

HARVARD MUNICIPAL CODE DEFINITIONS

The Harvard Municipal Code Definitions found in this Appendix A are not necessarily capitalized where they appear in the Harvard Municipal Code. Whether capitalized or not, the definitions carry the same meaning. (Ord. 98-146, §1, 1998)

Abandoned Vehicle: Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted; or any vehicle that is unlicensed. (Ord. 96-104, §2, 1996)

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

Administrator: The chief administrative officer of the City.

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

Alcoholic Liquor: Alcoholic liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

Alderman: A duly elected and qualified alderman of the City.

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

Awning: A roof-like mechanism constructed to canvas, aluminum, metal, fiberglass, wood or other similar material, which projects from the wall of a building at an obtuse angle. Regulations pertaining to all awnings shall be the same without regard to whether the awning contains writing or other display, but no sign shall be attached to an awning except as permitted in Chapter 14.

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

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

Bowling Alley: A recreational area or facility contained within a building and so constructed as to permit the public to engage in the recreational form commonly known as bowling and constructed primarily for use in connection with such recreational pursuit.

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

Business Organization: For purposes of Section 21.07, a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial or civic interests of the City.

Business Sign: A sign which directs attention to a business, commodity, service, entertainment or other activity conducted on the lot upon which such sign is located.

Canopy: A structure, other than an awning, made of metal, wood or other similar material with frames attached and perpendicular to the wall of the building, or carried by a frame supported by the ground or resting upon a sidewalk. For the purpose of Chapter 14, canopy and marquee shall be referred to as "marquee" to avoid the repetition of the two names for the same type of structure.

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

Charitable Organization: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefits upon the public.

City: The City of Harvard, McHenry County, Illinois.

City's Own Facilities: Includes the Harvard City Hall, Public Works Garage, Police Department any other City buildings that may be constructed.

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

Clerk: The City Clerk of the City of Harvard.

Club: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors which conforms to the definition of a club, as provided by 235 ILCS 5/1-3.17.1, commonly known as "Liquor Control Act" as amended.

Code: The Harvard Municipal Code.

Combustible Waste: All waste substances capable of incineration or burning, but excluding explosive or highly flammable material.

Compostable Materials Container: A designated container used for pickup of compostable material displaying a decal or other markings identifying the specific use. Said container shall be exclusively for yard waste debris.

Combustible Waste: All waste substances capable of incineration or burning, but excluding explosive or highly flammable material.

Compostable Yard Waste: Grass, leaves, garden clippings, brush (no more than pencil thin in diameter and three feet long) and other materials accumulated as the results of the care of lawns, shrubbery, vines and trees.

Corporate Authorities: The Mayor and Aldermen of the City of Harvard.

Council: The City Council of the City of Harvard, which is the total number of aldermen holding office.

Country Club: A recreational area with buildings or structures used in conjunction therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, e.g. golf, tennis, etc.

County: McHenry County.

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

Curfew: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City, except officials of any governmental unit and persons officially designated to duty with reference to such civil emergency as outlined in Section 26.02.

Demolition Derby Vehicle: A vehicle used off the road and in competitions commonly known as a demolition derby.

Department Head: the officially appointed head of any City department. However, the department head may delegate some of his or her responsibilities under Section 3.11 to another member of the department.

Educational Organization: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

EPA Administrator: Administrator of the U.S. Environmental Protection Agency.

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

Flashing Sign: An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. For purposes of Chapter 14, a revolving sign, or any advertising device which attracts attention by moving parts operated by mechanical equipment or movement caused by natural sources, whether or not illuminated with artificial lighting, shall be considered a flashing sign.

Fraternal Organization: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

Full-time Employee: An individual regularly employed and working a basic work week of at least 32 hours.

