, and it shall be presumed that such dog is running at large with the permission of the owner, keeper, or person in control of such dog. (Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.06 ANIMALS AS NUISANCES

(A) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(B) The following behaviors shall be deemed a nuisance:

- (1) Excessive, continuous, or untimely barking;
- (2) Molesting a passerby;
- (3) Chasing vehicles;
- (4) Habitually attacking other domestic animals; and
- (5) Trespassing upon school grounds, or trespassing upon private property in such manner as to damage property.

(C) It shall be unlawful to permit any dog to be on the Village Cemetery of Village Park.

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(D) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.07 DEFECATION NUISANCE; ANIMALS PROHIBITED IN CEMETERIES

(A) Any owner or person having custody of any dog or any other animal shall not permit the dog or other animal to defecate on any school ground, public street, alley, sidewalk, park, or any other public grounds or on any private property within the Village other than the premises of the owner or person having custody of the dog or other animal, unless the defecation is removed immediately by the owner or person having custody of the dog or other animal to a proper receptacle located on the property of the owner or the person having custody of the dog or other animal.

(B) Notwithstanding the provisions of division (A) of this section, no dog or other animal shall be permitted to be present in any cemetery or other comparable place or memorial located in the Village.

(Ord. 92-10-1, passed 10-8-92; Am. Ord. 95-06-22-01, passed 6-22-95) Penalty, see § 92.99

§ 92.08 MISTREATMENT OF ANIMALS

(A) No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any dog fight, cock-fight, bullfight, or other combat between animals or between animals and humans.

(C) No owner of an animal shall abandon such animal.

(D) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health or comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

Animals

RABIES CONTROL

§ 92.20 DOGS SUSPECTED OF RABIES

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Police Chief of the fact that his dog has been exposed to rabies and at his discretion the Police Chief is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(B) No police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.
(Ord. 92-10-1, passed 10-8-92)

§ 92.21 VACCINATION REQUIRED

It shall be unlawful for the owner of any dog to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine within one year preceding the date on which such dog is kept, maintained, or allowed to run at large.
(Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.22 MUZZLING

(A) Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Village President, if he or she deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person.

(B) Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by a veterinarian, without notice to the owner.

(C) Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected by rabies, upon payment of the impounding charges provided for in § 92.07. If unclaimed after that period, such dog may be summarily destroyed.
(Ord. 92-10-1, passed 10-8-92)

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ADMINISTRATION AND ENFORCEMENT

§ 92.30 SERVICES PROVIDED BY MCHENRY AND KANE COUNTY

(A) The following animal control services shall be provided by the County of McHenry or Kane for the Village pursuant to an agreement:

- (1) Animal patrol by automobile for a minimum number of 30 hours per week.
- (2) The County Animal Control Officer shall answer all calls regarding animal control made by the residents of the Village as soon as possible, considering the circumstances when received and the other obligations of the Animal Control Officer. Routine animal complaint calls shall not be answered after 9:00 p.m. Emergency calls shall be answered at any time.
- (3) All animal complaints or animal control complaints will be answered by the county.
- (4) All animal control measures, including but not limited to tranquilization, live traps, and other means for apprehending stray animals shall be operated by the Health Department within the Village.
- (5) The county shall provide all animal bite investigations and other necessary animal control within the corporate limits of the Village.
- (6) The enforcement of all animal control violations including the issuance of “notices of appear,” warrants or arrest, or the filing of criminal complaints, shall be processed by the county.
- (7) All animal complaint calls shall be made to the McHenry or Kane County Animal Control Center or the McHenry or Kane County Sheriff Department and shall be relayed to the department and the County Animal Control Officer on duty.
- (8) All animal complaints shall be serviced by the Animal Control Officer at times determined by him and considered in his opinion to be most efficient and most consistent with good animal control practice for the entire county.
- (9) Emergency calls shall include, but not be limited to, calls relating to animal bites, calls relating to suspected rabid animals, and calls concerning animals deemed dangerous to the public health for any reason.
- (10) The county shall pay and defray all costs for impoundment or confinement of strays, all known biters and all other animals seized or controlled by it, regardless of where said animals are seized or taken.

Animals

(11) The county shall provide the Village authorities with semiannual reports of all complaints received from the Village residents. The report shall include date and time complaint was received, response time and nature of the complaint.

(12) During the term of this agreement, the Village may, at its own discretion, engage in the practice of registering, licensing, or otherwise regulating dogs within the Village limits.

(Ord. 92-10-1, passed 10-8-92)

§ 92.31 IMPOUNDING DOGS AT LARGE

(A) It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of § 92.05 and to impound such in the Village pound or other suitable place. The veterinarian upon receiving any dog shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

(B) Notwithstanding the provisions of division (A), if an animal is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner.

(Ord. 92-10-1, passed 10-8-92)

§ 92.32 NOTICE TO OWNER; REDEMPTION

Not later than two days after the impounding of any dog the owner shall be notified. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Village for impounding and maintenance of the dog.

