

## **CHAPTER 2 ADMINISTRATION<sup>1</sup>**

**Art. I. In General, §§ 2-1-2-25**

**Art. II. Officers Generally, §§ 2-26-2-55**

Div. 1. ADA Coordinator, § 2-41

Div. 2. Office/Human Resources Manager §§ 2-42-2-55

**Art. III. Board Of Trustees, §§ 2-56-2-135**

Div. 1. Generally, §§ 2-56-2-75

Div. 2. Rules Of Order, §§ 2-76-2-110

Div. 3. President, §§ 2-111-2-135

**Art. IV. Village Clerk, §§ 2-136-2-160**

**Art. V. Village Attorney; Village Prosecutor, §§ 2-161-2-180**

**Art. VI. Village Treasurer, §§ 2-181-2-200**

**Art. VII. Collection Of Special Assessments, §§ 2-201-2-225**

**Art. VIII. Reserved.**

**Art. IX. Department Of Special Events And Public Relations, §§ 2-246-2-265**

**Art. X. Water And Sewer Collector, §§ 2-266-2-280**

**Art. XI. Building Department Administrators, §§ 2-281-2-305**

**Art. XII. Special Assessment Attorney, §§ 2-306-2-330**

**Art. XIII. Economic Development Department Administrators, §§ 2-331-2-355**

**Art. XIV. Sanitation And Drainage Inspector, §§ 2-356-2-380**

**Art. XV. Civil Emergencies, §§ 2-381-2-400**

**Art. XVI. Taxation, §§ 2-401-2-480**

Div. 1. Generally, §§ 2-401-2-420

Div. 2. Retailers' Occupation Tax, §§ 2-421-2-435

Div. 3. Service Occupation Tax, §§ 2-436-2-455

Div. 4. Taxation Of Occupations Or Privileges, §§ 2-456-2-464

[Div. 5.](#) Cannabis Retailers' Occupation Tax, §§2-465-2-472

[Div. 6.](#) Municipal Amusement Tax, §§ 2-473-2-480

[Div. 7.](#) Motor Fuel Tax, §§ 2-481-2-483

**[Art. XVII.](#) Boards And Commissions, §§ 2-484-2-699**

[Div. 1.](#) Generally, §§ 2-481-2-495

[Div. 2.](#) Emergency Management Agency And Department Of Homeland Security, §§ 2-496-2-525

[Div. 3.](#) Zoning Board Of Appeals, §§ 2-526-2-555

[Div. 4.](#) Electrical Commission, §§ 2-556-2-575

[Div. 5.](#) Board Of Fire And Police Commissioners, §§ 2-576-2-600

[Div. 6.](#) Youth Commission, §§ 2-601-2-620

[Div. 7.](#) Board Of Health, §§ 2-621-2-635

[Div. 8.](#) Board Of Public Improvements, §§ 2-636-2-650

[Div. 9.](#) Police Pension Board, §§ 2-651-2-659

[Div. 10.](#) Emergency Telephone System Board, §§ 2-660-2-669

[Div. 11.](#) Senior Advisory Committee, §§ 2-670-2-674

[Div. 12.](#) Economic Planning Board §§2-675-681

Reserved §§2-682-2-699

**[Art. XVIII.](#) Code Hearing Department, §§ 2-700-2-749**

**[Art. XIX.](#) Ethics, §§ 2-750-2-759**

**[Art. XX.](#) Justice Park Department, §§ 2-760-2-762**

**[Art. XXI.](#) Code Enforcement Officer, § 2-800-2-809**

**[Art. XXII.](#) Anti-Nepotism, Reimbursement of Travel Expenses § 2-810-2-906**

## **📖 ARTICLE I. IN GENERAL**

### **📖 Sec. 2-1. Corporate Seal:**

The corporate seal of the village shall be as follows:

Facsimile.

(Code 1969, Ch. 2; Code 1972, § 1-17-1)

 **Sec. 2-2. Official Flag<sup>1</sup>:**

The flag designed by Katina Rae Harper is hereby designated as the official flag of the village and shall be flown on all appropriate occasions.

(Ord. 71-20, 10-7-1971; Code 1972, § 1-17-2)

<sup>1</sup> 5 ILCS 465/3b.

 **Sec. 2-3. Local Elections:**

Elections for village offices shall be held as is provided by statute, and at the time prescribed by statute<sup>2</sup>.

(Code 1972, § 1-18-1)

<sup>2</sup> 10 ILCS 5/1-1 et seq., 5/2A-1 et seq.

 **Sec. 2-4. Precincts Established:**

The village is, for the purpose of conducting municipal elections and for such other purposes as hereafter may be provided by law, divided into such precincts as shall be prescribed for the county<sup>3</sup>.

(Code 1972, § 1-18-2)

<sup>3</sup> 10 ILCS 5/11-1 et seq.

 **Sec. 2-5. Determination Of Precinct Boundaries:**

Wherever a street is indicated as a boundary of a precinct, the center line of such street shall be considered to be the boundary line of such precinct; provided, however, that if such street or some part thereof constitutes some portion or all of the distance for which such street is hereinabove designated as the boundary of any precinct, then that part of the street which is the boundary of the village shall also be the boundary of such precinct. If any street is not dedicated throughout the entire distance for which it is indicated as one of the boundary lines of any precinct, then the prolongation of the center line of such street shall be considered to be such boundary line.

(Code 1969, Ch. 18; Code 1972, § 1-18-3)

 **Sec. 2-6. Participation In Retirement Fund<sup>4</sup>:**

(a) The village does hereby elect to participate in the Illinois municipal retirement fund, effective January 1, 1987.

(b) The standard for IMRF participation shall be a position normally requiring performance of duty for one thousand (1,000) hours per year.

(Ord. 86-30, 9-22-1986)

**Sec. 2-7. Official Vehicles:**

- (a) Unauthorized persons shall not be allowed to ride in official village vehicles at any time.
- (b) Prisoners, victims of crime, or persons on official business shall be transported in official vehicles with the approval of the department head or his or her authorized designee.
- (c) A violation of this section shall subject the offender to suspension by the village president and board of trustees. Repeat offenders may be dismissed from their positions by the president and board of trustees.

(Ord. 88-30, 10-10-1988; Ord. 2001-05, § 2, 2-26-2001; Ord. 2012-24, § 2, 9-24-2012)

**Secs. 2-8–2-25. Reserved:**

**ARTICLE II. OFFICERS GENERALLY<sup>1</sup>**

<sup>1</sup> 65 ILCS 513.1-15-5 et seq., 5/3.1-30-5 et seq.

**Sec. 2-26. Appointed Officers–Designation:**

Among the officers of the Village to be appointed by the President, by and with the advice and consent of the Board of Trustees, and whose officers are hereby created and established, are the following:

- Building Commissioner
- Deputy Building Commissioner
- Code Enforcement Officer
- Deputy Code Enforcement Officer
- Economic Development Director
- Emergency Services and Disaster Agency Director
- Health Officer
- Inspectors in all Departments
- Public Works Director
- Village Attorney
- Village Engineer or a Public Engineer
- Village Prosecutor
- Village Treasurer
- Village Webmaster

All appointees may, from time to time, be suspended or removed from office by the President and Board of Trustees, and all vacancies may be filled in like manner.

