

PLANNING AND DEVELOPMENT COMMITTEE
McHenry County Government Center – Administration Building
667 Ware Road – Conference Room A
Woodstock, IL 60098

Tina Hill, Chairman

Randy Donley
Sue Draffkorn
Marc Munaretto

Mary L. Donner
Jim Heisler
Ersel Schuster

MINUTES OF TUESDAY, APRIL 19, 2011

Ms. Schuster called the Planning and Development Committee meeting to order at 5:32 p.m. The following members were present: Randy Donley; Sue Draffkorn; Marc Munaretto and Ersel Schuster. Absent: Tina Hill, Chairman; Mary Donner; and Jim Heisler. Also in attendance: Kenneth Koehler, County Board Chairman; Dennis Sandquist, Darrell Moore, Maryanne Wanaski, and Sarah Ciampi, Planning and Development; interested public and press.

MINUTE APPROVAL:

Committee members reviewed the Planning and Development Committee minutes of March 3, 2011 and March 17, 2011. Mr. Heisler made a motion, seconded by Ms. Draffkorn, to approve the minutes. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT: Steve Frasier submitted a written document asking the committee to direct staff to revisit possible ordinance amendments based on his ideas (see attached).

PRESENTATIONS: None.

SUBDIVISIONS:

Subdivision Extension Request for the Hennings, Phase II Subdivision: Mr. Moore discussed the subdivision extension request for the Hennings, Phase II Subdivision. Mr. Munaretto suggested we should not extend a sketch plan approval. Consensus of the Committee was to not extend the sketch plan. The subdivision extension request for the Hennings, Phase II Subdivision died for a lack of a motion.

Overview of Subdivisions – Discussion: Mr. Moore provided an overview of the status of subdivision extensions. He noted that since the Committee adopted a policy requiring that subdivisions be re-reviewed by staff prior to the committee approving extensions, three subdivisions have returned to the Staff Plat Committee for further review and six subdivisions have been closed.

OLD BUSINESS: None.

NEW BUSINESS:

Resolution Adoption of HOME Investment Partnerships (HOME) Program Funding Recommendations and Amendment of the Action Plan for the 2010 Program Year: Mr. Munaretto made a motion, seconded by Mr. Heisler, to recommend the County Board approve the above resolution. Mr. Munaretto questioned about Crystal Lake residences. Ms. Ciampi indicated that the project will probably not move forward as it did not receive state funding approval. The motion carried on a roll call vote of all members present voting aye (Donley, Draffkorn, Munaretto, Schuster, and Heisler).

Resolution Authorizing an Amendment to CDBG Contracted Allocation Totals: Ms. Draffkorn made a motion, seconded by Mr. Munaretto, to recommend the County Board approve the above resolution. Ms. Wanaski gave the update on the Resolution Authorizing an Amendment to CDBG Contracted Allocation Totals. The motion carried on a roll call vote of all members present voting aye (Munaretto, Draffkorn, Schuster, Donley and Heisler).

Proclamation – “Look at Local History Month”: Mr. Heisler made a motion, seconded by Ms. Draffkorn, to recommend the “Look at Local History Month” Proclamation be forwarded to the County Board. The motion carried on a roll call vote of all members present voting aye (Draffkorn, Munaretto, Donley, Schuster, and Heisler).

REPORTS TO COMMITTEE:

Chicago Metropolitan Agency for Planning: None.

Community Development Block Grant Commission: None.

Historic Preservation Commission: Planning and Development is working on invitations for the Fleming Road dedication.

Housing Commission: Ms. Draffkorn and Ms. Ciampi indicated that the County is waiting for its Federal Grant awards.

MISCELLANEOUS: None.

ADJOURNMENT: Noting no further business, Ms. Draffkorn made a motion, seconded by Mr. Donley, to adjourn the meeting at 5:53 p.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

Resolution Adoption of HOME Investment Partnerships (HOME) Program Funding Recommendations and Amendment of the Action Plan for the 2010 Program Year
Resolution Authorizing an Amendment to CDBG Contracted Allocation Totals
Proclamation – “Look at Local History Month”

:ds

To: Planning and Development ordinance committee.