(Ord. 92-10-1, passed 10-8-92)

§ 92.33 DISPOSITION OF UNCLAIMED OR INFECTED DOGS

It shall be the duty of the veterinarian to keep all dogs so impounded for a period of ten days. If at the expiration of six days from the date of notice to the owner or the posting of notice such dog shall not have been redeemed, it may be destroyed or otherwise disposed of. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange, or other infectious or dangerous disease shall not be released but may be forthwith destroyed.

(Ord. 92-10-1, passed 10-8-92)

Huntley – General Regulations

§ 92.99 PENALTY

Any person, firm, or corporation violating the provisions of the Animal Control Ordinance shall be fined not less than \$50, nor more than \$1,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. (Ord. 92-10-1, passed 10-8-92; Am. Ord. 95-06-22-01, passed 6-22-95)

CHAPTER 93: ABANDONED VEHICLES

Section

93.01 Abandonment of vehicles prohibited

93.02 Inoperable vehicle a nuisance

93.99 Penalty

Huntley – General Regulations

§ 93.01 ABANDONMENT OF VEHICLES PROHIBITED

The Village hereby adopts by reference, as fully as if set forth herein, the provisions of the Illinois Vehicle Code regulating abandoned vehicles, ILCS Ch. 625, Act 5, §§ 4-201 et seq., as applicable within the corporate limits of the Village.

Penalty, see § 93.99

§ 93.02 INOPERABLE VEHICLE A NUISANCE

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED PLACE FOR STORAGE. Any garage or building that a motor vehicle is kept in when not in use, a place of business engaged in the wrecking or junking of motor vehicles, or a place of business of a state licensed automobile dealer.

INOPERABLE MOTOR VEHICLE. Any motor vehicle from which, for a period of at least seven days, the engine, wheels, or other parts have been removed or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. There is a rebuttable presumption under this section that any motor vehicle not validly licensed or title is inoperable. ***INOPERABLE MOTOR VEHICLE*** shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. However, nothing in this section shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

MOTOR VEHICLE. Any automobile, bus, truck, motorcycle, motorbike, motorscooter, go-cart, or any home-made or custom-made vehicle capable of being driven under its own motor power upon streets, roads, or highways.

(B) *Declaration of nuisance.* All inoperable motor vehicles on public or private property are hereby declared to be a nuisance.

(C) *Prohibition.* It shall be unlawful to maintain or permit the existence of inoperable motor vehicles whether on public or private property within the Village limits.

Abandoned Vehicles

(D) *Notice; removal.*

(1) Whenever the Building and Zoning Administrator, the Chief of Police, or any Police Officer shall, in accordance with this section, determine that any motor vehicle is an inoperable motor vehicle, they shall serve notice on the last known owner of the motor vehicle. In the event that the owner of the motor vehicle is unknown or cannot be ascertained, they shall serve notice on the owner or occupant of the real estate where the motor vehicle is located. The notice shall inform the owner and operator of the motor vehicle or the owner or occupant of the real estate that they shall remove the motor vehicle from the Village or to an authorized place of storage within ten days after receipt thereof, and the terms of the notice shall be substantially as follows:

“To (owner of motor vehicle or of real estate motor vehicle is located upon). You are hereby notified that (description of motor vehicle) is located on the following premises: (legal description or street address) within the limits of the Village of Huntley. Said motor vehicle is deemed to be an inoperable motor vehicle under the terms of the “Huntley Village Code,” and you have ten (10) days from the receipt of this notice to remove said motor vehicle from the Village of Huntley or to an authorized place of storage, or you will be in violation of the “Huntley City Code.”

(2) For the purposes of this section, a person who last paid real estate taxes on the real estate on which the motor vehicle is located shall be deemed to be the owner of the real estate, and the person to whom the vehicle was last licensed shall be deemed to be an owner of the vehicle. Nothing in this section shall require the Village to serve notice on both the owner of the motor vehicle and the property owner in the event that the Village is unable to determine who owns the motor vehicle by examination of license plates.

(Ord. 96-05-30-01, passed 5-30-96) Penalty, see § 93.99

§ 93.99 PENALTY

Any person who violates or aids and abets in the violation of §§ 93.01 or 93.02 shall be fined not less than \$50 nor more than \$500 and shall be required by the court to make a disposition on the abandoned, unclaimed, or inoperable vehicle.

CHAPTER 94: HEALTH

Section

94.01 County Health Department to inspect food service establishments

94.02 County not charged with the enforcement of Village ordinances

94.03 Home Kitchen and Cottage Food Operations

Huntley – General Regulations

§ 94.01 COUNTY HEALTH DEPARTMENT TO INSPECT FOOD SERVICE ESTABLISHMENTS

(A) The McHenry or Kane County Department of Health shall conduct inspections of food service establishments within the Village as often as necessary to protect the health of the consuming public. The County Health Department will respond to requests by the Building Commissioner for additional inspection in the event he or she has reason to believe that an establishment is in need of inspection.