Garage Sale: All sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale. (Ord. 96-159, §1, 1996)

Garbage: Any rejected or waste household food, offal, swill or carrion, and every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruits or vegetable, and

any other matter of any nature which are subject to decay, putrefaction and the generation of noxious or offensive gases or odor, or, which during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

Golf Course: A recreational area with or without club house facilities primarily for the use of members and their guests or the general public as the case may be, engaging in a form of recreation or game commonly known as golf.

Goods: Any goods, warehouse merchandise or other property capable of being the object of a sale regulated in Section 21.10 of this Code. (Ord. 96-159, §1, 1996)

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

Hotel: A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge or otherwise.

Illinois Compiled Statutes: The 1992 edition of the Illinois Compiled Statutes and when later editions are published, the latest publication thereof.

Illinois Municipal Code: 65 ILCS of the Illinois Compiled Statutes.

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

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

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

Labor Organization: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit in the development of a higher degree of efficiency in their respective occupations.

Landmark: Any area, place, building, structure, work of art or other object having a special historical, community or aesthetic interest or value.

Landscaping Debris: The term shall include leaves and small twigs, tree trimmings, branches, brush, weeds, grass, shrubbery and grass trimmings, but shall exclude other vegetable or plant refuse, garbage, agricultural waste, trees and stumps.

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

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

Marquee: A structure, other than an awning, made of metal, wood or other similar material with frames attached and perpendicular to the wall of the building, or carried by a frame supported by the ground or resting upon a sidewalk. For the purpose of Chapter 14, canopy and marquee shall be referred to as "marquee" to avoid the repetition of the two names for the same type of structure.

May: is permissive.

Minor: Any person under 18 years of age. (Ord. 98-126, §2)

Month: a calendar month.

Motor Vehicle: Any vehicle propelled by automotive power, such as automobiles, trucks and motor bicycles, with the exception of traction engines, farm tractors, road rollers and motorized wheelchairs.

Municipality: The City of Harvard.

Must: is mandatory.

Nameplate: A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Net Proceeds: The gross receipts from the conduct of raffles, less sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

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

Non-Profit: Organized, operated and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of such operation.

On-Going Raffle: A raffle in which there is one sale of chances before an initial drawing date; thereafter, the chances shall be valid at subsequent drawings in the same raffle.

Open Air Meeting: Any congregation of citizens held outdoors and upon any public property for the purpose of hearing speakers or discussing some matter of common interest where the number of participants expected may reasonably be assumed to exceed 50.

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

Operate: In reference to Section 15.19, to ride in or on a snowmobile (other than as a passenger) or to use or control the operation of a snowmobile in any manner, whether or not the snowmobile is underway. (Ord. 2003-105,§4)

Operator: In reference to Section 15.19, every person who operates or is in actual physical control of a snowmobile. (Ord. 2003-105,§5)

Parade: Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the City.

Part-time Employee: An individual regularly employed by the City and working a schedule of less than 32 hours per week on an average.

Pay Period: For all employees, a period of 14 days as determined by time schedules currently in use by the City. Such period shall always commence on a Sunday at 12:01 a.m. and terminate on a Saturday at midnight.

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

Person: Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Plumbing: Gas pipes, gas burning equipment, water heating equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, wells, septic tanks, catch basins, drains, vents and any similar supplied fixtures, together with all connections to water, sewer or gas lines.

Population: The population determined by the most recent official Federal, State or City census.

Premises: A lot, plot or parcel of land, including the buildings and structures thereon.

Property: Any real property within the City which is not a street or highway.

Public Areas: Any street, sidewalk, or other public right-of-way or place, park, or other public place including the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette, or other place of business and also including parking lots or other vacant property not owned or under the control of the person charged with a violation of this Code. (Ord. 98-126, §1, 1998)

Public School: A public school or school offering general education courses the same as ordinarily given in a public school, or a private preschool, play school, special curriculum school, and any other private school. (Ord. 98-126, §1, 1998)

Raffle: A form of lottery, as defined in 720 ILCS 5/28-2(b), conducted by an organization licensed under this Ordinance in which:

1. The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance;
2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that

the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Refuse: General household trash including ashes, empty cartons, crates, boxes, wrapping materials, magazines, cloth material, empty cans, discarded toys, discarded clothing and similar materials; and materials that are recyclable, including, but not limited to plastics, glass and non-wood products. (Ord. 98-146, §2, 1998)

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

Religious Organization: Any church, congregation, society or organization founded for the purpose of religious worship.