(Code 1972, § 1-5-1; Ord. 91-9, § 1, 6-24-1991; Ord. 2001-05, § 2, 2-26-2001; Ord. 2007-17, § 1, 9-24-2007; Ord. 2009-13, § 2, 6-1-2009; Ord. 2009-18, § 2, 7-27-2009; 2009-24, § 2, 11-9-

2009; Ord. 2012-03, § 3, 1-9-2012; Ord. 2017-26, §1, 11-13-17; Ord. 2019-08, §1 and 2, 06-24-2019)

**Sec. 2-27. Appointed Officers–Term:**

The officers enumerated in section [2-26](#) of this article shall hold their appointive offices until the first Monday of May in each year following their appointments and until their successors have been appointed and qualified, subject to removal at any time by the president and board of trustees, with or without specification of cause therefor<sup>2</sup>.

(Code 1972, § 1-5-2)

<sup>2</sup> 65 ILCS 5/3.1-55-15.

**Sec. 2-28. Oath:**

All officers of the village, whether elected or appointed, shall, before entering upon the duties of their of their respective offices, take and subscribe an oath or affirmation as specified under the state statutes. Such oath or affirmation shall be filed in the office of the clerk.

(Code 1972, § 1-5-3)

**Sec. 2-29. Bonds–Persons Covered; Amount:**

Officers of the village shall execute a bond as required in this code or by village ordinance and the state statutes<sup>3</sup>. If the amount of bonds is not otherwise specified, officers shall execute to the village a bond in a sum of not less than one thousand dollars (\$1,000.00).

(Code 1972, §§ 1-5-4, 1-27-1; Ord. 77-31, 5-19-1977)

<sup>3</sup> 65 ILCS 5/3.1-10-25.

**Sec. 2-30. Bonds–Surety To Be Licensed Company:**

Whenever a surety bond to indemnify the village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this state as a surety company, in the absence of specific provision to the contrary by ordinance.

(Code 1969, Ch. 3, Art. 2; Code 1972, § 1-5-4)

**Sec. 2-31. Bonds–Execution:**

The bond of each officer shall be executed to the village, with two (2) or more sureties conditioned for the faithful performance of the duties of his office, the payment to the proper officer of all monies coming into his hands by virtue of his office. Each of the sureties shall be freeholders of the county and shall schedule real estate herein, clear of all encumbrances and other legal obligations, in value not less than the penal sum of the bond, which schedule shall be made separately by the sureties and sworn to before some officer authorized to administer oaths, and attached to the bond; provided, that any officer of the village may procure as surety upon any

bond he may be required to give any responsible surety company or corporation. No member of the board of trustees shall sign any bond in any case wherein the village is interested.

(Code 1972, § 1-5-5)

**📖 Sec. 2-32. Bonds-Approval:**

The bonds of all village officers shall be subject to the approval of the president and board of trustees. After the approval, as aforesaid, the clerk shall endorse thereon the date thereof.

(Code 1972, § 1-5-6)

**📖 Sec. 2-33. Failure To Qualify:**

If any person elected or appointed to any office of the village shall fail to qualify by taking, subscribing and filing the oath of office, and making, executing and filing his official bond as provided in this article within ten (10) days after he is officially notified of his election or appointment, the office shall become vacant.

(Code 1969, Ch. 3, Art. 1; Code 1972, § 1-5-7)

**📖 Sec. 2-34. Compensating; Paying Over Of Fees, Etc., Received:**

(a) The compensation paid to the elected and appointed officials of the village and to the various employees thereof shall be set from time to time by the president and board of trustees.

(b) No officer, deputy to an officer, employee, inspector or person acting as a representative of the village shall retain any license fee, permit fee, inspection fee or compensation for any service in his capacity as such, for any thing, act or service required to be done or authorized by this code, but all fees are to be turned over to the village.

(Code 1972, § 1-5-8)

**📖 Sec. 2-34.1. Fees For Professional Services<sup>1</sup>:**

(a) Any resident or property owner seeking a review of plans, plats, and documents by a village officer, employee, or professional consultant, including, but not limited to, the village engineer, village attorney, the building department, the public works department, and the sewer and water departments, shall deposit with the village a payment sufficient to reimburse the village for the professional services rendered by its officers, employees, and professional consultants. The hourly rate for the services provided shall be deducted from the payment deposited as those services are rendered and the billing paid to the officer, employee, or professional consultant involved. Evidence of such payment shall be presented to the officer, employee, or professional consultant whose services are requested before any services are rendered. At or near the time the deposit is exhausted by payment of fees, an additional deposit shall be required. The balance of the payment on deposit with the village shall be refunded to the depositor promptly upon request after all deductions for payment of fees.

(b) The village shall keep an accounting of such deposits and payments. The village shall post the current hourly rate for professional services rendered by the village's officers, employees, and professional consultants and shall assist residents and property owners in estimating the

required deposit. The village shall provide notices to a depositor or to village officers, employees, and professional consultants as necessary to accomplish the purposes of this section.

(Ord. 97-22, §§ 1, 2, 6-23-1997)

**1** See also § [13-1](#) of this Code.

### **Sec. 2-35. Surrender Of Village Property<sup>2</sup>:**

Any person having been an officer or employee of the village, whose term has expired or who has resigned or been removed from office, shall, within five (5) days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession belonging to the village or pertaining to his office.

(Code 1972, § 1-5-9)

**2** 65 ILCS 5/3.1-10-35.

### **Sec. 2-36. Duties Generally:**

Each officer, besides the specific duties which may be required of him by virtue of his office, shall also perform such other and further duties and be subject to such rules and regulations as the president and board of trustees may, from time to time, require or by ordinance provide and establish.

(Code 1972, § 1-5-10)

### **Sec. 2-37. Examination, Inspection Of Books, Other Records<sup>1</sup>:**

All books, papers, vouchers, warrants, entries, accounts, memoranda and other records of every agent, officer and employee of the Village may be examined and inspected at any time by the President. The president and board of trustees may, by resolution, call upon any officer to make a report, in writing, of any subject matter which the board may designate in such resolution and within such time as the resolution may prescribe.

(Code 1969, Ch. 3, Art. 1; Code 1972, §§ 1-5-11, 1-7-13)

**1** 65 ILCS 5/3.1-35-20.

### **Sec. 2-38. Contracts For Supplies; Advertising For Bids:**

(a) All contracts for supplies of any kind or nature let by an officer of the village or board of trustees, where the amount of such contract exceeds an amount as required by state statutes<sup>2</sup>, shall be furnished by contract and let to the lowest responsible bidder, after advertising for the same unless the board of trustees, by a vote of two-thirds (2/3) of all the trustees elected, specifically waives this provision before purchasing supplies.

(b) Advertising shall be in a newspaper for general circulation in the village and bids submitted to and received by the village president's duly authorized designee.

(Code 1969, Ch. 2; Code 1972, § 1-5-12; Ord. 2009-15, § 2, 6-22-2009)

**2** 65 ILCS 5/8-9-2 and 30 ILCS 555/1 et. seq.

### **Sec. 2-39. Purchase Requisition System:**

In the interest of better control of expenditures associated with all purchases to be made by the village exceeding fifty dollars (\$50.00), all departments responsible for spending such village funds will have to have a purchase requisition approved by the department head and then signed by the committee chairman before an order can be issued. The administration office will then issue an order number for the purchase and, when the merchandise has been received, the administration office shall be notified by the departments to indicate that the order was completed.

(Code 1972, § 1-5-13; Ord. 75-3, 1-2-1975)

### **Sec. 2-40. Indemnity<sup>3</sup>:**

(a) *Definitions*: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Employee*: Any person formerly or presently employed by the village.

(2) *Official*: Any former or present trustee or commissioner or officer of the village.

(b) *Claims Or Actions*: If any claim or action, civil or criminal, is brought or instituted against an official or employee, where such claim or action arises out of an act or omission of the official or employee, performed or made in good faith in the discharge of his official duties or in the course of his employment, the village shall indemnify such official or employee for any reasonable costs incurred by such official or employee in the defense of such claim or action, including reasonable attorney fees, and shall pay any judgment or settlement arising out of such claim or action.