(B) The results of all inspections shall be forwarded to the office of the Building Commissioner.

(Res. passed 9-4-96)

§ 94.02 COUNTY NOT CHARGED WITH THE ENFORCEMENT OF VILLAGE ORDINANCES

It is mutually understood by and between the parties hereto [that is, the Village and county who have signed the agreement incorporated into the resolution upon which this chapter is based] that inspections by the County Department of Health of food service establishments in the Village are not an undertaking by the County Department of Health for the enforcement of any provision of this code or other ordinance of the Village. The County Health Department may on request provide limited technical assistance in local matters only when specifically requested by the Village President.

(Res. passed 9-4-96)

§ 94.03 HOME KITCHEN AND COTTAGE FOOD OPERATIONS

The Village of Huntley hereby adopts and incorporates the provisions of the Illinois Food Handling Regulation Act (410 ILCS 625/et seq.), as adopted as and as may be from time to time amended. Home Kitchen and Cottage Food Operations, as defined by the Food Handling Regulations Enforcement Act, as amended, are permitted within the Village of Huntley as a home occupation as regulated by Section 156.080 of the Village's Zoning Ordinance. The direct sales of non-potentially hazardous food by Home Kitchen and Cottage Food Operations is permitted in accordance with the food Handling Regulation and Enforcement Act. Home Kitchen and Cottage Food Operations shall register as a business annually with the Village of Huntley. The Home Kitchen and Food Operation shall provide proof of registration with the Illinois Department of Revenue as a retailer prior to the receipt of approval from the Village. The McHenry or Kane County Department of Health shall conduct any necessary inspections of Home Kitchen and Cottage Food Operations per the Illinois Food Handling Regulation Act.

(Ord. passed 9-13-18)

CHAPTER 95: FAIR HOUSING

Section

- 95.01 Policy
- 95.02 Definitions
- 95.03 Prohibited acts

- 95.99 Penalty

Huntley – General Regulations

§ 95.01 POLICY

(A) The Village desires to assure equal opportunity to all residents, regardless of race, color, religion, creed, national origin or ancestry, sex, or physical or mental handicap, to live in decent, sanitary, and healthful living quarters.

(B) No owners, lessee, sub-lessee, assignee, managing agent, or other firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap in the conditions, terms, privileges of the sale, rental, or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

(Ord. 94-2-24-1, passed 2-24-94)

§ 95.02 DEFINITIONS

Unless a different meaning clearly appears from the context, the following terms shall have the meaning ascribed in this section.

DECENT, SANITARY, HEALTHFUL, STANDARD LIVING QUARTERS. Housing that is in sound, clean, and weathertight condition and conforms to applicable local, state, and national codes.

DISCRIMINATE or DISCRIMINATION. Any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental, or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease, or finance because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person.

FINANCIAL INSTITUTION. Any person, institution, or business entity of any kind which loans money to persons and receives as security for loans a secured interest of any kind in the real property of the borrower.

HOUSING ACCOMMODATION. Any building, structure, or portion thereof which is used or occupied as a home, residence, or sleeping place of one or more human beings, or any real estate so used, designed, or intended for such use.

Fair Housing

OWNER. Any person/persons who hold legal or equitable title to, or owns any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

REAL ESTATE BROKER. Any person, partnership, association, corporation, and/or agent thereof, who, for a fee or other valuable consideration, offers, sells, purchases, exchanges, or rents, or negotiates, for the sale, purchase, exchange, or rental of a housing accommodation and/or real property of another, or collects rental for the use of a housing accommodation and/or real property of another.

REAL PROPERTY. Any real estate, vacant land, building, structure, or housing accommodations within the corporate limits of the Village.

(Ord. 94-2-24-1, passed 2-24-94)

§ 95.03 PROHIBITED ACTS

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of any financial institution, advertiser, or agent of any of all of the foregoing to:

(A) Discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap with regard to the sale, exchange, or rental or any dealing concerning any housing accommodation and/or real property.

(B) Discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.

(C) Publish or circulate, or cause to be published or circulated, any notice, statement of advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental, or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental, or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of any person.

(D) Discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation and/or real property.

(E) Solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap.

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(F) Distribute or cause to be distributed, written material, or statements designed to include any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of persons in the neighborhood.

(G) Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of persons in the area will or may result in the lowering of property values in the block, neighborhood, or area in which the property is located.

(H) For an owner to solicit any real estate broker to sell, rent, or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap.

