

# Title 1 ADMINISTRATION

## Chapter 1 CAPRON VILLAGE CODE

### **1-1-1: TITLE:**

Upon adoption by the village board of trustees, this code is hereby declared to be and shall hereafter constitute the official village code of Capron. This code of ordinances shall be known and cited as the *CAPRON VILLAGE CODE* and is hereby published by authority of the village board of trustees and shall be supplemented to incorporate the most recent legislation of the village as provided in section [1-1-3](#) of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title headings, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal documents. (2013 Code)

### **1-1-2: ACCEPTANCE:**

This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the state as the ordinances of the village of general and permanent effect, except the excluded ordinances enumerated in section [1-2-1](#) of this title. (2013 Code)

### **1-1-3: AMENDMENTS:**

Any ordinance amending this code shall set forth the title, chapter and section numbers of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (2013 Code)

### **1-1-4: CODE ALTERATIONS:**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the village and shall be returned to the office of the village clerk when directed so to do by order of the village board of trustees. (2013 Code)

## **Chapter 2 SAVING CLAUSE**

### **1-2-1: REPEAL OF GENERAL ORDINANCES:**

All general ordinances of the village passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

- A. Tax levy ordinances;
  
- B. Appropriation ordinances;
  
- C. Ordinances relating to boundaries and annexations;
  
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations;
  
- E. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants;
  
- F. Salary ordinances;
  
- G. Ordinances establishing, naming or vacating streets, alleys or other public places;

H. Improvement ordinances;

I. Bond ordinances;

J. Ordinances relating to elections;

K. Ordinances relating to the transfer or acceptance of real estate by or from the village; and

L. All special ordinances. (2013 Code)

### **1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:**

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of section [1-2-1](#) of this chapter, excepting as this code may contain provisions for such matters, in which case, this code shall be considered as amending such ordinance or ordinances with respect to such provisions only. (2013 Code)

### **1-2-3: COURT PROCEEDINGS:**

- A. Reviving Prior Ordinances: When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided. (1997 Code § 1-6)
- B. Offenses: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced

after the new ordinance takes effect.

- C. **Extend To All Repeals:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- D. **Current Pending Actions:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the village herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the village under any ordinance or provision thereof in force at the time of the adoption of this code. (2013 Code)

#### **1-2-4: SEVERABILITY CLAUSE:**

If any section, subsection, paragraph, sentence, clause or phrase of this code, or any codes or portions of codes adopted herein by reference, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any codes or portions of codes adopted herein by reference. The village board hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2013 Code)

## **Chapter 3 DEFINITIONS; INTERPRETATION**

#### **1-3-1: GENERAL RULES OF INTERPRETATION:**

- A. **Liberal Construction:** In the construction of this code and of all ordinances, the rules and definitions set out in this chapter shall be observed, unless such construction would be inconsistent with the manifest intent of the board of trustees. The rules of construction and definitions set out herein shall not be applied to any section of this code which shall contain any express provision excluding such construction, or where the subject matter of the context of such section may be repugnant thereto.
- B. **Minimum Requirements; Most Restrictive Provisions Apply:** All general provisions, terms, phrases and expressions contained in this code shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this code imposes greater restrictions upon the subject matter than the general provision imposed by this code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- C. **Computation Of Time:** Whenever a notice is required to be given or any act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be held shall not be counted. Where the day on which an act is to be done or a proceeding held falls on a Sunday or a legal holiday, said act shall be done or proceeding held on the next regular business day. "Time" shall mean Central Standard Time, except when the state of Illinois is on daylight saving time, then it shall mean Central Daylight Saving Time.
- D. **Delegation Of Authority:** Whenever a provision appears requiring the head of a department or some other village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.
- E. **Gender:** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- F. **Joint Authority:** All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- G. **May; Shall:** The word "may" is permissive; the word "shall" is mandatory.
- H. **Nontechnical And Technical Words:** Words and phrases shall be construed according to the

common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

- I. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- J. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the village of Capron".
- K. Tense: Words used in the past or present tense include the future as well as the past and present.
- L. Ordinance: The word "ordinance" contained in the ordinances of the village has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to village ordinances is not meant to amend passage and effective dates of such original ordinances. (1997 Code § 1-2; amd. 2013 Code)

### **1-3-2: GENERAL DEFINITIONS:**

Whenever the following words or terms are used in this code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

**AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.

**BOARD, BOARD OF TRUSTEES, VILLAGE BOARD:** Unless otherwise indicated, the village board of trustees for the village of Capron.

**CODE:** The village code of the village of Capron.

**CORPORATE OR VILLAGE LIMITS:** The legal boundaries of the village of Capron.

**COUNTY:** The county of Boone, state of Illinois.

**LICENSE:** The permission granted for the carrying on of a business, profession or occupation.

**MONTH:** A calendar month.

**NUISANCE:** Anything offensive to the sensibilities of reasonable persons, or any act or activity

creating a hazard which threatens the health and welfare of inhabitants of the village, or any activity which, by its perpetuation, can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OATH: Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: Applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

PERSON: Shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY: Includes every species of property except "real property", as defined in this section.