(c) *Judgment Or Settlement*: If an official or employee, who has acted in good faith in the discharge of his or her official duties or in the course of his or her employment, becomes involved in any investigation which can lead to a criminal prosecution where the subject matter of the investigation concerns village matters, the village shall indemnify such official or employee for any reasonable costs incurred by such official or employee in the defense of such claim or action, including reasonable attorney fees, and shall pay any judgment or settlement arising out of such claim or action.

(d) *Costs*: If an official or employee, who has acted in good faith in the discharge of his or her official duties or in the course of his or her employment, becomes involved in any investigation which can lead to a criminal prosecution where the subject matter of the investigation concerns village matters, the village shall indemnify such official or employee for any reasonable costs incurred, including reasonable attorney fees, in connection with such investigation or proceedings.

(e) *Exceptions*: This section shall not apply:

(1) To any portion of a judgment representing an award of punitive or exemplary damages;



(2) When a claim, action, investigation or proceeding arises out of conduct which results in an official or employee being convicted of a crime.

(f) *Scope:* This section shall apply to any investigation or legal proceeding.

(Code 1972, § 1-5-14; Ord. 76-21, 12-16-1976)

3 745 ILCS 10/1-101 et seq.. and 10/2-302.

## **DIVISION 1. ADA COORDINATOR**

### **Sec. 2-41. ADA Coordinator:**

(a) The village president, by and with the advice and consent of the board of trustees, is hereby authorized to appoint an Americans with Disabilities Act (ADA) coordinator, whose term is indefinite and will continue until his or her successor is appointed and approved in a similar manner.

(b) The ADA coordinator shall receive a compensation and expense money for travel, phone calls and other matters in accordance with section [2-34](#) of this article.

(c) The deputy building commissioner shall be appointed as the ADA coordinator.

(Ord. 93-3, §§ 1, 2, 1-11-1993; Ord. 93-4, § 1, 1-25-1993; Ord. 2012-24, § 3, 9-24-2012)

## **DIVISION 2. OFFICE/HUMAN RESOURCES MANAGER**

### **Sec. 2-42. Office/Human Resources Manager:**

(a) The Office/Human Resources manager shall possess executive and administrative qualifications, with special reference to the candidate's specific professional education for, actual experience in, and knowledge of the accepted practices with regard to municipal administration and finance. The Office/Human Resources manager need not be a resident of the Village.

(b) The office/Human Resources manager shall receive compensation and benefits in accordance with section [2-34](#) of this article.

(Ord. 2009-13, § 3, 6-1-2009; Ord. 2017-26, §2, 11-13-17)

### **Sec. 2-43. Duties:**

The office/human resources manager shall have the following duties:

(1) Organize office operations and procedures by supervising payroll, distributing correspondence, designing filing systems, reviewing and approving supply requisitions, and assigning and monitoring clerical functions;

(2) Maintain office staff by recruiting, selecting and training employees;

(3) Attend all village board and standing committee meetings at which the office/human resources manager's attendance is requested;

(4) Act as the village's budget officer by preparing an annual budget; scheduling expenditures; analyzing variances and initiating corrective actions; performing regular cash-flow, financial and managerial analyses; and supervising accounting staff;

(5) Ensure that approved invoices are paid in a timely manner;

(6) Balance and reconcile any accounts over which the office/human resources manager is given supervisory authority, and create monthly financial reports for all village department heads;

(7) Oversee preparation of grant or loan applications, administer any money received from loans or grants, and prepare related reports in collaboration with the village's community development director;

(8) Oversee preparation of information for bond issues and related matters, and for annual audits of village finance and performance;

(9) Enforce administrative policies, rules, regulations and procedures; maintain accurate personnel files for village employees; and track vacation and compensated time for village employees;

(10) Act as a signatory on designated village accounts;

(11) Prepare board meeting and committee meeting agendas and minutes in the absence of the village clerk; and

(12) Other duties as assigned by the village president and/or board of trustees.

(Ord. 2009-13, § 3, 6-1-2009)

**Secs. 2-44–2-55. Reserved:**

## **ARTICLE III. BOARD OF TRUSTEES**

### **DIVISION 1. GENERALLY**

#### **Sec. 2-56. Composition; Qualifications; Election; Oath; Duties:**

The legislative and governing body of the village shall consist of the president of the village and six (6) trustees, who shall possess the qualifications for office, be elected by legal voters of the village, take the oath of office and perform the duties provided by the state statutes<sup>1</sup>.

(Code 1969, Ch. 1; Code 1972, § 1-6-1)

<sup>1</sup> 65 ILCS 5/3.1-15-5 et seq., 5/3.1-10-5; 10 ILCS 5/1-1 et seq.; 65 ILCS 5/3.1-10-25.

#### **Sec. 2-57. Regular Meetings:**

Regular meetings of the president and board of trustees shall be held on the second and fourth Mondays of each month at seven thirty o'clock (7:30) P.M. at the village hall. In case such meeting should fall on a legal holiday, then such meeting date shall be set by the village president.

(Code 1972, § 1-6-2; Ord. 85-5, 5-2-1985)

**Sec. 2-58. Special Meetings:**

Special meetings may be held at any time on call of the president or any two (2) or more trustees. Such call shall be in writing, duly signed, and shall be presented to the clerk, who shall proceed immediately to cause notice of the same to be served upon the president and trustees in person or by registered letter. Such notice shall describe in brief the nature or object of the call.

(Code 1972, § 1-6-3)

**Sec. 2-59. Quorum:**

A majority of the corporate authorities shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

(Code 1972, § 1-6-4)

**Sec. 2-60. Compensation:**

Each member of the board of trustees whose term of office commences after the effective date hereof shall receive compensation in accordance with section [2-34](#) of this chapter. A trustee is allowed two (2) absences of board meetings. Each absence in excess of that number shall result in the trustee forfeiting the sum of two hundred dollars (\$200.00). In addition to the trustee's compensation, the board of trustees may pay expenses of a trustee of a sum not to exceed two hundred dollars (\$200.00) per month.

(Code 1972, § 1-6-6; Ord. 80-25, 12-4-1980; Ord. 88-8, 4-25-1988; Ord. 96-27, § 1, 9-9-1996; Ord. 2002-32, § 1, 7-22-2002; Ord. 2005-01, § 2, 1-10-2005)

**Sec. 2-61. Electronic Attendance At Board Meetings:**

(a) A quorum of trustees must be physically present at the location of an open or closed meeting of the board of trustees.

(b) Minutes of all meetings shall reflect if a trustee was physically present or present by means of a video or audio conference. Lack of such a specification shall be deemed to indicate that the trustee in question was physically present.

(c) As provided herein, trustees who are not physically present may participate in open or closed meetings by means of a video or audio conference. Such electronic participation may only occur if the trustee is prevented from physically attending by: personal illness or disability; employment purposes; business of the public body; a family emergency; or another emergency. If a trustee wishes to attend a meeting electronically, the trustee must notify the village clerk or his or her designee at least forty-eight (48) hours before the meeting, unless advance notice is impractical. Notification may be in person or in writing, or by phone, e-mail or facsimile transmission. The notification shall include a detailed recitation of the particular circumstances why the trustee cannot attend, and also cite one of the five (5) above-specified categories. The notification also shall substantially follow the format laid out in section [2-62](#) of this

chapter. Notice given to the village clerk or his or her designee shall be sufficient. Copies of the request shall be provided to all trustees promptly, but in no event later than the meeting in question.