17 March 2011

While addressing the races, currently in Union, and popping up around the state. The current proposed ordinance change affected all the legitimate horse owners in the county. We believe we need to address the issues and call them what they are. They are horse races and rodeos and not "Animal Sporting Event". The legitimate horse people in the county run respectable events that include riding lessons with competitions, training, and exhibitions of their horse's traits. These legitimate horse owners and trainers do not infringe on their neighbor's and communities' lives.

To start with the horse owners, breeders and trainers in McHenry County have no problem following the laws of the state concerning; proper paper work for the horses. Illinois owned and Illinois foaled (A horse dropped in Illinois), and documentation from a licensed veterinarian (licensed by the Illinois Department of Professional Regulation). They are also regulated by the Illinois Department of Agriculture.

We recommend changing Article Two; #202.40 D. Title: Animal Sporting Event.

Change to "Flat Racing and Rodeos" Flat racing can be found in the Joint Committee on Administrative Rules, 230ILCS 5. Title 11: Alcohol, Horse Racing, and Lottery, subtitle B, Chapter 1: Illinois Racing Board, subchapter a: General Rules, Part 210 Definitions, and Section 210.10. Since this is already used as a state definition the county should be able to adopt, enforce and defend it.

"Flat races" (sanctioned and regulated) are already run at the state and county fairs throughout the year, but they are regulated I'm sure. The definition of Flat Racing is; "A race in which horses mounted by jockeys run over a course on which no obstacles are placed." This will not affect the stables. Another term is "Racing Soundness Exam"; the physical examination for racing soundness and health of each horse by an official veterinarian. Required before a Flat Race. ?????

Under section 202.40D: Rodeos; "tie down roping, steer wrestling, bronc or bull riding will be prohibited unless performed during Illinois "sanctioned events". Contest that inherently threatens the health, safety, or welfare of animals, or otherwise violates, federal state or local laws on the treatment of animals, is strictly prohibited".

202.40 B: Animal Entertainment Show: A spectator event consisting principally of the animal's ability and traits or the rider's ability. These shows may be competitive in nature when judging animals or animals and rider.

204.40 C :Animal Exhibition: A spectator event consisting of the exhibition of domesticated animals, which may or may not include competitions in which animals are judged based on breed standards or other physical traits.

202.40 D: Flat Racing and Rodeos: A spectator event racing horses mounted by a jockey on a course where no obstacles are placed or tie down roping, steer wrestling, bronc or bull riding will be prohibited without Conditional Use Zoning. For Flat Racing and Rodeos refer to Article Five: *Conditional Uses; Flat Racing and Rodeos*.

Proposed Changes

Article Five: 526 Flat Racing and Rodeos

526.1 Purpose (remove animal sporting event and replace with Flat racing and rodeos

526.2 No change

526.3 Requirements;

- 1. The site shall contain no less than 40 acres*
- 2. change (300) feet away from any non-participating property lines*

An ordinance targeting mass gatherings will also affect the stables when they have "shows and exhibitions" when 3 to 4 hundred horse 'owners' or people that have a direct connection with a particular horse gather for large events.

The best alternative would be to deny the temporary use permit on the grounds that it violates the noise and nuisance laws of Illinois: 415 ILCS 5/ TITLE VI: NOISE (Sections 23, 24, 25) attached.

The county already references this act in the liquor license ordinance. 720 ILCS 5/art.47 of the Illinois Criminal code act of 1961 gives the County the authority to define a nuisance.

An option in place of Conditional Use: Rezoning or new zoning for the right to have Flat Racing or Rodeos by creating a new category such as B3 Commercial zoning as long as the property size, location, setbacks etc. as in the conditional use category are followed. This would allow the business owner the ability to run as many events as he wants. Location, Location, Location! Not in a residential setting.

With regards to alcohol; the property owner must be responsible for whatever type of event he/she sponsors. Find a way to require the property owner to obtain a liquor license or "temporary" license whenever alcohol is consumed on the property during an event.