PRECEDING, FOLLOWING: Next before and next after, respectively.

PROPERTY: Includes real and personal property.

REAL PROPERTY: Shall include lands, tenements and hereditaments.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

SIDEWALK: Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.

SIGNATURE OR SUBSCRIPTION: Includes a mark when the person cannot write.

STATE: The state of Illinois.

STREET: Shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the village and shall include all areas thereof embraced between the property lines and dedicated to the public use.

TENANT OR OCCUPANT: Applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

VILLAGE: The village of Capron, county of Boone, state of Illinois.

WHOLESALE, WHOLESALER, WHOLESALE DEALER: Unless otherwise specifically defined, shall be understood and held to relate to the sale of goods, merchandise, articles or things in

quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

WRITTEN OR IN WRITING: Shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

YEAR: A calendar year. (1997 Code § 1-2; amd. 2013 Code)

### **1-3-3: CATCHLINES:**

The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2013 Code)

## **Chapter 4 GENERAL PENALTY**

### **1-4-1: GENERAL PENALTY:**

#### **A. General Penalty Imposed:**

1. Fine; Imprisonment: Unless specifically provided elsewhere in this code, whenever in this code or in any ordinance an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this code, or whenever in this code or any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation thereof, the violator of any such provision of this code or any ordinance shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day any violation of any provision of this code or of any ordinance shall constitute a separate offense. (1997 Code § 1-8; amd. 2013 Code)
2. Additional Penalties: In addition to the fine described in subsection A1 of this section, the circuit court may impose a period of "conditional discharge", as defined in 730 Illinois Compiled Statutes 5/5-1-4, or "court supervision", as defined in 730 Illinois Compiled Statutes 5/5-1-21, for a period of up to six (6) months, an order of restitution, an order to perform community service, an order to complete an education program and/or any other appropriate penalties or conditions authorized in any section of this code or stand alone ordinance or any conditions for conditional discharge set forth in 730 Illinois Compiled Statutes 5/5-6-3 or for court supervision in 730 Illinois Compiled Statutes 5/5-6-3.1, as the foregoing are amended from time to time.



3. **Costs And Fees:** Any person violating the terms or provisions of this code shall be subject, in addition to the penalties set out in this subsection, to the payment of court costs and reasonable attorney fees.
  4. **Default In Payment:** A default in the payment of a fine or any installment of a fine may be collected by any means authorized for the collection of monetary judgments. The village attorney may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or installment of that fine. Any fees or costs incurred by the village with respect to attorneys or private collection agents retained by the village attorney under this subsection shall be charged to the offender.
- B. **Acts Consistent With Criminal Laws Of State:** If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the state is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than a penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the state, and the village shall be required to establish guilt beyond a reasonable doubt.
- C. **Limitation; Compliance With Statute:** The provisions of subsection A of this section notwithstanding, no penalty shall be greater than that established by state statute for the same offense. (2013 Code)

## **1-4-2: APPLICATION OF PROVISIONS:**

- A. **Application Of Penalty:** The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.
- B. **Acts Punishable Under Different Sections:** In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. **Breach Of Provisions:** Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2013 Code)

### **1-4-3: LIABILITY OF OFFICERS:**

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the village board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2013 Code)

## **Chapter 5 OFFICIAL AND CORPORATE PROVISIONS**

### **1-5-1: VILLAGE SEAL:**

The corporate seal of the village shall be circular in shape with the words "Village of Capron" on the outer rim and in the center thereof. (1997 Code § 2-1)

### **1-5-2: ELECTIONS:**

- A. Compliance With State Law: Elections for municipal officers will be held in accordance with and at the times prescribed by state law. (1997 Code § 2-3)
- B. Time Of Taking Office: Terms of newly elected officers or new terms of reelected officers shall begin at the first regular or special meeting in May following such election. (1997 Code § 2-5)

### **1-5-3: VILLAGE HALL:**

- A. Days And Hours: The village hall shall remain open and accessible by all members of the public during the hours of eight o'clock (8:00) A.M. to four o'clock (4:00) P.M., Monday, Tuesday, Thursday and Friday, as well as during times when any commission, committee, or other public body of the village is conducting a meeting at village hall. (Ord. 03-13, 9-8-2003; amd. 2013 Code)

B. Access By Village Personnel: Each member of the board of trustees shall be issued all keys necessary to access the village hall. The mayor and/or any other village employee with such keys shall be and are hereby directed to promptly issue all keys necessary to access the village hall. (Ord. 03-13, 9-8-2003)