(I) For the owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of the proposed buyer or tenant.
(Ord. 94-2-24-1, passed 2-24-94) Penalty, see § 95.99

§ 95.99 PENALTY

Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than \$10 nor more than \$500. Each day a violation continues shall constitute a separate violation. This section shall in no way abrogate or impair the right of the Village of specifically enforce, by any other means, any of the provisions of this ordinance.
(Ord. 94-2-24-1, passed 2-24-94)

CHAPTER 96: ALARM SYSTEMS

Section

- 96.01 Definitions
- 96.02 Automatic dialers
- 96.03 Notification required
- 96.04 Emergency alarm installations
- 96.05 Annual notification information
- 96.06 False alarms; additional charges; registration and alarm board revocations
- 96.07 Limitation of Village liability

- 96.99 Penalty

Huntley – General Regulations

§ 96.01 DEFINITIONS

ALARM ADMINISTRATOR. The Chief of Police or any other person designated by the Village Manager.

ALARM BUSINESS. Any business operated by a person who engages in the activity or altering, installing, leasing, maintaining, moving, repairing, replacing, selling, servicing, or responding to any emergency alarm systems, or which causes any of these activities to take place.

ALARM DETECTION SYSTEM. An assembly of equipment arranged to signal the presence of a hazard requiring urgent attention to which the police or fire/rescue are expected to respond.

ALARM USER. Any person or business on whose premises an alarm system is maintained other than alarm systems on a motor vehicle.

AUTOMATIC DIGITAL DIALING EQUIPMENT. An alarm system that has the capability of transmitting digital code signals to an alarm receiving board at any approved communication center utilized or designated by the Village. The alarm system uses existing telephone lines instead of a dedicated line.

AUTOMATIC VOICE DIALING ALARM EQUIPMENT. An alarm system which automatically sends over regularly telephone lines a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

CALENDAR YEAR. The period of time from January 1 until December 31.

CENTRAL STATION SYSTEM. A system in which the operation of electrical protection circuits and devices are signaled automatically to record in, maintained, and supervised from a place of business having trained operators in attendance at all times.

FALSE ALARMS. The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or his employees or agents, except that the following shall not be considered false alarms:

- (1) Alarms caused by the failure or malfunction of the equipment located in the communication center utilized or designated by the Village.
- (2) Alarms occurring on a repeated basis without apparent cause within the first 30 days after installation of the alarm detection system, and where continuous effort, in the sole opinion of the Alarm Administrator, is being made jointly by the alarm user, the alarm business and any other concerned person to correct the malfunction expeditiously.

Alarm Systems

- (3) Alarms caused by actual illegal entry or attempted entry of which there is visible evidence.
- (4) Alarms caused by an on-premises fire.
- (5) Alarms intentionally caused by a person acting under a reasonable belief that a need exists to call the police or fire-rescue department.
- (6) Alarms caused by hurricanes, tornadoes, earthquakes, major floods, or other natural disaster.

ON PREMISES ALARM. Alarm system that audibly announces an emergency condition at an individual or corporate establishment which may or may not be connected to the police computerized alarm system.

PERMIT ISSUING AUTHORITY. The Building and Code Enforcement Department of the Village and the designated code official of such shall be known as the Permit Issuing Authority. The installation, alteration, modification, or repair to any fire, burglar, or security alarm system that is conducted within the Village limits, requires approvals and permit from the Permit Issuing Authority of the Village.

POLICE COMPUTERIZED ALARM SYSTEM. The alarm and monitoring and control system located in the communication center utilized or designated by the Village.
(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97)

§ 96.02 AUTOMATIC DIALERS

(A) No person, firm, or corporation shall use or cause or permit to be used, or engage in the business of providing any telephone device and telephone attachment that automatically activates trunk lines connected to any police telephone and then reproduce any voice message to report a robbery, burglary, fire, or other emergency.

(B) Any person, firm, or corporation who is presently connected or engaged in the business of providing any telephone device or telephone attachments that automatically activate the trunk lines shall have 60 days to cease and desist such practice upon notice given by the Alarm Administrator.

(C) Nothing in this section shall apply to automatic dialing services for handicapped persons or persons needing special medical systems authorized by the Alarm Administrator.
(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97) Penalty, see § 96.99

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§ 96.03 NOTIFICATION REQUIRED

It shall be unlawful for any person, firm, or corporation or lease or own an alarm system, or be in control of any premises, including single-family and multi-family dwellings and business places, wherein an alarm system is operated or maintained without first having notified the Huntley Fire Protection District of such system, except no notification shall be required for alarm systems contained in or on vehicles.

(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97) Penalty, see § 96.99

§ 96.04 EMERGENCY ALARM INSTALLATIONS

(A) *Permit required.* Any person who desires to install or continue use of an emergency alarm system, including on-premises alarm systems, shall first apply for and obtain a permit for each alarm system installed from the Building Department/Alarm Administrator on a form to be provided.

(B) *Application.* Each application shall be signed by the applicant and shall include, among other things, the following:

- (1) Name, address, and telephone number of the establishment where the alarm is located.
- (2) Name, address, and telephone number of the owner or manager.
- (3) Business hours of the establishment.
- (4) List of persons authorized access to the establishment during non-business hours.
- (5) Procedure to be followed in the event of an alarm.
- (6) Emergency call list of personnel to notify in the event of an alarm.
- (7) Description and location of the alarm control panel on the premises.
- (8) The name and address of the alarm business monitoring or maintaining the alarm systems.