(d) Upon receipt of notice of intent to participate electronically, the village clerk or his or her designees shall make appropriate arrangements for the trustee to participate electronically, such as by arranging a speaker-phone for the meeting room and obtaining contact information. The equipment shall provide output sufficient for persons attending the meeting, and members of the audience, to hear the trustee speak, and also shall allow the trustee to hear other trustees and any person who addresses the board of trustees.

(e) The board of trustees allows electronic attendance for qualifying reasons listed in the Illinois Open Meetings Act, as a matter of policy. The audio or video equipment shall be activated at the beginning of the meeting, or at the time requested by the trustee, so that the trustee can participate.

(f) If the trustee who is attending electronically would normally chair the meeting, a president pro tempore who is physically present may be appointed.

(g) When a trustee attends a meeting electronically, all votes shall be by roll call vote. An electronically attending trustee must identify himself or herself by name and be recognized by the president before speaking.

(h) An approved request to participate electronically shall entitle the trustee involved to attend at the subject meeting and any closed sessions called during that meeting.

(i) This section shall apply in like manner to any subsidiary committee, subcommittee or other agency of this body that is a "public body" under the Illinois Open Meetings Act.

(Ord. 2007-20, § 1, 7-23-2007)

#### **Sec. 2-62. Sample Format For Electronic Attendance Request:**

The format for submitting a request for electronic attendance shall be as attached to Ordinance No. 2007-20, passed July 23, 2007, and adopted by reference as if fully set forth herein.

(Ord. 2007-20, § 1, 7-23-2007)

#### **Secs. 2-63–2-75. Reserved:**

### **DIVISION 2. RULES OF ORDER**

#### **Sec. 2-76. Generally:**

The provisions of this division shall be the rules of order for the conduct of village business by the president and board of trustees.

(Code 1972, § 1-6-5)

#### **Sec. 2-77. Presiding Officer; Roll Call; Reading Of Last Meeting's Journal!:**

The president shall, if present, take the chair at the hour appointed for the meeting of the board of trustees; if he or she is not present the board of trustees shall elect a temporary chairman from among themselves who shall act in his or her stead. The meeting being called to order, the roll of members shall be called, and if a quorum is present the presiding officer shall cause the journal of the last preceding meeting or meetings to be read unless such reading is dispensed with by vote of the board. (Code 1972, § 1-6-5)

1 65 ILCS 5/3.1-10-50.

 **Sec. 2-78. Points Of Order:**

The president shall preserve order and decorum. He or she may speak to points of order in preference to any member and shall decide points of order subject to an appeal of the board of trustees by any two (2) members, on which appeal no member shall speak more than once unless by leave of the board.

(Code 1972, § 1-6-5)

 **Sec. 2-79. Statement Of Question Prior To Debate; Motions Reduced To Writing:**

Every question shall be distinctly stated by the president before it is open for debate. Every motion shall be reduced to writing if the president or any member shall so demand.

(Code 1972, § 1-6-5)

 **Sec. 2-80. Substitution Of Chairman:**

The president may call on any board member to perform the duties of chairman; no such substitution, however, shall extend beyond the adjournment of the particular meeting.

(Code 1972, § 1-6-5)

 **Sec. 2-81. Addressing Presiding Officer; Recognition Before Speaking Further:**

Every board member previous to speaking to any question shall audibly address the presiding officer as “Mr. President” or “Mr. Mayor”. Such member shall not, however, speak further until he or she is recognized and named.

(Code 1972, § 1-6-5)

 **Sec. 2-82. Reading Of Ordinances:**

Every ordinance shall be read before the same shall be passed by the board.

(Code 1972, § 1-6-5)

 **Sec. 2-83. Laws Governing Passage Of Ordinances, Resolutions And Motions:**

The passage of all ordinances, resolutions and motions shall be controlled by 65 ILCS 5/3.1-40-40 and any other applicable laws.

(Code 1972, § 1-6-5)

## **Sec. 2-84. Voting Required Unless Excused; Refusal To Vote<sup>2</sup>:**

Every member present when a vote is taken shall vote unless excused by the board of trustees, or unless he or she shall be directly interested in the matter pending, in which case such member shall not vote. Any member refusing to vote or passing his or her vote shall be counted as voting with the majority.

(Code 1972, § 1-6-5)

 **2** 50 ILCS 105/3 et seq.

## **Sec. 2-85. Committee of the Whole:**

(a) *Established.* There is established a seven-member standing committee of the whole composed of those persons holding the elective office of village president and village trustee.

(b) *Purpose.* The committee of the whole is established to create a less formal parliamentary setting to discuss village business.

(c) *Meetings.* The committee of the whole shall meet at 7:00 p.m., in the Village Board Room, on the Wednesday preceding the second and fourth Monday of a calendar month. Special meetings of the committee of the whole may be called by the chairman or upon the request of two (2) members by notice to the chairman no later than forty-eight (48) hours in advance of such special meeting.

(d) *Chairman.* The village president shall serve as chairman of the committee of the whole.

(e) *Procedure; Authority; Reporting.* The procedures of the committee of the whole shall be governed by Robert's Rules of Order (Newly Revised), current edition. The committee of the whole shall consider, investigate, and recommend in an advisory capacity such matters assigned to it by the board of trustees, or which it originally determines advisable in its own discretion. The committee of the whole may assign any matter under its consideration to a special committee as deemed necessary and advisable. The committee shall present a report to the board of trustees on all matters it takes into consideration at its discretion or upon demand of the board of trustees.

(Code 1969, Ch. 1; Code 1972, § 1-6-5; Ord. 92-18, § 1, 3-23-1992; Ord. 2010-18, § 2, 8-23-2010; Ord. 2011-09, § 2, 5-9-2011; Ord. 2015-13, § 1, 7-8-2015; Ord. 2018-02, § 1, 02-26-2018)

## **Sec. 2-86. Standing Committees:**

(a) *Established.* There is established the following three-member standing committees:

(1) Finance and Insurance – Consideration of matters of related to finance, budget, taxes and levies thereof, revenue, debt, records management, and insurance;

(2) Public Utilities and Infrastructure – Consideration of matters related to public works including, but not limited to streets, sidewalks, and public utilities;

(3) Public Safety and Human Services – Consideration of matters related to police, fire, public safety and public assistance;

(4) Administration, Communications and Recreation – Consideration of matters related to general government, administration, communications, community outreach, special events, and recreation;

(5) Economic Development and Business Licenses – Consideration of matters related to economic development, business incentives, business evaluations, and business licenses; and

(6) Buildings, Zoning and Ordinances – Consideration of matters related to buildings, zoning, permits, and legislation not specific to another committee.

(b) Purpose. The special committees are established to allow a more detailed analysis of matters under consideration without the formalities or interruptions associated with the legislative process of assemblies of greater size.

(c) Meetings. Standing committee meetings shall be scheduled at the call of the chairman, or upon the request of any two (2) members thereof by notice to the chairman no later than forty-eight (48) hours in advance of such meeting.

(d) Membership. Each standing committee shall be made up of three (3) members of the committee of the whole volunteering to serve in such capacity or, if necessary, upon open nomination of the committee of the whole. Membership in a standing committee (and the chairman of each standing committee) shall be determined by the board of trustees on an as needed basis. Members of each standing committee shall serve as liaison to department heads corresponding to matters of their designated concern. Notwithstanding the above, no person shall serve on more than three (3) standing committees at any one time, and no person shall serve as chairman of more than one (1) standing committee at any one time. The chairman of committee of the whole shall be ineligible to serve on a standing committee.

(e) Procedure; Authority; Reporting. Each standing committee shall consider, investigate, and recommend in an advisory capacity such matters it has been assigned by the committee of the whole, or which it originally determines advisable in its own discretion. Each standing committee shall present a report on all matters it takes into consideration at its discretion, or upon demand of the committee of the whole.