#### **1-5-4: ACCESS TO RECORDS BY VILLAGE PERSONNEL:**

The mayor, village clerk, and any other employee of the village shall, upon the request of any member of the board of trustees, promptly, within twenty four (24) hours, produce any requested record, document, data, or other information. In furtherance of the provisions of this section, the village clerk shall obtain or establish, as appropriate, and maintain a current list of passwords for all village computers and have such passwords available upon the request of any member of the board of trustees for access to data files and other electronic documents. (Ord. 03-13, 9-8-2003)

## **Chapter 6 VILLAGE PRESIDENT AND BOARD OF TRUSTEES**

#### **1-6-1: COMPENSATION:**

##### **A. President:**

1. Commencing in May of 2017, the salary of the village president taking office then, and his/her successor in office thereafter, shall be five hundred dollars (\$500.00) per month. (Ord. 15-26, 12-14-2015)
2. There shall be a monthly payment to the village president for reimbursement, and not compensation, for actual expenses incurred by the village president in representing the village. (1997 Code § 2-42)

##### **B. Trustees:**

1. Commencing in May of 2017, the salary of village board of trustees members holding or taking office then, and their successors in office thereafter, shall be fifty dollars (\$50.00) for each official board meeting attended by said trustees or their successors.
2. Commencing in May of 2017, the salary of village board of trustees members holding or taking office then, and their successors in office thereafter, shall be fifty dollars (\$50.00) for each official committee meeting attended by said trustees or their successors. (Ord. 15-26, 12-14-2015)

3. There shall be a monthly payment to the village trustees for reimbursement, and not compensation, for actual expenses incurred by the village trustees in representing the village. (1997 Code § 2-54)

## **1-6-2: MEETINGS:**

### **A. Regular Meetings:**

1. Effective October 1, 2016, the business meeting of the board of trustees shall be held on the second Monday of each month.
2. Effective October 1, 2016, the committee meeting of the whole board of trustees shall be held on the second Monday of each month. (Ord. 16-14, 8-8-2016)
3. The meeting place of the board of trustees shall be the village hall, 250 W. Main Street, Capron, IL 61012, unless otherwise ordered by the board of trustees. (Ord. 15-21, 10-12-2015)
4. Effective October 1, 2016, the business meeting of the board of trustees shall commence at six o'clock (6:00) P.M.
5. Effective October 1, 2016, the committee meeting of the whole board of trustees shall commence at six thirty o'clock (6:30) P.M., or as soon thereafter, following the adjournment of the immediately preceding business meeting. (Ord. 16-13, 8-8-2016)

**B. Special Meetings Costs:** All individuals or entities requesting a special meeting shall be required to pay the cost of that meeting, except for those called at the behest of the village president and board of trustees. (Ord. 06-13, 10-23-2006)

**C. Excused Absences From Meetings:** Each officer, i.e., the president or a member of the board of trustees, shall have two (2) excused meetings per fiscal year. (1997 Code § 2-4)

**D. Rules Of Procedure:** "Robert's Rules Of Order" shall govern the deliberation of the board of trustees except when in conflict with any village ordinance or Illinois statute. (Ord. 06-14, 12-11-2006)

**E. Agendas:** The business to be transacted at any meeting shall be upon an agenda prepared by the village clerk or the deputy clerk. All village trustees, officers and heads of standing and special committees shall, not later than the Thursday preceding the regular meeting, submit to the village clerk or deputy clerk the matter or matters to be acted upon at such regular meetings, and it shall then be the duty of the village clerk or deputy clerk to transmit

to the president and each village trustee a copy of the agenda, together with copies of minutes, reports, ordinances and resolutions, not later than the Thursday preceding such regular meeting. Not any one village trustee, officer or head of a standing or special committee will be able to remove or change an item that has been put on the agenda. Any items that may need to be held over for another meeting will be done so during the meeting with a majority consensus of the village board. The agenda for special meetings shall consist of the purpose for which such meeting was called. (Ord. 16-17, 12-12-2016)

### **1-6-3: TRUSTEE ASSIGNMENT TO VILLAGE MATTERS:**

In an effort to create efficiencies, each village trustee may be assigned to be the liaison to the village president and other village board members on various topics/categories of village business. Each village trustee shall take lead or be the point person on addressing issues concerning their particular topic/categories and shall report on such issues and make recommendations to the village president and the other members of the village board. Such topics/categories of village business shall generally be as follows:

- A. Water and sewer.
- B. Village maintenance, streets and sidewalks.
- C. Planning and development.
- D. Zoning and ordinance.
- E. Community relations.
- F. Public health.