(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97) Penalty, see § 96.99

Alarm Systems

§ 96.05 ANNUAL NOTIFICATION INFORMATION

On an annual basis, or more frequently if needed, every alarm user shall provide the Alarm Administrator current information about the alarm system and alarm system environment. Each alarm user shall provide current information as required by the emergency alarm installation permit. Failure to provide current information is considered a violation of this chapter and subject to fines as specified in this chapter.

(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97) Penalty, see § 96.99

§ 96.06 FALSE ALARMS: ADDITIONAL CHARGES; REGISTRATION AND ALARM BOARD REVOCATIONS

(A) Commencing 30 days from the date the security alarm system is installed and placed in service at the premises, if the Village police department responds to more than three false alarms in a calendar year, the alarm user or agency shall pay the Village \$50 per response. The fee shall be paid to the Village within 30 days after the alarm user or agency is notified of the violation. Continued false alarms which are the result of substantial negligence or disregard on the part of the alarm user or agency may result in the revocation of the permit authorizing the use of the system.

(B) If the Village police department responds to a false alarm and it is determined that the cause of the false alarm was the negligence of the alarm company for failing to contact the Village, and its designated dispatch center, of work being done on the alarm, the alarm company will pay the Village the sum of \$50 as liquidated damages for their failure to provide such a notification.

(C) Should the Police Chief or Alarm Administrator determine that the nature of the alarm user's or agency's business or the complexity of the alarm systems causes continued false alarms which are not the result of any substantial negligence or disregard on the part of the alarm user or agency, the Police Chief, or Alarm Administrator may permit the alarm user or agency to retain the registration without processing a revocation thereof. User or agency shall be assessed \$50 for each false alarm thereafter, and the alarm user or agency shall be responsible for paying same according to the provisions of this chapter.

(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97)

§ 96.07 LIMITATION OF VILLAGE LIABILITY

(A) The Village shall take every reasonable precaution to assure that the alarm signals and prerecorded alarm messages received by the Village or the communication center utilized or designated by the Village are given appropriate attention and are acted upon with dispatch.

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(B) The Village shall not be liable for any defects in operation of alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, nor for failure or neglect of any person in connection with the installation and operation of equipment, the transmission or relay of alarm signals.

(C) In the event that the Village finds it necessary to disconnect a defective alarm detection system, the Village shall incur no liability by such action.
(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97)

§ 96.99 PENALTY

Any person violating the provisions of this chapter, unless a different fine is established, shall be fined not less than \$50 nor more than \$250 for each offense. A separate offense shall be deemed committed each day during or on which a violation continues to occur.
(Ord. 92-5-2, passed 5-14-92; Am. Ord. 97-09-11-01, passed 9-11-97)

CHAPTER 97: WATER USAGE

Section

- 97.01 Outside Watering Restrictions
- 97.02 Hand held watering
- 97.03 Sod, Seed, or Irrigation System Installation
- 97.04 Waste of water – Deleted Section
- 97.05 Enforcement
- 97.06 Connection to fire hydrants
- 97.07 Penalty
- 97.08 Notice

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§ 97.01 Outside Watering Restrictions

In order to promote public environmental awareness, good husbandry, and good conservation practices and to preserve potable water supplies, the use of the Village's potable water for outdoor water usages shall be limited as follows:

1. Restrictions: Whenever in the Village Manager's or his/her designee's, judgment, it is in the public interest to further curtail the use of potable water for landscape and lawn watering purposes, in light of environmental exigencies or water supply availability, the Village Manager or his/her designee may further restrict the use of potable water for such purposes as follows:
 - a. Condition Green: Condition Green shall allow the outside use of the Village's potable water supply for lawn watering between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. to 9:00 p.m.
 - b. Condition Yellow: Condition Yellow shall allow the outside use of the Village's potable water supply for lawn watering only on alternate days (odd/even) between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. to 9:00 p.m. Lots with odd numbered addresses will be permitted to use potable water outside on odd numbered days (except July 31st and August 31st when no watering will be allowed) and lots with even numbered addresses will be permitted to use potable water outside on even numbered day.
 - c. Condition Orange: Condition Orange shall limit the outside use of the Village's potable water supply to handheld device, recycled grey water, reclaimed wastewater, or harvested rainwater ONLY.
 - d. Condition Red: Condition Red shall prohibit the use of outside potable water for residential hand washing of motor vehicles, landscape materials, lawn watering and all other purposes entirely.
2. Signs: The Village shall cause signs to be posted in conspicuous public places throughout the Village, advising residents of the watering conditions then in effect.