(Code 1972, § 1-6-5; Ord. 85-6, 5-2-1985; Ord. 92-18, § 2, 3-23-1992; Ord. 2010-18, § 3, 8-23-2010; Ord. 2010-24, § 2, 11-22-2010; Ord. 2011-09, § 3, 5-9-2011; Ord. 2015-13, § 2, 7-8-2015; Ord. 2018-02, §2, 02-26-18)

#### **Sec. 2-87. Appointment Of Special Committees:**

Special committees may be appointed by the president for the consideration of any particular question or matter.

(Code 1972, § 1-6-5)

#### **Sec. 2-88. Reports Of Committees:**

All committees to whom any matter may be referred shall report in writing if requested by any member. Minority reports may be submitted signed by the dissenting member or members.

(Code 1972, § 1-6-5)

**📖 Sec. 2-89. Discharge Of Committees; Record Keeping By Clerk<sup>1</sup>:**

On acceptance of a final report from a special committee, such committee shall stand discharged without vote unless it be otherwise ordered. All reports made by committees or officers of the village, all resolutions adopted, all ordinances as presented and passed, all communications, petitions and the like received, and generally all papers presented to be acted on, shall be filed and carefully preserved by the clerk.

(Code 1972, § 1-6-5)

<sup>1</sup> 50 ILCS 205/1 et seq.

**📖 Sec. 2-90. Petitions, Communications-Form; Filing:**

All petitions or communications shall be addressed to the president and board of trustees and shall be in writing and filed with the clerk.

(Code 1972, § 1-6-5)

**📖 Sec. 2-91. Petitions, Communications– Presentation:**

When a member wishes to present a communication, petition, order, resolution or other original matter, he or she shall briefly state its nature before presenting the same.

(Code 1972, § 1-6-5)

**📖 Sec. 2-92. Addressing President, Board Without Consent:**

No person, except a member of the board, shall be permitted to address the president or the board without consent of the president.

(Code 1972, § 1-6-5)

**📖 Sec. 2-93. Power Of Committees To Correct Emergency Situation; Cost Restriction:**

All standing committees shall have the power in case of emergency to correct the cause of such emergency, the cost of which shall not exceed three hundred dollars (\$300.00).

(Code 1972, § 1-6-5)

**📖 Sec. 2-94. Order Of Business During Regular Meetings:**

The order of business of the board during its regular meetings shall be conducted in generally the following format and posted in accordance with the Illinois Open Meeting Act (5 ILCS 120/1 et seq.), as it is amended from time to time.

- (1) Call to order;
- (2) Pledge of Allegiance;
- (3) Roll call;



(4) Public comment: Any individual who wishes to address the village board must, prior to the start of the regular meeting, place his name and address on a sign-up sheet posted in the meeting room. Upon recognition to speak by the village president or acting chairperson, the person shall rise and audibly state his or her name and address. An individual may speak for himself or herself or as a representative of a community group on matters listed on the board's agenda and issues related to village business. No person shall speak longer than five (5) minutes unless specifically authorized to do so by a majority vote of the board of trustees. The five-minute time limit will be measured by a person selected by the village board. One (1) hour of meeting time will be the maximum allowed for public comment. This time may be extended at the discretion of the village president;

- (5) Village president's report;
- (6) Village clerk's report;
- (7) Committee reports;
- (8) Attorney's report;
- (9) Old business;
- (10) New business;
- (11) Correspondence;
- (12) Executive session, if desired;
- (13) Adjournment.

(Code 1972, § 1-6-5; Ord. 2003-45, § 1, 12-22-2003; Ord. 2007-07, § 1, 6-11-2007)

#### **Sec. 2-95. Adoption of Robert's Rules:**

Whenever a question of order not specifically covered in this division 2 shall arise, the same shall be decided in accordance with the rules or parliamentary procedure set forth in the current edition of *Robert's Rules of Order, Newly Revised*.

(Code 1972, § 1-6-5; Ord. 2005-01, § 3, 1-10-2005; Ord. 2009-26, § 2, 11-23-2009)

#### **Sec. 2-96. Precedence Of Motions:**

When a question is before the board, no motions shall be in order but to adjourn; lay on the table; previous question; postpone indefinitely; postpone to a certain time; to commit; and amend. These motions shall be privileged and have precedence in the order named.

(Code 1972, § 1-6-5)

#### **Sec. 2-97. Quorum Not Present; Bringing In Absent Members:**

In case of the want of a quorum at any time of the village board, a majority of the trustees present may direct the president or presiding officer to direct any police officer to go out and notify any and all absent members who can be found in the village and who are not unable

through sickness to attend. After notice and request by such officer and such member shall refuse to attend, such officer shall, without warrant, arrest such member and bring him in.

(Code 1969, Ch. 1; Code 1972, § 1-6-5)

**Secs. 2-98-2-110. Reserved:**

** DIVISION 3. PRESIDENT<sup>1 2</sup>**

**1** 65 ILCS 5/3.1-35-5, 5/3.1-45-5.

** Sec. 2-111. Election; Qualifications:**

There shall be elected a president of the village, who shall hold his or her office for four (4) years and until his or her successor is elected and qualified. He or she shall be a citizen of the United States, a qualified elector, and shall have resided within the corporate limits of the village at least one (1) year next preceding the election at which he or she is a candidate.

(Code 1972, § 1-7-1)

** Sec. 2-112. Term Of Office<sup>2</sup>:**

The president shall hold his or her office for four (4) years.

(Code 1972, § 1-7-1)

**2** 65 ILCS 5/3.1-10-5, 5/3.1-15-5, 5/3.1-15-10.

** Sec. 2-113. Executive Duties; Compensation:**

(a) The village president shall perform the duties and exercise the powers conferred upon the mayor of a city.

(b) The compensation for the village president shall be in accordance with section [2-34](#) of this chapter.

(c) The president may exercise the same veto powers, and with like effect, as the mayor of a city; the board of trustees may pass ordinances over such veto in like manner as a city council.

(Code 1972, § 1-7-3; Ord. 83-7, 5-19-1983; Ord. 88-7, 4-25-1988; Ord. 96-32, § 1, 9-23-1996; Ord. 2002-32, § 1, 7-22-2002; Ord. 2005-01, § 2, 1-10-2005)

** Sec. 2-114. President Pro Tempore<sup>3</sup>:**

If a temporary absence or disability of the president incapacitates him or her from the performance of his or her duties but does not create a vacancy in the office, the board of trustees shall elect one of its members to act as president pro tempore. The president pro tempore, during this absence or disability, shall perform the duties and possess all the rights and powers of the president.

(Code 1972, § 1-7-4)

**3** 65 ILCS 5/3.1-35-35.

#### **Sec. 2-115. Appointment Of Officers<sup>4</sup>:**

The president, by and with the advice and consent of the board of trustees, shall appoint all officers of the village whose appointments are not otherwise provided for by statute. Whenever a vacancy shall occur in any office which by statute or ordinance the president is authorized to fill, he or she shall, at the regular meeting of the board of trustees next occurring, communicate to the board of trustees the name of his appointee to such office, and pending the consent by the board of trustees as to such appointment, he or she may designate some suitable person to discharge the duties of the office.

(Code 1972, § 1-7-5)

4 65 ILCS 5/3.1-10-50, 5/3.1-30-5.

#### **Sec. 2-116. Supervision Of Village Officers; Recommendations To Board Re Village Affairs<sup>5</sup>:**

The president shall supervise the conduct of all appointed officers and see that they faithfully and efficiently discharge the duties of their respective offices. He or she shall inquire into all reasonable complaints made against them and cause all their neglects or violations of duties to be promptly corrected. He or she shall, from time to time, give the board of trustees such information relative to the affairs of the village as he or she may deem proper and recommend to the board for its consideration any measure he or she may deem expedient, tending to the well being, security and improvement of the village.