To the extent a particular issue involves multiple categories of village business, those trustees shall work together to address and report on the issue. The village president shall have the authority to assign village trustees to their respective topic/categories of village business from time to time, subject to the consent of the village board. (Ord. 15-21, 10-12-2015)

# Chapter 7

## VILLAGE OFFICERS AND PERSONNEL

### ARTICLE A. VILLAGE CLERK

#### 1-7A-1: APPOINTMENT; FULL TIME POSITION:

The village clerk shall be appointed by the president, with the concurrence of the village board. The office of village clerk shall be considered a full time office. (Ord. 12-14, 5-29-2012)

#### 1-7A-2: QUALIFICATIONS:

The village clerk shall be a citizen of the United States and a registered voter in his place of residence. Such residence shall be within thirty five (35) miles of the village, and the village clerk must have resided at such residence for at least one year preceding appointment. (Ord. 11-20, 10-10-2011)

#### 1-7A-3: SALARY AND BOND:

- A. Salary: Commencing in January of 2016, the village clerk, an appointed position, shall be paid the wage rate as is set forth by the village president and board of trustees from time to time. (Ord. 15-26, 12-14-2015)
- B. Bond: Before entering upon the duties of his/her office, the village clerk shall execute a bond in such amount and with such sureties as is provided by statute, conditioned upon the faithful performance of his/her duties. (1997 Code § 2-82.1)

#### 1-7A-4: VACANCY IN OFFICE:

In case the office of village clerk shall become vacant for any reason, the president and board of trustees shall appoint a successor as is provided by statute. (1997 Code § 2-82.12)

**1-7A-5: DUTIES:**

- A. Signatures: The clerk shall seal and attest all contracts of the village and all licenses, permits and such documents as shall require this formality. (1997 Code § 2-82.3)
  
- B. Monies Collected: The clerk shall turn over all monies received by him/her on behalf of the village to the village treasurer promptly upon receipt of the same; and with such monies he/she shall give a statement as to the source thereof. (1997 Code § 2-82.4)
  
- C. Accounts: The clerk shall keep the accounts showing all monies received by him/her and the source and disposition thereof; and such other accounts as may be required by statute or ordinance. (1997 Code § 2-82.5)
  
- D. Records: In addition to the record of ordinances and other records which the clerk is required by statute to keep, he/she shall keep a register of all licenses and permits issued, and the payments thereon; a record showing all of the officers and regular employees of the village; and such other records as may be required by the board of trustees. (1997 Code § 2-82.6)
  
- E. Village Seal: The clerk shall be the custodian of the village seal and shall affix its impression on documents whenever this is required. (1997 Code § 2-82.7)
  
- F. Documents: The clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer. (1997 Code § 2-82.8)
  
- G. Indices: The clerk shall keep and maintain a proper index of all documents and records kept by him/her, so that ready access thereto may be had. (1997 Code § 2-82.9)
  
- H. Additional Duties: In addition to the duties herein provided, the clerk shall perform such other duties and functions which may be required by statute or ordinance. (1997 Code § 2-82.11)

**1-7A-6: DEPUTY VILLAGE CLERK:**

- A. Appointment; Duties; Compensation: From time to time, as is determined necessary by the village president and board of trustees, there may be hired a deputy village clerk to assist the village clerk or to perform the functions of the village clerk in the village clerk's absence. One deputy clerk may be appointed by the village clerk. The hourly compensation rate of the deputy village clerk shall be as prescribed by the president and the board of trustees from time to time.
- B. Qualifications: The deputy village clerk shall be a citizen of the United States and a registered voter in his place of residence. Such residence shall be within thirty five (35) miles of the village, and the deputy village clerk must have resided at such residence for at least one year preceding appointment. (Ord. 11-21, 10-10-2011)

## **ARTICLE B. VILLAGE TREASURER**

### **1-7B-1: APPOINTMENT; PART TIME POSITION:**

The village treasurer shall be appointed by the president, with the advice and consent of the village board. The office of village treasurer shall be considered a part time office. (1997 Code § 2-100)

### **1-7B-2: QUALIFICATIONS:**

The village treasurer shall be a citizen of the United States and a registered voter in his place of residence, and shall reside at a residence within thirty five (35) miles of the village for not less than one year preceding appointment, and shall have sufficient training and/or experience to perform the duties of village treasurer. (Ord. 07-15, 5-14-2007)

### **1-7B-3: SALARY AND BOND:**

- A. Salary: The person appointed to the position of part time treasurer shall be paid an annual salary as set periodically by the village president and board of trustees. (Ord. 14-09, 7-14-2014, eff. retroactive to 6-9-2014)
- B. Bond: The village treasurer shall give a bond before entering upon the duties of his/her office in the sum required by statute or ordinance; this bond to be conditioned upon the faithful performance of duties and to indemnify the village for any loss by reason of neglect



or any act of the treasurer. (1997 Code § 2-101.2)