§ 97.02 Hand Held Watering

Nothing contained in Section 97.01 of this Chapter shall prohibit hand held watering activities provided that the individual engaging in said activity is actually holding the hose or water device. It shall not constitute permitted hand held watering to set the hose or watering device on the ground in proximity to an individual. Examples of permitted hand held watering include watering flowers, gardens, trees, shrubs, lawns, car washing and filling wading pools provided that the water consumption for any such activity does not exceed 50 gallons. Hand held watering activities will be suspended if watering status goes to Condition Red.

§ 97.03 Sod, Seed, or Irrigation System Installation

A permit shall be required for the installation of sod or seed in excess of 900 square feet. Watering shall be permitted for eight (8) hours upon installation of sod or seed, with additional watering as determined by an approved installation permit. Except for patching and restoration up to 900 square feet, no person, firm, corporation or other entity may lay sod or plant seed within the Village between June 15 and September 15. Appropriate erosion control measures as approved by the Village shall be used during this time. Permits for lawn irrigation systems shall not be issued between June 15 and September 15.

§ 97.04 Waste of Water – Deleted Section

§ 97.05 Enforcement

Any duly acting employee of the Village of Huntley who observes a violation hereof shall be authorized to issue to the property owner or person violating any provisions of this Chapter a Notice of Violation. The Notice of Violation shall specifically identify the provisions allegedly violated.

§ 97.06 Connection to Fire Hydrants

Any person, firm, association, corporation, partnership or other entity that connects to a fire hydrant in the Village of Huntley without first obtaining authorization from the Village of Huntley shall be fined as follows: first offense - \$500.00; second offense - \$1,000.00; third offense - \$1,500.00 and, if applicable, for a third offense may have his contractors or business license revoked.

§ 97.07 Penalty

Any person, firm, or corporate found to be in violation of any of the provisions of this Chapter, except 97.06, shall be subject to a fine of not less than \$50.00 and not more than \$500.00 which each day during which a violation exists being considered a separate offense.

§ 97.08 Notice

Whenever possible, changes to more restrictive use will be preceded by a one-week notice.

CHAPTER 98: AIR RIFLES

Section

- 98.01 Definitions
- 98.02 Transfer of Air Rifle to Persons Under 13 Prohibited; Exceptions
- 98.03 Persons Under 13 Prohibited From Carrying Loaded Air Rifle; Discharge of Air Rifle in Public Prohibited
- 98.04 Circumstances Permitting Person Under 13 to Possess Air Rifle
- 98.05 Certain Sales Not Prohibited
- 98.06 Seizure of Air Rifles in Violation of Chapter
- 98.07 Sentence

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§ 98.01 DEFINITIONS As used in this Chapter:

“Air-Rifle” means and includes any air gun, air pistol, spring gun, spring pistol, B-B gun, paint-ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead, or other hard materials with a force that reasonably is expected to cause bodily harm.

“Dealer” means any person, co-partnership, association or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of “Air-Rifle”. (Ord. (O)2005-09.73, passed 9-8-05)

§ 98.02 TRANSFER OF AIR RIFLE TO PERSONS UNDER 13 PROHIBITED; EXCEPTIONS

It is unlawful for any dealer to sell, lend, rent, give or otherwise transfer an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where such dealer has failed to make reasonable inquiry relative to the age of such person and such person is under 13 years of age.

It is unlawful for any person to sell, give, lend or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward or adult instructor and pupil, exists between such person and the person under 13 years of age, or where such person stands in loco parentis to the person under 13 years of age. (Ord. (O)2005-09.73, passed 9-8-05)

§ 98.03 PERSONS UNDER 13 PROHIBITED FROM CARRYING LOADED AIR RIFLE; DISCHARGE OF AIR RIFLE IN PUBLIC PROHIBITED

It is unlawful for any person under 13 years of age to carry any air rifle on the public streets, roads, highways or public lands within the Village of Huntley, unless such person under 13 years of age carries such rifle unloaded.

It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway or public land or any public place except on a safely constructed target range. (Ord. (O)2005-09.73, passed 9-8-05)

§ 98.04 CIRCUMSTANCES PERMITTING PERSON UNDER 13 TO POSSESS AIR RIFLE

Notwithstanding any provision of this Chapter, it is not unlawful for any person under 13 years of age to have in his possession any air rifle if it is:

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1. Kept within his house of residence or other private enclosure;
2. Used by the person under 13 years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision guidance and instruction of a responsible adult and then only if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult; or
3. Used in or on any private grounds or residence under circumstances when such air rifle is fired, discharged or operated in such a manner as not to endanger persons or property and then only if it is used in such manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

(Ord. (O)2005-09.73, passed 9-8-05)

§ 98.05 CERTAIN SALES NOT PROHIBITED

The provisions of this act do not prohibit sales of air rifles:

1. By wholesale dealers or jobbers;
2. To be shipped out of the Village;
3. To be used at a target range operated in accordance with Section 98.04 of this Chapter or by members of the Armed Services of the United States or Veterans organizations

(Ord. (O)2005-09.73, passed 9-8-05)

§ 98.06 SEIZURE OF AIR RIFLES IN VIOLATION OF CHAPTER

Any law enforcement officer shall seize, take, remove, or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this Chapter.