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

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

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

Shall: is mandatory.

Sign: A name, identification, description, illustration, display or device which is affixed to, painted or represented upon a building, structure or device which attracts attention to a product, place, activity, person, institution or organization. A sign shall not include a display of a court, public or official notice, nor shall it include the flag, emblem or insignia of a nation, political unit, school, religious or charitable institution or organization. An awning or marquee shall not be considered to be sign even though it contains writing or other display or contains some or all of the featured used to define a sign as set forth herein. A sign shall also include a permanent sign located within an enclosed building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

Sign, Advertising or Billboard: A sign on which is portrayed information which directs attention to a business, commodity,

service or entertainment, or other activity not necessarily related to uses on the lot upon which the sign is located.

Sign, Gross Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of a sign.

Sign, Ground: A sign which is secured to the ground by a concrete foundation that is 48 inches deep. (Ord. 97-126, §2,1997)

Sign, Projecting: A sign which is affixed to any building wall or structure and extends beyond the building wall or part thereof or structure more than 12 inches.

Sign, Roof: A sign erected, constructed and maintained above the roof of any building.

Sign, Temporary/Portable: Any sign designed to be moved from place to place which is not secured to the ground by the required concrete foundation, such as a sign mounted on a trailer or on a frame with or without wheels attached. Any such sign which has had any features removed (such as wheels, frame hitch or other devices that enable it to be moved) in order to attach it to the ground or any other structure shall not be considered a temporary/portable sign, provided, however, such sign has been permitted and permanently installed in a concrete foundation not less than 48 inches in depth. (Ord. 97-126,§1,1997)

Sign, Wall: A sign which is affixed to an exterior wall of any building, and shall project not more than 12 inches from the building wall or part thereof.

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

Snowmobile Route: A public street or alley in the City which is specifically listed in Section 15.19 as a snowmobile route. (Ord. 2003-105,§4)

Soliciting: Any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or

4. Seeking to obtain contributions of any type of kind.

Sound Amplifying Device: Any device utilizing electric current, which amplifies any musical instrument, tuner, photograph record, magnetic tape, electrically synthesized sound or the human voice.

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

State: State of Illinois.

Stock Car: A motor vehicle used specifically in off the road races, including those commonly known as stock car races.

Storage Location: In reference to Section 15.19, a place where a snowmobile is stored, kept or garaged in the City. (Ord. 2003-105, §5)

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

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

Taxicab: Any vehicle used to carry passengers for hire but not operating on a fixed route, but shall specifically exclude transportation services provided by separate agreement with the City and public or quasi-public entities. (Ord. 94-156, §1, 1994)

Telecommunications Device: A device which is portable or which may be installed in a motor vehicle, boat or other means of transportation, and which is capable of receiving or transmitting speech, data, signals or other information, including but not limited to paging devices, cellular and mobile telephones, and radio transceivers, transmitters and receivers, but not including radios designed to receive only standard AM and FM broadcasts. (Ord. 94-158, §1, 1994)

Temporary Employee: An individual who is hired by the City for a specified period of time.

Tobacco Products: Tobacco Products shall mean any substance containing tobacco leaf, including, but not limited to, cigarettes, cigarette tobacco, snuff, chewing tobacco, or dipping tobacco. (Ord. 98-126, §1, 1998)

Treasurer: The City Treasurer of the City of Harvard.

Tumultuous Conduct: To disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct. (Ord. 2001-137,§3)

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

Veterans Organization: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Wine: Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Work Period: For all non-union employees: a period commencing each Sunday at 12:01 a.m. and terminating at midnight each Saturday.