#### **1-7B-4: DUTIES:**

- A. Generally: The treasurer shall perform such duties as may be prescribed for him/her by statute or ordinance. The treasurer shall maintain records showing all monies received including the source and purpose for which they are paid, and showing the deposit of such funds in the bank account or accounts of the village as directed by the president and board of trustees. (1997 Code § 2-101.3)
- B. Accounting: The treasurer shall keep such books and accounts as required by statute or ordinance and shall keep records at all time showing the financial status of the village. (1997 Code § 2-101.4)
- C. Records For Inspection: The treasurer shall duplicate his/her monthly report and place in a paper or plastic binder so as to make it available for public inspection in the office of the village. (1997 Code § 2-101.7)

## **ARTICLE C. VILLAGE ATTORNEY**

#### **1-7C-1: RETAINED BY VILLAGE; SPECIAL COUNSEL:**

The president, with the consent of the board of trustees, may, from time to time, retain an attorney to represent or advise the village on legal matters, and he/she may likewise retain special counsel to advise or represent the village on special matters or to assist the attorney for the village. (1997 Code § 2-120)

#### **1-7C-2: DUTIES:**

- A. Suits And Actions: The attorney shall prosecute or defend any and all suits or actions of law or equity to which may be brought against or by any officer of the village on behalf of the village or in the capacity of such person as an officer of the village. (1997 Code § 2-121)

- B. Judgments: It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees entered in favor of the village, and of all similar interlocutory orders. (1997 Code § 2-122)
- C. Advice: The attorney shall be the legal adviser of the village and shall render advice on all legal questions affecting the village whenever requested to do so by any village official. Upon request by the president or the board, he/she shall reduce any such opinion to writing. (1997 Code § 2-123)
- D. Special Assessments And Condemnations: It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings. (1997 Code § 2-124)

## **ARTICLE D. PUBLIC WORKS DIRECTOR**

### **1-7D-1: OFFICE CREATED; APPOINTMENT:**

There is hereby created the office of public works director. The public works director shall be appointed by the village president and the board of trustees. (1997 Code § 2-130)

### **1-7D-2: QUALIFICATIONS:**

The public works director shall have the following qualifications:

- A. Thorough knowledge of methods, tools, equipment and practices of street construction, maintenance, cleaning and snow removal; knowledge of recent developments in municipal public works as related to street and storm sewer maintenance; knowledge of types and uses of light and heavy construction and maintenance equipment; ability to supervise and coordinate a group of workers engaged in a variety of public works tasks; ability to prepare material and labor cost estimates and to maintain records; ability to make and to use resourcefulness and tact in meeting new problems; ability to get along well with the public; ability to hold a commercial driver's license; good physical condition. (1997 Code § 2-134)
- B. Extensive experience in the maintenance of streets, storm sewers, and related structures; two (2) years of supervisory experience; and completion of a standard high school course, preferably supplemented by college or technical school courses; or any equivalent combination of experience and training which provides the required knowledge, skills and

abilities. (1997 Code § 2-135)

### **1-7D-3: RESIDENCY:**

The public works director shall establish and maintain residency within thirty five (35) miles of the village limits within eighteen (18) months of commencing full time employment. (1997 Code § 2-136; amd. 2013 Code)

### **1-7D-4: DUTIES:**

- A. Generally: The public works director plans and oversees the work of the street department, sewer department and water department and coordinates and inspects work done by contract and does related work as required. (1997 Code § 2-131)
- B. Features Of Position: The public works director is responsible for the supervisory and semitechnical work in the construction, maintenance and repair of streets, storm sewers and related public works. The work involves responsibility for planning, organizing, reviewing and coordinating public works. The work or performance of this position is subject to review by the president and board of trustees through the study of operating records, inspection and effectiveness and efficiency of services. The public works director is on twenty four (24) hour call for emergencies such as snow removal and floods. (1997 Code § 2-132)
- C. Examples Of Duties (Illustrative Only):
1. Plan, organize, coordinate and inspect all street repair and maintenance.
  2. Investigate and resolve complaints.
  3. Enforce appropriate sections of this code.
  4. Requisition supplies and materials through the street committee chair.
  5. Maintain all records.
  6. Develop requirements for the annual budget and submit to the street committee chair.
  7. Work closely with the president, chair of the street committee, water and sewer chair and engineer for the village on all matters.
  8. Contact state and county highway departments for repair or maintenance needed on

streets under their jurisdiction within the village limits.