(Code 1972, § 1-7-6)

5 65 ILCS 5/3.2-35-5.

#### **Sec. 2-117. Approval And Veto Of Ordinances<sup>1</sup>:**

The powers and duties of the president with respect to the approval or veto of ordinances shall be as provided in the state statutes.

(Code 1972, § 1-7-7)

1 65 ILCS 5/3.1-40-45, 5/3.1-40-50.

#### **Sec. 2-118. Signing Of Licenses, Permits, Warrants, Commissions<sup>2</sup>:**

Unless another procedure authorized by law is in operation, the president shall sign all commissions, licenses, permits and warrants granted, issued or ordered by the board of trustees or authorized by the ordinances of the village, except for permits provided to be issued by or under the signature of the health officer or fire chief, and may revoke any such licenses for the causes provided in this code.

(Code 1969, Ch. 3, Art. 2; Code 1972, § 1-7-8)

2 65 ILCS 5/3.1-35-30.

#### **Sec. 2-119. Release Of Prisoners:**

The president may for good and sufficient reasons release any person imprisoned for violation of any provision of this code. The president shall cause a proper record thereof to be made and shall report such release with the cause therefor to the board of trustees at its first session thereafter.

(Code 1972, § 1-7-10)

#### **Sec. 2-120. Powers As To Litigation:**

The president shall sign in behalf of the village all instruments necessary to the prompt prosecution or defense of any or all actions brought by or against the village, including bonds for injunction<sup>3</sup>.

(Code 1972, § 1-7-12)

<sup>3</sup> 735 ILCS 5/11-103 et seq.

#### **Secs. 2-121-2-135. Reserved:**

### **ARTICLE IV. VILLAGE CLERK**

#### **Sec. 2-136. Duties<sup>4</sup>:**

The village clerk shall, in addition to the duties now imposed upon that officer by statute and by the Justice Municipal Code, perform the following duties:

(1) He or she shall keep his office in the village hall for the transaction of village business during usual daily business hours.

(2) He or she shall issue notices of meetings to the president and members of the village board and, when directed by that body, to the members of the different committees of that body and to all persons whose attendance will be required before that body or any such committee when so directed; he or she shall also issue and cause to be served notices of the meetings.

(3) He or she shall attest all the licenses granted by the president or board of trustees under the provisions of this code.

(4) He or she shall without delay deliver to the officers of the village and to the various committees all bills, resolutions, communications and other documents referring to such officers and committees.

(5) He or she shall without delay deliver to the president all ordinances or resolutions under his or her charge which may require approval or other action by the president with all papers and information on which the same were founded.

(Code 1972, § 1-8-2; Ord. 2012-15, §§ 3, 4, 6-18-2012; Ord. 2019-19, §1, 06-24-2019)

<sup>4</sup> 65 ILCS 5/3.1-35-90.

#### **Sec. 2-137. Keeper Of Seal, Records<sup>1</sup>:**

The village clerk shall keep the corporate seal and affix the same to all papers which require it. He shall keep all records and papers belonging to the village, the custody and control of which are not given to other officers. The clerk shall attend all meetings of the president and board of trustees, and keep a full record of its proceedings in the journal. He shall make proper copies of all papers duly filed in his office and make transcripts from the journal and other records and files of his office, certified by him under the corporate seal.

(Code 1972, § 1-8-3)

1 65 ILCS 5/3.1-35-90.

**📖 Sec. 2-138. Record, Publication Of Ordinances<sup>2</sup>:**

(a) All ordinances passed by the president and board of trustees shall be recorded by the village clerk in a book kept for that purpose before the next regular meeting after they go into effect.

(b) If an ordinance requires publication, the clerk shall cause the same to be duly published. The clerk shall note at the foot of the record of each ordinance a memorandum of the date of its passage and approval or otherwise becoming effective and, if published, the date of the publication of such ordinances. The original shall be filed in the office of the clerk with a certificate of publication or posting attached to the ordinance requiring publication.

(Code 1972, § 1-8-4)

2 65 ILCS 6/1-2-5, 511-2-4.

**📖 Sec. 2-139. Notice To Persons Elected Or Appointed:**

It shall be the duty of the village clerk, within five (5) days after the result of an election is declared or an appointment made, to notify in writing all persons elected or appointed to office. Unless such persons shall respectively qualify in ten (10) days after such notice, the office shall become and be vacant.

(Code 1972, § 1-8-5)

**📖 Sec. 2-140. Filing Of Annual Appropriation Ordinance With County:**

The board of trustees, president and village clerk shall take all essential steps to pass an annual appropriation ordinance in accordance with the requirements of 65 ILCS 5/8-2-9 and the revenue code as amended from time to time. It shall be the duty of the village clerk to file the appropriation ordinance once passed and file an estimate, certified by the chief fiscal officer, of revenue, by source anticipated to be received by the municipality in the following fiscal year within thirty (30) days of the appropriation ordinance's adoption.

(Code 1972, § 1-8-6; Ord. 2005-01, § 4, 1-10-2005; Ord. 2012-15, § 3, 6-18-2012)

**📖 Sec. 2-141. Reserved.**

**📖 Sec. 2-142. Receipt Of Communications To Village Or Board; Reading At Next Board Meeting:**

All petitions, remonstrances, bids, bills or other communications addressed to the village or the board of trustees shall be received by the clerk and read by him or her at the board meeting next succeeding their receipt, unless otherwise ordered by the village board.

(Code 1969, Ch. 3, Art. 3; Code 1972, § 1-8-8)

**Sec. 2-143. Compensation:**

The annual salary for the village clerk shall be twenty-four thousand dollars (\$24,000.00) payable in installments as per the regular payroll of the village. In the event that the village shall be appointed as village collector, the village clerk shall be entitled to receive the same benefits (such as health insurance) that are received by other full-time employees of the village under the same conditions.

(Code 1972, § 1-8-9; Ord. 81-1, 1-8-1981; Ord. 96-28, § 1, 9-9-1996; Ord. 2002-32, § 1, 7-22-2002; Ord. 2005-01, § 2, 1-10-2005; Ord. 2012-15, §§ 3, 5, 6-18-2012)

**Sec. 2-144. Reserved. REPEALED AND ABOLISHED EFFECTIVE JULY 31, 2019. (Ord. 2019-26, §1, 07-08-2019)**

**Sec. 2-145. Reserved. REPEALED AND ABOLISHED EFFECTIVE JULY 31, 2019. (Ord. 2019-26, §1, 07-08-2019)**

**Sec. 2-146-2-160. Reserved:**

**ARTICLE V. VILLAGE ATTORNEY; VILLAGE PROSECUTOR<sup>2</sup>**

<sup>2</sup> 65 ILCS 513.1-10-5.

**Sec. 2-161. Duties Of Attorney:**

The village attorney shall conduct all the law business of the village and draw such ordinances, deeds, leases and other papers as may be required of him or her by the president, board of trustees or any committee thereof. (Ord. 2018-17, §2, 1-28-2019; Ord. 2019-14; §1, 5-28-2019)

**Sec. 2-162. Opinions Of Attorney:**

The village attorney shall give his or her opinion in writing to the board of trustees or any committee thereof or the president, when requested, on legal questions arising under or concerning any provisions of this code, and on questions and subjects in which the village shall be legally interested.