Require the property owners, which most do it now, to ensure all horses meet the requirements and laws of the Illinois Department of Agriculture. Refer to ILCS 510 sec 50/1 and 65 in regards to the Illinois Equine Infectious Anemia Control Act. We don't want to make this about the horses, but we still need to ensure the resident horses are also protected.

Again, the neighbors do not object to the training facility. If the owner wants to bring a limited number of trainers, jockeys and horse owners to his property to do time trials no one would object. When the "spectators" are invited and the loud noise, large crowds, heavy traffic, litter and potentially intoxicated drivers invade our quiet neighborhood we rely on the county officials to enforce the laws and ordinances of the state and county to protect OUR rights to a; safe, quiet, secure enjoyment of our property.

Respectfully Submitted

Steve Frazier, 6314 Dunham Rd. Union IL

Attachments

1. Illinois laws pertaining to Equines
2. 415 ILCS 5/Title VI
3. 720 ILCS 5/ Art. 47
4. Liquor license/noise ordinance

The City of Marengo, Coral Township, ZBA and the Village of Union have all agreed that this is an inappropriate use for this location.*****

(415 ILCS 5/Tit. VI heading)

TITLE VI: NOISE

(415 ILCS 5/23) (from Ch. 111 1/2, par. 1023)

Sec. 23. The General Assembly finds that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, increases construction costs, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.

It is the purpose of this Title to prevent noise which creates a public nuisance.

(Source: P.A. 76-2429.)

(415 ILCS 5/24) (from Ch. 111 1/2, par. 1024)

Sec. 24. No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

(Source: P.A. 76-2429.)

(415 ILCS 5/25) (from Ch. 111 1/2, par. 1025)

Sec. 25. The Board, pursuant to the procedures prescribed in Title VII of this Act, may adopt regulations prescribing limitations on noise emissions beyond the boundaries of the property of any person and prescribing requirements and standards for equipment and procedures for monitoring noise and the collection, reporting and retention of data resulting from such monitoring.

The Board shall, by regulations under this Section, categorize the types and sources of noise emissions that unreasonably interfere with the enjoyment of life, or with any lawful business, or activity, and shall prescribe for each such category the maximum permissible limits on such noise emissions. The Board shall secure the co-operation of the Department in determining the categories of noise emission and the technological and economic feasibility of such noise level limits.

In establishing such limits, the Board, in addition to considering those factors set forth in Section 27 of this Act, shall consider the adverse ecological effects on and interference with the enjoyment of natural, scenic, wilderness or other outdoor recreational areas, parks, and forests occasioned by noise emissions from automotive, mechanical, and other sources and may establish lower permissible noise levels applicable to sources in such outdoor recreational uses.

No Board standards for monitoring noise or regulations prescribing limitations on noise emissions shall apply to any organized amateur or professional sporting activity except as otherwise provided in this Section. Baseball, football or soccer sporting events played during nighttime hours, by professional athletes, in a city with more than 1,000,000 inhabitants, in a stadium at which such nighttime events were not played prior to July 1, 1982, shall be subject to nighttime noise emission regulations promulgated by the Illinois Pollution Control Board; however, the following

events shall not be subject to such regulations:

(1) baseball World Series games, league championship series games and other playoff games played after the conclusion of the regular season, and baseball All Star games; and

(2) sporting events or other events held in a stadium which replaces a stadium not subject to such regulations and constructed within 1500 yards of the original stadium by the Illinois Sports Facilities Authority.

For purposes of this Section and Section 24, "beyond the boundaries of his property" or "beyond the boundaries of the property of any person" includes personal property as well as real property.

(Source: P.A. 89-445, eff. 2-7-96.)

ARTICLE 47. NUISANCE

(720 ILCS 5/47-5)

Sec. 47-5. Public nuisance. It is a public nuisance:

(1) To cause or allow the carcass of an animal or offal, filth, or a noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(2) To throw or deposit offal or other offensive matter or the carcass of a dead animal in a water course, lake, pond, spring, well, or common sewer, street, or public highway.

(3) To corrupt or render unwholesome or impure the water of a spring, river, stream, pond, or lake to the injury or prejudice of others.