9. Work closely with the president, street committee chair, water and sewer chair and the engineer for the village on all street repairs or construction beyond regular maintenance.
10. Replace missing or damaged signs.
11. In disaster related street problems, notify the village board. (1997 Code § 2-133)

## **ARTICLE E. CODE ENFORCEMENT OFFICER**

### **1-7E-1: POSITION CREATED; APPOINTMENT:**

The position of code enforcement officer of the village is hereby created. The village president shall appoint the code enforcement officer, subject to the advice and consent of the village board of trustees. The code enforcement officer shall report to the corporate authorities. Nothing contained herein shall preclude the village president, with the advice and consent of the village board, from appointing the same person/entity to serve as the village code enforcement officer and the village building inspector. (Ord. 14-16, 11-10-2014)

### **1-7E-2: TERM OF OFFICE:**

The code enforcement officer shall serve until such time as removed or replaced by the village president. (Ord. 14-16, 11-10-2014)

### **1-7E-3: COMPENSATION:**

The compensation of the code enforcement officer shall be set, and from time to time amended, by the village board of trustees. (Ord. 14-16, 11-10-2014)

### **1-7E-4: RESPONSIBILITIES AND DUTIES:**

- A. The code enforcement officer shall be responsible for investigating violations and enforcement of this code including, but not limited to, property maintenance code, subdivision code and zoning code regulations. Notwithstanding the foregoing, the code enforcement officer shall not be responsible for enforcement of or permitting under village

building codes, electrical codes, mechanical codes, plumbing codes, residential codes, fire codes and life safety codes which shall be enforced by the village building inspector as otherwise set forth in this code, except as specifically provided for in subsection B of this section and unless the code enforcement officer happens to be the same person/entity as the building inspector.

- B. The duties of the code enforcement officer shall be as set forth from time to time by the corporate authorities including, but not limited to:
1. Identification of code violations and/or receipt of code violation complaints;
  2. Investigate and properly document potential code violations;
  3. Issue notices of violations and orders to comply to property owners;
  4. Meet with property owners to develop a plan to remediate violations;
  5. Maintain inspection files;
  6. Keep the village president, village board and village attorney apprised of violations and status of remediation; and
  7. Any other such duties and responsibilities as may be assigned to the code enforcement officer by the corporate authorities. (Ord. 16-10, 7-11-2016)
  8. Enforcement and permitting of the following items only: a) fences; b) sidewalks; c) sheds; d) driveway extensions to park RVs, trailers, boats, snowmobiles, etc.; e) garage roofs (detached garages only); f) small signs; g) pools; h) building siding; and i) decks where the deck floor is less than six feet (6') above grade/ground level. (Ord. 16-12, 8-8-2016)
- C. The code enforcement officer may call upon the village attorney to institute necessary legal proceedings to enforce the provisions of this code, and the village attorney is hereby authorized to institute appropriate actions to that end. The code enforcement officer may call upon the county sheriff and his/her authorized agents to assist in the enforcement of this code.
- D. Notwithstanding the foregoing, the code enforcement officer shall not be responsible for the enforcement of any provision of this code which has been specifically delegated or reserved for enforcement by the county sheriff's department or any other governmental agency for enforcement. (Ord. 16-10, 7-11-2016)

## **ARTICLE F. BUILDING INSPECTOR**

### **1-7F-1: POSITION CREATED; APPOINTMENT:**

The position of building inspector of the village is hereby created. The village president shall appoint the building inspector, subject to the advice and consent of the village board of trustees. The building inspector shall report to the corporate authorities. (Ord. 14-16, 11-10-2014)

### **1-7F-2: TERM OF OFFICE:**

The building inspector shall serve until such time as removed or replaced by the village president. (Ord. 14-16, 11-10-2014)

### **1-7F-3: COMPENSATION:**

The compensation of the building inspector shall be set, and from time to time amended, by the village board of trustees. (Ord. 14-16, 11-10-2014)

### **1-7F-4: RESPONSIBILITIES AND DUTIES:**

- A. The building inspector shall be responsible for permitting and investigation of violations and enforcement of the following village codes: village building codes, electrical codes, mechanical codes, plumbing codes, residential codes, fire codes and life safety codes, with the exception of the permitting and enforcement of the items specifically set forth in subsection [1-7E-4B8](#) of this chapter which shall be the responsibility of the village code enforcement officer.
- B. The duties of the building inspector shall be as set forth from time to time by the corporate authorities including, but not limited to:
1. Issuance of all village structural, electrical, plumbing and mechanical permits including, review of plans, inspections, reinspections and collections of fees;
  2. Identification of code violations and/or receipt of code violation complaints;
  3. Investigate and properly document potential code violations;
  4. Issue notices of violations and orders to comply to property owners;
  5. Meet with property owners to develop a plan to remediate violations;

6. Maintain inspection files;
  7. Keep the village president, village board and village attorney apprised of violations and status of remediation; and
  8. Any other such duties and responsibilities as may be assigned to the building inspector by the corporate authorities.
- C. The building inspector may call upon the village attorney to institute necessary legal proceedings to enforce the provisions of this code, and the village attorney is hereby authorized to institute appropriate actions to that end. The building inspector may call upon the county sheriff and his/her authorized agents to assist in the enforcement of this code.
- D. Notwithstanding the foregoing, the building inspector shall not be responsible for the enforcement of any provision of this code which has been specifically delegated or reserved for enforcement by the county sheriff's department or any other governmental agency for enforcement. (Ord. 16-10, 7-11-2016)