(Ord. (O)2005-09.73, passed 9-8-05)

§ 98.07 SENTENCE

Any dealer or person violating any other provision of this Chapter commits a petty offense and shall pay a fine not less than \$5.00 and not more than \$500.00.

(Ord. (O)2005-09.73, passed 9-8-05)

CHAPTER 99: IDENTITY THEFT PREVENTION PROGRAM

Section

- 99.01 Objective
- 99.02 Scope
- 99.03 Definitions
- 99.04 Policy
- 99.05 Program Management and Accountability
- 99.06 Responsibility
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(Ord. (O)2008-10.66, passed 10-23-08)

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§ 99.01 OBJECTIVE

The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Village of Huntley's utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

§ 99.02 SCOPE

This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Village (water and sewer) by any and all personnel of the Village, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

§ 99.03 DEFINITIONS

When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

Covered Account: The term "covered account" means an account that the Village of Huntley offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions. A utility account is a "covered account." The term "covered account" also includes other accounts offered or maintained by the Village for which there is a reasonably foreseeable risk to customers, the Village or its customers from identity theft.

Identity Theft: The term "identity theft" means a fraud committed or attempted using the identifying information of another person without authority. FTC's Identity Theft Rules (16 CFR §681.2(b)(8) and 16 CFR §603.2(a)).

Identifying Information: The term "identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of "identifying information" are set forth in 16 CFR §603.2(a).

Red Flag: The term "Red Flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC's Identity Theft Rules (16 CFR Part 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 *et seq.*), as amended by the Fair and Accurate Credit Transactions Act of 2003 into law on December 4, 2003. (Public Law 108-159).

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§ 99.04 POLICY

(A) Administration of the Program

1. Issues to be addressed in the annual Identity Theft Prevention Report include:
 - a) The effectiveness of the policies and procedures in addressing the risk of Identity Theft in connection with the opening of new Covered Accounts and activity with respect to existing Covered Accounts.
 - b) Service provider arrangements.
 - c) Significant incidents involving Identity Theft and management's response.
 - d) Recommendations for material changes to the Program, if needed for improvement.

(B) Identity Theft Prevention Elements

1. Identification of Relevant Red Flags

The Village of Huntley has considered the guidelines and the illustrative examples of possible Red Flags from the FTC's Identity Theft Rules and has reviewed the Village's past history with instances of identity theft, if any. The Village hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Village and the limited nature and scope of the services that the Village provides to its citizens:

- a) **Alerts, notifications, or other warnings received from consumer reporting agencies or service providers.**
 1. A fraud or active duty alert is included with a consumer report or an identity verification response from a credit reporting agency.
 2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
 3. A consumer reporting agency provides a notice of address discrepancy, as defined in §681.1(b) of the FTC's Identity Theft Rules.
 4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a) A recent and significant increase in the volume of inquiries;
 - b) An unusual number of recently established credit relationships;
 - c) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

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b) The presentation of suspicious documents.

1. Documents provided for identification appear to have been altered or forged.
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
4. Other information on the identification is not consistent with readily accessible information that is on file with the Village, such as a signature card or a recent check.
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

c) The presentation of suspicious personal identifying information, such as a suspicious address change.

1. Personal identifying information provided is inconsistent when compared against external information sources used by the Village. For example:
 - a) The address does not match any address in the consumer report or;
 - b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
3. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Village. For example:
 - a) The address on an application is the same as the address provided on a fraudulent application; or
 - b) The phone number on an application is the same as the number provided on a fraudulent application.
4. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Village. For example:
 - a) The billing address on an application is fictitious, a mail drop, or a prison; or
 - b) The phone number is invalid, or is associated with a pager or answering service.

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5. The SSN provided is the same as that submitted by other persons opening an account or other customers.
6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.
7. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information provided is not consistent with personal identifying information that is on file with the Village.
9. If the Village uses challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

d) The unusual use of, or other suspicious activity related to, a Covered Account.

1. Shortly following the notice of a change of address for a covered account, the Village receives a request for the addition of authorized users on the account.
2. A new utility account is used in a manner commonly associated with known patterns of fraud patterns. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. A covered account with a stable history shows irregularities.
4. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
5. Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.
6. The Village is notified that the customer is not receiving paper account statements.
7. The Village is notified of unauthorized usage of utility products or services in connection with a customer's covered account.

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e) **Notice of Possible Identity Theft.**

1. The Village is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

2. Detection of Red Flags

The employees of the Village of Huntley that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction. An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account or with modifying or accessing of an existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator shall establish from time to time a written policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identity and the manner in which the information and documentation provided by the customer and any third-party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

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3. Response to Detected Red Flags

If the responsible employees of the Village of Huntley as set forth in the previous section are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer and any third-party service provider, the Village shall not open the new account or modify or otherwise provide access to the existing account as the case may be. Discrimination in respect to the opening of new accounts or the modification or access to existing accounts will not be tolerated by employees of the Village and shall be grounds for immediate dismissal.