(4) To obstruct or impede, without legal authority, the passage of a navigable river or waters.

(5) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(6) To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials for those substances, in a building within 20 rods of a valuable building erected at the time the business is commenced.

(7) To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within 50 rods of an occupied dwelling house.

(8) To erect, continue, or use a building or other place for the exercise of a trade, employment, or manufacture that, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.

(9) To advertise wares or occupation by painting notices of the wares or occupation on or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(10) To permit a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas to remain unplugged after the well is no longer used for the purpose for which it was drilled.

(11) To construct or operate a salt water pit or oil field refuse pit, commonly called a "burn out pit", so that salt water, brine, or oil field refuse or other waste liquids may escape from the pit in a manner except by the evaporation of the salt water or brine or by the burning of the oil field waste or refuse.

(12) To permit concrete bases, discarded machinery, and materials to remain around an oil or gas well, or to fail to fill holes, cellars, slush pits, and other excavations made in connection with the well or to restore the surface of the lands surrounding the well to its condition before the drilling of the well, upon abandonment of the oil or gas well.

(13) To permit salt water, oil, gas, or other wastes from a well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into an

underground fresh water supply, or from one underground stratum to another.

(14) To harass, intimidate, or threaten a person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase, or lease of a residence or other real property.

(15) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(16) To create a condition, through the improper maintenance of a swimming pool or wading pool, or by causing an action that alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(17) To operate a tanning facility without a valid permit under the Tanning Facility Permit Act.

Nothing in this Section shall be construed to prevent the corporate authorities of a city, village, or incorporated town, or the county board of a county, from declaring what are nuisances and abating them within their limits. Counties have that authority only outside the corporate limits of a city, village, or incorporated town.

(Source: P.A. 89-234, eff. 1-1-96.)

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES
PART 210 DEFINITIONS

The General Assembly's Illinois Administrative Code database includes only those rulemakings that have been permanently adopted. This menu will point out the Sections on which an emergency rule (valid for a maximum of 150 days, usually until replaced by a permanent rulemaking) exists. The emergency rulemaking is linked through the notation that follows the Section heading in the menu.

- Section 210.10 Definitions

AUTHORITY: Implementing Section 15 and authority by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 15].

SOURCE: Adopted at 18 Ill. Reg. 2072, effective January 21, 1994; amended at 18 Ill. Reg. 17732, effective November 28, 1994; amended at 19 Ill. Reg. 13891, effective October 1, 1995; amended at 25 Ill. Reg. 15590, effective December 1, 2001; amended at 29 Ill. Reg. 8388, effective June 1, 2005.

entered in the same race when owned or trained by the same person or trained in the same stable or by the same management. For thoroughbred racing, entries of separate ownership shall be uncoupled.

"Equipment" – The items worn by or attached to a horse in a race.

"Exclusion" – The act of barring from all or part of association grounds or the grounds under the jurisdiction of the Illinois Racing Board. Unless specified in the ruling, an exclusion is unconditional and encompasses all of the association grounds.

"Exhibition Race" – A race on which no wagering is permitted.

"Expired Ticket" – An outstanding ticket that was not presented for redemption within the required time period for which it was issued.

"Extended Pari-Mutuel Meeting" – A meeting at which no agricultural fair is in progress, of more than 10 days annually, with pari-mutuel wagering.

"Field" – All the horses that compete in a race; a number of horses grouped together as an entry for the purpose of pari-mutuel betting.

"Filly" – (Thoroughbred) A female horse under five years of age. (Harness) A female horse under four years of age.

"Financial Interest" – An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity, or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

"Finish Line" – A real or imaginary line, perpendicular to the race course, that marks the end of a race. (Synonyms: finish wire, wire)

"Flat Race" – A race in which horses mounted by jockeys run over a course on which no obstacles are placed.

"Foreign Substance" – All substances except those that exist naturally in the untreated horse of normal physiological concentrations or substances, or metabolites thereof that are contained in equine feeds or feed supplements but do not contain any pharmacodynamic and/or chemotherapeutic agents or pharmaceutical aids.

"Forfeit" – Money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Board.