## **Chapter 8 ETHICS**

### **1-8-1: STATE REGULATIONS ADOPTED:**

The regulations of sections 5-15<sup>1</sup> and article 10<sup>2</sup> of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq. (hereinafter referred to as the "act" in this chapter), are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 Illinois Compiled Statutes 430/70-5. (Ord. 11-16, 5-16-2011)

### **1-8-2: DEFINITIONS:**

For purposes of this chapter, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c). (Ord. 11-16, 5-16-2011)

### **1-8-3: INTERPRETATION:**

This chapter does not repeal or otherwise amend or modify any existing ordinances or policies that regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this chapter, however, the provisions of this chapter shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a). (Ord. 11-16, 5-16-2011)

#### **1-8-4: PROHIBITED ACTS:**

##### **A. Gifts:**

1. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act by any officer or any employee of the village is hereby prohibited.
2. The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the act is hereby prohibited.

**B. Political Activities:** The participation in political activities prohibited under the act by any officer or employee of the village is hereby prohibited. (Ord. 11-16, 5-16-2011)

#### **1-8-5: PENALTIES:**

The penalties for violations of this chapter shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act. (Ord. 11-16, 5-16-2011)

#### **1-8-6: AMENDMENTS:**

Any amendment to the act that becomes effective after the effective date hereof shall be incorporated into this chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this chapter by reference without formal action by the corporate authorities of the village. (Ord. 11-16, 5-16-2011)

#### **1-8-7: UNCONSTITUTIONALITY OF PROVISIONS:**



- A. If the Illinois supreme court declares the act unconstitutional in its entirety, then this chapter shall be repealed as of the date that the Illinois supreme court's decision becomes final and not subject to any further appeals or rehearings. This chapter shall be deemed repealed without further action by the corporate authorities of the village if the act is found unconstitutional by the Illinois supreme court.
- B. If the Illinois supreme court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the remainder of the act, as adopted by this chapter, shall remain in full force and effect; however, that part of this chapter relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village. (Ord. 11-16, 5-16-2011)

## **Chapter 9**

# **EQUAL EMPLOYMENT OPPORTUNITY; AFFIRMATIVE ACTION**

### **1-9-1: EQUAL EMPLOYMENT:**

The village hereby declares to uphold all laws related to equal employment opportunity including, but not limited to, the following:

- A. Title VI of the civil rights act of 1964 which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.
- B. Title VII of the civil rights act of 1964 which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices, including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.
- C. Title IX of the education amendments of 1972 which prohibits discrimination in federally assisted education programs.
- D. The equal pay act of 1963 which covers all employees who are covered by the fair labor act. The act forbids pay differentials on the basis of sex.

- E. The age discrimination act of 1967 which prohibits discrimination because of age against anyone between the ages of forty (40) and sixty five (65).
  
- F. Federal executive order 11246 which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.
  
- G. Section 504 of the rehabilitation act of 1973 and DOL implementing regulations at 29 CFR 32 which prohibits any discrimination based on handicap.
  
- H. Section 167 of JTPA and the U.S. DOL regulations at 29 CFR parts 31 and 32 which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving federal financial assistance from the department of labor.
  
- I. Chapter 68, article I, sections 17, 18 and 19 of the Illinois constitution which prohibits discrimination based on race, color, creed, national ancestry, handicap, and sex in the hiring and promotion practices of any employer.
  
- J. Article 2 of the Illinois human rights act, 775 Illinois Compiled Statutes 5/2, 1994 state bar edition.
  
- K. Americans with disabilities act, 42 USC 12101 et seq., and the regulations thereunder, 28 CFR 35.130 (ADA), which prohibits discrimination against persons with disabilities in the provision of any aid benefit or service. (2013 Code)

## **1-9-2: SEXUAL HARASSMENT:**

- A. Compliance With Laws: The village shall uphold all laws related to sexual harassment.
  
- B. Definition: "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an

individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

#### C. Examples Of Sexual Harassment:

1. Sexual harassment may involve individuals of the same or different gender. Sexual harassment is most frequently associated with those situations in which a power differential exists between persons involved; however, it also may occur between individuals of the same status. Examples of conduct which may, if continued or repeated, constitute sexual harassment are:
  - a. Unnecessary touching, patting, hugging, or brushing against a person's body.
  - b. Staring, ogling, leering, whistling.
  - c. Sexually explicit statements, comments, questions, jokes, or anecdotes.
  - d. Graphic comments about a person's clothing or body.
  - e. Sexually suggestive objects or pictures in the workplace.
  - f. Harassing use of the electronic mail or telephone communication system.
  - g. Other physical or verbal conduct of a sexual nature.
2. Such conduct, whether intended or not, constitutes sexual harassment and is illegal under both state and federal law. Violations of this policy will not be permitted.