(Code 1972, § 1-9-3)

**Sec. 2-163. Materials Turned Over To Successor Of Attorney Upon Expiration Of Term:**

Upon the expiration of his or her term of office, the village attorney shall forthwith turn over to his or her successor in office all dockets, deeds, leases or other papers in his or her hands belonging to the village or delivered to him or her by the village or any of its officers and all papers in actions prosecuted or defended by him then pending and undetermined.

(Code 1972, § 1-9-4)

**Sec. 2-164. Compensation Of Attorney:**

The village attorney shall be paid in accordance with section [2-34](#) of this chapter for legal counsel, advice, and opinions.

(Code 1969, Ch. 3, Art. 4; Code 1972, § 1-9-5; Ord. 2005-01, § 6, 1-1-2005)

**Sec. 2-165. Village Prosecutor:**

The duties of the village prosecutor shall be to represent the village in all matters pertaining to traffic violations, code violations and misdemeanors, other than those which the penalty provides for a jail sentence.

(Code 1972, § 1-15-3; Ord. 64-2, 1-16-1964)

**Secs. 2-166-2-180. Reserved:**

**ARTICLE VI. VILLAGE TREASURER**

**Sec. 2-181. Office Created:**

There is hereby created and established the office of Village Treasurer.

**Sec. 2-182. Duties:**

The Village Treasurer shall perform all duties and functions imposed upon the office of municipal treasurer by statute, as well as those specified in the Justice Municipal Code. The Village Treasurer shall be the Office/Human Resources Manager. (Ord. 2019-24, §1, 06-24-2019)

**Sec. 2-183. Collection and Receipt of Money; Rendering of Account:**

(a) The Village Treasurer shall collect and receive all money belonging to or owed to the Village.

(b) The Village Treasurer shall preserve all warrants returned to his/her office, and all warrants, books, and vouchers, and all papers pertaining to his/her duties shall be open to inspection by the village president or any member of the board of trustees at any time. Weekly, the Village Treasurer shall generate two (2) receipts of all monies collected and one (1) receipt shall be maintained his/her office and one (1) receipt shall be filed in the office of the Village Clerk.

(c) Between the 1<sup>st</sup> and the 10<sup>th</sup> of April each year, the Village Treasurer shall file with the Village Clerk a statement of (i) all the money collected during the year, (ii) the particular warrant, special assessment or account on which collected, (iii) the balance of money uncollected on all warrants in his/her possession, and (iv) the balance remaining uncollected at the time of the return on all warrants returned to the Village Clerk during the preceding fiscal year.

(d) At the end of each month, and more often if required by the corporate authorities, the Village Treasurer shall render an account under oath to the board of trustees showing the state of the treasury at the date of the account, and the balance of money in the treasury. He/she shall accompany the account with a statement of all money received into the treasury, and on what account, together with all warrants redeemed and paid by him/her. On the day he/she renders an account, these warrants, with all vouchers held by him/her, shall be delivered to the Village Clerk and filed, together with the account, in the Village Clerk's office. He/she shall return all warrants paid by him/her marked "paid". (Ord. 2019-24, §1, 06-24-2019)

#### **Sec. 2-184. Books of Account:**

The Village Treasurer shall cause to be kept books of account in such manner as to accurately show all monies received by him/her, from whom, and on what account they have been received; also all monies paid out by him/her and on what account they have been paid. The books shall be kept in such manner as to be readily understood and investigated. The books and all papers and files of the office shall at all times be open to the examination of the corporate authorities or any member thereof. (Ord. 2019-24, §1, 06-24-2019)

#### **Sec. 2-185. Duties:**

The Village Treasurer shall keep by double entry a fully detailed account of all village funds, general tax receipts and receipts from other sources, also a bond account, sinking fund account and forfeit account in the village ledger. He/She shall keep a special fund ledger in which all special funds shall be kept separately by numbers and names of the special funds, showing the total amount of each fund and installment of same to be collected, and each account shall show the total collections and disbursements on account of same. He/She shall also keep auxiliary accounts with the Village Clerk, the village collector and the county collector showing all monies received and dispersed by the Village Treasurer. He/She shall also keep a commission account, showing the amount of commissions on any and all special funds at the end of each quarter during the fiscal year. Each warrant, as soon as it is issued by the Village Clerk and signed by the village president, shall be registered by the Village Treasurer in the warrant account with each fund, which shall be kept by him/her, showing under separate headings the dates and amounts of payments made on the same and when canceled, and he/she shall, on registering each warrant, cancel the same and mark same "Paid by Village Treasurer" with the date of each payment. (Ord. 2019-24, §1, 06-24-2019)

#### **Sec. 2-186. Deposit of Funds; Designation, Qualification of Depositories:**



(a) All funds and money belonging to the village in the custody of the Village Treasurer shall be kept on deposit with such banks or savings and loan associations as shall be designated by the corporate authorities by ordinance, as a depository for such funds and money.

(b) No bank shall receive any public funds from the village unless it has furnished the corporate authorities with copies of the last two (2) sworn statements of resources and liabilities which the bank is required to furnish to the commissioner of banks and trust companies or to the comptroller of the currency. Each bank designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the commissioner of banks and trust companies or to the comptroller of the currency; provided, that if such funds or monies are deposited in a bank, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed seventy five percent (75%) of the capital stock and surplus of such bank, and the corporate authorities shall not be discharged from responsibility for any funds or monies deposited in any bank in excess of such limitation.

(c) No savings and loan association shall receive public funds from the village unless it has furnished the corporate authorities with copies of the last two (2) sworn statements of resources and liabilities which the savings and loan association is required to furnish to the commissioner of savings and loan associations or the federal home loan bank. Each savings and loan association designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities which it is required to furnish to the commissioner of savings and loan associations or the federal home loan bank; provided, that if such funds or monies are deposited in a savings and loan association, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed seventy five percent (75%) of the net worth of such savings and loan association as defined by the Federal Savings and Loan Insurance Corporation, and the corporate authorities shall not be discharged from responsibility for any funds or monies deposited in any savings and loan association in excess of such limitation.

(d) The Village Treasurer shall be discharged from responsibility for all funds or money which he/she deposits in the banks while the funds and money are so deposited.

(e) Such funds or money shall be subject to withdrawal from time to time upon checks or combination voucher checks signed by two (2) of the following officers: Village President, Village Treasurer, Finance and Insurance Committee Chairperson, and Accounting Clerk I. (Ord. 2019-24, §1, 06-24-2019; Res. 2019-13, §1, 09-23-2019)

**Secs. 2-187-2-200. Reserved:**

## **ARTICLE VII. COLLECTION OF SPECIAL ASSESSMENTS**

### **Sec. 2-201. General Duties:**

The village shall collect all special taxes and special assessments and shall perform such other duties as may be prescribed by the provisions of this code or the statutes of the state. The village

shall keep a record of all fees or monies collected by any officer, elected official or employee of the village.

(Code 1972, § 1-11-2; Ord. 2009-14, § 1, 6-22-2009)

**Sec. 2-202. Collection Of Delinquent Installments:**

The village shall have the power and authority to collect amounts due on tracts and lots which have been forfeited to the state, or withdrawn from sale, for delinquent installments of special assessments levied by this village, together with the interest and penalties thereon, based upon an estimate of the cost of redemption computed by the county clerk.

(Code 1972, § 1-11-3; Ord. 2009-14, § 1, 6-22-2009)

**Sec. 2-203. Payment Of Delinquent Installments; Penalties:**

In case of payment of a delinquent special assessment to the village, the village shall collect a penalty of seven percent (7%) on the amount of the forfeiture and on the amount of the withdrawn installment of any special assessment, together with interest and cost to the date of withdrawal or forfeiture, and after the first year, interest at the rate of six percent (6%) per annum, together with any other costs, penalties and interest as provided by law.