"Foul" – An improper act committed by a jockey or a horse in the running of a race.

"Foul Claim" or "Claim of Foul" – An objection, alleging a foul, made to the stewards or their designee by a driver, jockey, owner or trainer of a horse involved in a race.

"Ineligible Person" -- A person not qualified to participate in a specific racing activity under the rules of that activity.

"Illinois-Bred Colt" or "Illinois-Bred Filly" -- A horse sired by a stallion owned by an Illinois resident and standing in the State of Illinois for the season in which the mare was bred.

"Illinois Foaled" -- A horse dropped in Illinois.

"Illinois Owned" -- A horse owned by a resident of Illinois at the time the horse is declared in to start and at the time of the race.

"Illinois Racing Board" -- Whenever the word "Board" is used, it means the Illinois Racing Board.

"Initial Screening" -- A sensitive screening that determines the presence of drugs and their corresponding families.

"Interference" -- Any act, which by design or otherwise, and regardless of actual contact, hampers or obstructs any competing horse or horses.

"Intertrack Wagering Facility" -- The physical premises, structure and equipment utilized by an intertrack wagering location or intertrack wagering location licensee for the conduct of intertrack wagering or simulcast wagering.

"Inquiry" -- An investigation or examination, conducted by the Board or Stewards, into a possible rule violation.

"Issued Ticket" -- A wager for which the ticket issuing machine produces a hard copy.

"Jockey" -- A rider of a thoroughbred race horse.

"Laboratory" -- The Illinois Racing Board Laboratory or an independent testing laboratory contracted by the Board.

"Late Closing Race" -- A race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

"Lessee" -- A licensed owner whose interest in a horse is by lease agreement.

"Licensee" -- A person or legal entity that has been issued an occupation license to participate in racing under the jurisdiction of the Board. (Synonym: Occupation Licensee)

"Maiden" -- (Harness) A horse that has never won a heat or race, at the gait it is entered to start, for which a purse was offered. (Thoroughbred) A horse that has never earned a winner's purse in a flat race at a recognized meeting in any country.

"Maiden Race" – A contest restricted to nonwinners.

"Mare" – (Harness) A female horse four years of age or older. (Thoroughbred) A female horse five years of age or older.

"Match Race" – A race between two horses under conditions agreed to by their owners.

"Matinee Race" – A race with no entrance fee and where the prizes, if any, are other than money.

"Meeting" – The specified period and inclusive dates each year during which an association is authorized to conduct racing by approval of the Board.

"Minor" – Any person under the age of 18.

"Minus Pool" – A minus pool occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.

"Month" – A calendar month.

"Mutuel Field" – Two or more horses in a contest that are treated as a single betting interest for pari-mutuel wagering purposes when the total number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Mutuel Manager" – The racing official designated by the organization licensee to supervise its pari-mutuel department.

"Net Pool" – The amount of gross ticket sales less refundable wagers and statutory commissions.

"Nominator" – The person or entity in whose name a horse is nominated for a race or series of races.

"Nominee" – A horse nominated to a stakes and/or handicap race.

"Nomination" – The naming of a horse to a stakes and/or handicap race. In a futurity, the naming of a foal in utero to a certain race or series of races, eligibility to which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees and/or starting fees.

"Objection" – A claim of foul lodged with the stewards or their designee by a jockey of a horse in a race immediately after a race and before the race is made official, or a claim of foul lodged with the patrol judge in a starting car, by a driver of a horse in a race, immediately after the race and before the driver dismounts.

"Odds Board" – A large sign-board structure, located in the infield of a race track, upon which the approximate odds are prominently displayed. (Synonym: Tote Board)

"Payoff" – The amount of money payable on winning wagers.

"Person" – Any individual, partnership, corporation or other association or entity.

"Pharmaceutical Aids" – Polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorbates, sorbitans and their analogues and derivatives.

"Pool" – Total amount of money wagered on all horses in a race to finish in a specific position or positions.

"Post" – The place on a race course from which the horses start in a race.

"Post Position" – The pre-assigned positions from which the horses leave the starting gate.

"Post Time" – The scheduled starting time of a contest.