#### D. Complaint Procedures:

1. Complaints Filed With Village:
  - a. The village encourages anyone who feels that he/she has been a victim of sexual harassment to report such incidents to the village president or a village board member. Complainants are urged to report sexual harassment incidents as soon as possible, since a delay in reporting may make it difficult to gather appropriate information and documentation. It is not necessary for sexual harassment to be directed at the person making the complaint. The following steps may also be taken: Document or record each incident (what was said or done, the date, the time and the place). Documentation can be strengthened by written records such as letters, notes, memos and telephone messages.
  - b. Complaints will be kept in confidence to the extent practicable and appropriate under the circumstances.

- c. The village president, with approval of the board, shall appoint a committee of at least three (3) people, one of whom shall be the attorney for the village. The role of the committee will be to hear and consider testimony and other relevant reliable evidence, to make findings of fact, to determine whether the village policy on sexual harassment has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the written decision shall be promptly furnished to the employee making the complaint.
- d. The employee will be able to have a representative present at any discussion between the employee and the village board or committee.

2. Complaint Filed With State: The employee making the complaint may elect to file a written complaint with the Illinois department of human rights or the Illinois human rights commission. The alternative complaint avenues are available if the employee would prefer to use them instead of the internal procedures.

Illinois department of human rights 312-814-6245

Illinois human rights commission 217-785-4350

E. Protection From Retaliation: The employee is protected by the Illinois human rights act, 775 Illinois Compiled Statutes 5/6-101, 1994 state bar edition, from retaliation because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful sexual harassment in employment or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation under this chapter. (2013 Code)

### **1-9-3: NONDISCRIMINATION:**

- A. The village will assure nondiscriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.
- B. The village will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, developmental disability/handicap, national origin, political affiliation or belief.
- C. The village assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.
- D. The village will provide accommodations to the best of its ability for developmentally

disabled/handicapped employees contingent on budget and structural limitations. (2013 Code)

#### **1-9-4: COMPLIANCE WITH PROVISIONS:**

All village employees are expected to adhere to this policy and to work actively for its implementation both internally and in carrying out village program activities. (2013 Code)

#### **1-9-5: ADMINISTRATION OF PROVISIONS:**

The village designates the village president and village board to carry out the EEO/AA (equal employment opportunity/affirmative action) plan. (2013 Code)

## **Chapter 10 VILLAGE SERVICE ACCOUNTS**

#### **1-10-1: CREATION OF VILLAGE SERVICE ACCOUNTS:**

The village treasurer is hereby authorized to create individual village service accounts for each user of village services. Said accounts shall consolidate all commonly used village services including, but not limited to, water and sewer use billing pursuant to this code, building permit and inspection fees, ordinance violation/parking citations and any applicable fines and penalties therefor, business registration fees, liquor license fees, dog or pet registration/fees, and any other fees, charges, surcharges, interest thereupon, or other costs whatsoever due and owing from any user of village services to the village. For purposes of this chapter, a single user account shall be established for each individual property in the village and the charges or expenses applicable to any owner and/or person who resides at such property or vehicle registered to such property's address shall be chargeable to the property's service account. (Ord. 14-21, 12-8-2014)

#### **1-10-2: ORDER OF APPLYING PAYMENTS:**

When processing payments received for a village service account, the village shall apply all payments in the following order: a) all outstanding penalties and fines for violations of village codes and ordinances, b) building permit or inspection fees, c) any charges associated with abating any public nuisance or mowing weeds/grass that exceeds the height permitted under

this code (regardless of whether the village has filed for a lien and/or obtained a judgment for such expenses), d) any registration, licensing and application fees, e) interest, late payment penalties, or other similar fees and surcharges, f) any outstanding amounts for other obligations to the village other than a charge enumerated herein, g) water service reinstatement charges, and h) water/sewer service and use charges. (Ord. 14-21, 12-8-2014)

### **1-10-3: FAILURE TO PAY AMOUNTS DUE TO VILLAGE:**

A failure to pay any amounts due under a village service account shall entitle the village to cease provision of any or all village services, including suspension or termination of water service.

- A. Prior to ceasing all village services, the village shall comply with the shutoff procedures established within this code, regardless of whether the basis for the shutoff is due to a failure to pay amounts due for water/sewer bills, or due for other expenses or charges payable to the village.
- B. When village services are terminated for a specific property based upon a failure to make full payment of amounts outstanding on a village service account within the time specified under this code or applicable village procedures, prior to the reinstatement of services to said property, the village may demand full satisfaction of all outstanding charges on the village service account for that property, without regard to changes in the ownership or occupancy of such property.
- C. Upon request by any party charged with a parking citation or other violation of this code, said violation shall be converted to an ordinance violation citation prosecuted by the village in court, in lieu of appearing as a charge on said person's village service account. (Ord. 14-21, 12-8-2014)