The Program Administrator shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer's account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

- a) Monitoring a Covered Account for evidence of Identity Theft.
- b) Contacting the customer.
- c) Changing any passwords, security codes, or other security devices that permit access to a Covered Account.
- d) Reopening a Covered Account with a new account number.
- e) Not opening a new Covered Account.
- f) Closing an existing Covered Account.
- g) Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector.
- h) Notifying law enforcement.
- i) Determining that no response is warranted under the particular circumstances.

§ 99.05 PROGRAM MANAGEMENT AND ACCOUNTABILITY

(A) Initial Risk Assessment – Covered Accounts

Utility accounts for personal, family and household purposes are specifically included within the definition of "covered account" in the FTC's Identity Theft Rules. Therefore, the Village of Huntley determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Village also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Village considered (1) the methods it uses to open its accounts, (2) the methods it uses to access its accounts, and (3) its previous experience with identity theft, and it concluded that it does not offer or maintain any such other covered accounts.

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(B) Program Updates – Risk Assessment

The Program, including relevant Red Flags, is to be updated as often as necessary but at least annually to reflect changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

- a) An assessment of the risk factors identified above.
- b) Any identified Red Flag weaknesses in associated account systems or procedures.
- c) Changes in methods of Identity Theft.
- d) Changes in methods to detect, prevent, and mitigate Identity Theft.
- e) Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

(C) Training and Oversight

All staff and third-party service providers performing any activity in connection with one or more Covered Accounts are to be provided appropriate training and receive effective oversight to ensure that the activity is conducted in accordance with policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

(D) Other Legal Requirements

Awareness of the following related legal requirements should be maintained:

- 31 U.S.C. 5318 (g) – Reporting of Suspicious Activities
- 15 U.S.C. 1681 c-1 (h) – Identity Theft Prevention; Fraud Alerts and Active Duty Alerts – Limitations on Use of Information for Credit Extensions
- 15 U.S.C. 1681 s-2 – Responsibilities of Furnishers of Information to Consumer Reporting Agencies
- 15 U.S.C. 1681 m – Requirements on Use of Consumer Reports

§ 99.06 RESPONSIBILITY

The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the Village Board. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Director of Finance (Program Administrator). Major changes or shifts of policy positions under the Program shall only be made by the Village Board.

(Ord. (O)2008-10.66, passed 10-23-08)

Development, implementation, administration and oversight of the Program will be the responsibility of the Program Administrator. The Program Administrator will report at least annually to the Village Manager regarding compliance with this Program.

(Ord. (O)2008-10.66, passed 10-23-08)

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§ 99.07 IDENTITY THEFT PREVENTION PROGRAM

Procedure for Opening New Account

I. New Utility Accounts may be opened in the following manners:

- In Person Walk-In
- Via Telephone
- Via Fax
- Via Internet (future)

II. Information and Documentation Required for Walk-in (potential customer to open new account)

- Driver's License or alternate government issued picture ID (required)
- Second form of identification, such as credit card (required)
- New service address (required)
- New service telephone number (if new)
- Most recent previous address (required)
- Social Security Number (optional)
- Permission signed for Credit Reporting Agency (CRA) Report (optional)
- Deed or Lease (optional)
- Set up challenge question (for future use)
- Signature on application (required)

III. Steps to be Taken by the Customer Service/Front Counter

- a. Check driver's license/alternate government ID (prior training/detecting fake IDs)
- b. Compare signature on application with signature on drivers license and second form of ID
- c. Review checklist of Red Flags/determine if any present
- d. Computer scan/make a copy of driver's license/alternate government ID

- e. Go online with CRA – enter data to computer database/software
 - i. Validate name, social security number (SSN), last address
 - ii. Ensure SSN not on Death Master File (<http://www.ssdmf.com>)
 - iii. Ensure not on Active Duty List
 - iv. Ensure there are no Fraud Alerts

IV. Additional information needed if not present in person

- a. SSN (required)
- b. Previous two addresses and how long at each
- c. Previous employer
- d. Current employer
- e. Previous utility
- f. Identify potential customer depository bank or lending institution

V. Additional Steps by CSR

- a. Additional validation of information from CRA for above items

VI. Specific Rules/Steps for Phone, Fax, or Internet

- a. Phone
 - Do not process application if Caller ID blocked
 - Verify valid phone number in customer name
- b. Fax
- c. Internet (future)

VII. Steps for Customer Service/Front Counter to Follow If Validation of ID fails

- a. Tactfully advise potential customer of the issue, if appropriate
- b. Do not open account
- c. Refer customer to external source that is the source of the Red Flag(i.e., SSN Master File)
- d. Escalation to supervisor if situation with customer unresolved
- e. Management employee/Program Administrator to make final decision in his/her discretion whether to open new account