"Prescription Drugs" – Any chemical substance that is prohibited from being dispensed by any federal or Illinois law without a valid prescription.

"Prima Facie Evidence" – Evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

"Profit" – The net pool after deduction of the amount wagered on the winners.

"Profit Split" – A division of profit among separate winning betting interests or winning betting combinations resulting in two or more payoff prices.

"Program" – The published listing of all contests and contestants for a specific day's racing. The races of a particular day, considered together.

"Protest" – An objection lodged with the stewards of any infringement of the rules of racing.

"Purse" – The amount of money won by the owner of any competitor in a race.

"Purse Race" – A race for money to which the owners of the competing horses do not contribute.

"Qualifying Race" – A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.

"Quarter Horse" – A horse registered with the American Quarter Horse Association of Amarillo, Texas.

"Race" – A contest between horses at a licensed meeting for purse, stakes, prize or reward.

"Race Course" -- The actual racing surface.

"Race on the Flat" -- (see Flat Race)

"Race Track Enclosure" -- Association grounds, owned, leased or controlled by the racing association, whether or not enclosed by a fence and including, but not limited to, track parking lots.

"Race Track Operator" -- Any person, association or corporation licensed by the Illinois Racing Board to conduct horse racing within Illinois for any stake, purse or reward.

"Race Meeting" -- The period of time, whether for consecutive or nonconsecutive dates, for which an organization license has been issued.

"Racing Association" -- Any person, partnership, corporation, or other entity licensed by the Board to conduct a race meeting. (Synonyms: Organization Licensee or Race Track Operator)

"Racing Interest" -- Any individual owner, partnership of owners, or corporation that participates as an owning entity or nominator of a race horse.

"Racing Jurisdiction" -- A governmental regulatory body that, by statute or ordinance, regulates pari-mutuel racing.

"Racing Soundness Exam" -- The physical examination for racing soundness and health of each horse by an official veterinarian.

"Recognized Meeting" -- Any race meeting with regularly scheduled races licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

"Record" -- The fastest time made by a horse in a race that horse won or in a performance against time.

"Refunded Ticket" -- A ticket that has been refunded for the value of a wager that is no longer valid (e.g., when a horse has been scratched or the wagering canceled).

"Restricted Area" -- An area on the grounds of a race track where admission can be obtained only upon presentation of valid credentials. Such areas shall include the stable areas, detention barn, jockey or driver room, paddock, race course and pari-mutuel department.

"Result" -- That part of the official order of finish used to determine the pari-mutuel payoff pools for each individual contest.

"Ruled Off" -- Synonymous with suspended or excluded.

"Rules" -- Regulations promulgated by the Board pursuant to the Horse Racing Act.

business in which any of the acts prescribed above are performed or allowed to be performed.

C.

Noise Prohibited

An emission beyond boundaries of a licensed premise of any noise that unreasonably interferes with enjoyment of life or with any lawful business or activity including but not limited to any one or more of the following is prohibited:

- (1) Noise constituting a violation (as determined by findings and order of the Illinois Pollution Control Board) of 415 ILCS 5/23 et seq. as from time to time amended or any regulation or standard adopted by the IPCB pursuant thereto as set forth in the Illinois Administrative Code, subsequently entitled "Noise", Section 900.101 et seq.
- (2) Noise emitted by use or operation of a sound amplifying device so that the device produces a loud, disturbing or raucous sound which can be heard by persons at a distance greater than 100 feet from the boundaries of the licensed premises at any time.

Amplified live or recorded music or entertainment is permitted on any licensed premises, as long as subsections (1) and (2) above are not violated, except that no licensee shall permit any live or recorded music or entertainment to be amplified by any means outside any building on the premises after 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 12:00 midnight on Friday and Saturday.

D.

Other Nuisances

Any conduct or activity occurring on the licensed premises which constitutes a nuisance as defined by:

- (1) 740 ILCS 55/221 as from time to time amended, adopted herein by reference.
- (2) Article III of the Public Health Ordinance, adopted herein by reference.

SECTION 21.

SANITARY AND SAFETY CONDITIONS OF PREMISES