(Code 1972, § 1-11-4; Ord. 2009-14, § 1, 6-22-2009)

**Sec. 2-204. Issue Of Receipts; Form:**

Upon receiving payment for delinquent installments of special assessments, interest, costs and penalties, the village shall issue to the person paying the same a receipt of deposit for redemption, according to law, which receipt shall be in substantially the following form:

VILLAGE OF JUSTICE

RECEIPT OF DEPOSIT FOR REDEMPTION

*Volume \_\_\_\_\_ Page \_\_\_\_\_ Year Returned \_\_\_\_\_ Receipt Number*

*State of Illinois )*

*) ss*

*County of Cook )*

*Office of the Village President*

*I, \_\_\_\_\_ of the Village of Justice, do hereby certify that on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ deposited in this office \_\_\_\_\_ dollars for the redemption of (describe property), which was withdrawn or forfeited by the Collector of said County of Cook on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for the nonpayment of \_\_\_\_\_ installments of special assessment warrant, returned delinquent in \_\_\_\_\_. You are hereby authorized and ordered to cancel from the records and files in your office said withdrawal or forfeiture, and issue your certificate of redemption and cancellation \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.*

VILLAGE OF JUSTICE

CORRECT: By: \_\_\_\_\_

*Village President/Authorized Designee*

*APPROVED: Note: The official records will show this land unredeemed until you file this receipt in the County Clerk's office for entry of redemption and cancellation.*

(Code 1972, § 1-11-5; Ord. 2009-14, §1, 6-22-2009)

**📖 Sec. 2-205. Examination Of Papers, Books; Money Paid Over To Treasurer; Filing Of Receipt:**

All of the papers, books, warrants and vouchers relating to the collection of special assessments may be examined at any time by the president or any member of the board of trustees. All receipts relating to the collection of special assessments shall be kept in duplicate sets, one of which shall be filed in the office of the clerk.

(Code 1972, § 1-11-6; Ord. 2009-14, § 1, 6-22-2009)

**📖 Sec. 2-206. Delinquent List; Report To County Collector:**

(a) It shall be the duty of the village president, by and through his duly authorized designee, to make a report in writing to the county collector of all the lands, town lots and real estate property on which he has been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant or warrants received by him authorizing the collection thereof. The report shall be accompanied with the oath of the village president or his duly authorized designee that the list is a correct return and report of the lands, town lots and real estate property on which the special assessments levied by authority of the village remain due and unpaid, that he is unable to collect same, or any part thereof, and that he has given the notice required by law, that the warrants had been received by him for collection.

(b) Such report shall be made as aforesaid on or before April 1 in each year as to all special assessments, the warrant for collection of which shall have been received by the village president or his duly authorized designee before March 1 in each year.

(Code 1972, §§ 1-11-7, 1-11-8; Ord. 2009-14, § 1, 6-22-2009)

**📖 Sec. 2-207. Location Of Office:**

(Rep. by Ord. 2009-14, § 1, 6-22-2009)

**📖 Sec. 2-208. Compensation:**

(Rep. by Ord. 2009-14, § 1, 6-22-2009)

**Secs. 2-209-2-225. Reserved:**

**📖 ARTICLE VIII. RESERVED**

Effective at the end of the fiscal year ended December 31, 2019, the provisions of Chapter 2, Administration, Article VIII, Village Collector, of the Justice Municipal Code, shall be and are repealed. (Ord. 2019-21, §1, 06-24-2019)

📖 **Secs. 2-231-2-245. Reserved.**

## 📖 **ARTICLE IX. DEPARTMENT OF SPECIAL EVENTS AND PUBLIC RELATIONS**

📖 **Sec. 2-246. Department Created:**

There is hereby created the department of special events and public relations in and for the village.

(Code 1972, § 1-14-1; Ord. 91-27, § 1, 8-12-1991)

📖 **Sec. 2-247. Composition And Appointment:**

The department shall consist of five (5) members, all of whom shall be residents of the village. They shall be appointed by the president and the board of trustees, voting jointly. They shall serve during the fiscal year of the village, or until their successors have been appointed and qualified. One of their members shall be chosen as chairperson by the department members.

(Code 1972, § 1-14-2; Ord. 91-27, § 2, 8-12-1991)

📖 **Sec. 2-248. Duties:**

The duties of the department of special events and public relations shall be to coordinate any and all special events held in the village with the persons sponsoring such events, such events having been first authorized by the president and board of trustees, together with business firms located in the village and inhabitants of the village, and to promote goodwill between the village and all persons residing in or doing business in the village and in general to promote the welfare of the village.

(Ord. 70-15, 9-3-1970; Code 1972, § 1-14-3; Ord. 91-27, § 3, 8-12-1991)

📖 **Sec. 2-249. Control; Compensation:**

Members of the department of special events and public relations shall be subject to the control of the president and board of trustees of the village at all times in the performance of their duties under the provisions hereof. The compensation of the members shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-14-4; Ord. 84-32, 11-1-1984; Ord. 91-27, § 4, 8-12-1991)

📖 **Sec. 2-250. Auxiliary Members:**

In the discretion of the village board, up to ten (10) auxiliary members of the department of special events and public relations shall be allowed. Appointment of such auxiliary members shall be by the president and board of trustees, voting jointly.

(Ord. 91-27, § 5, 8-12-1991)

**Secs. 2-251-2-265. Reserved:**

## 📖 **ARTICLE X. WATER AND SEWER COLLECTOR**<sup>1</sup>

<sup>1</sup> See [chapter 11](#) of this code.

**Secs. 2-266-2-280. Reserved:**

## 📖 **ARTICLE XI. BUILDING DEPARTMENT ADMINISTRATORS**<sup>2</sup>

<sup>2</sup> See [chapter 8](#); § [3-388](#) of this code.

### 📖 **Sec. 2-281. Positions Created; General Duties:**

(a) There is hereby created the positions of building department administrators of the village, vested with the administration of this code and consisting of the building commissioner, deputy building commissioner, chief electrical inspector, chief plumbing inspector, and the chief boiler, heating, ventilation and refrigeration inspector.

(b) All officers and employees of the building department shall be under the direction and supervision of the building commissioner, and shall perform such duties as may be required of them by the building commissioner and by provisions of this article.

(Code 1972, § 1-22-1)

### 📖 **Sec. 2-282. Building Commissioner:**

(a) *Qualifications:* The building commissioner shall be the head of the building department and may be a registered architect, registered structural engineer, registered professional engineer, carpenter or with at least ten (10) years' responsible experience in the construction industry or a related field.

(b) *Appointment:* The appointment of the building commissioner shall be by the president of the board of trustees by and with the concurrence of the village board.

(c) *Functions:* The building commissioner shall be responsible for maximum working efficiency of any and all inspectors, careful examination of drawings and plans and diligent inspections of all buildings, structures and mechanical installations. All building permits are to be written by the building commissioner. All monies due for permits are to be collected by the village upon issuance of permits to applicant. All issuance of village violations shall be the responsibility of the building department inspectors. All issuance of citations and levying of fines for building, electrical, plumbing, heating, air conditioning, ventilation and refrigeration violations shall be the responsibility of the building commissioner, the president of the board of trustees, the chairman of the building department or the chief of police.

(d) *Term Of Office:* The term of office of the building commissioner will be for one (1) year beginning May 1 and ending April 30 of the following year, and subject to section [2-27](#) of this code.

(e) *Salary:* The salary of the building commissioner shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-22-2; Ord. 2009-15, § 4, 6-22-2009; Ord. 2012-24, § 4, 9-24-2012)

### **Sec. 2-283. Deputy Building Commissioner:**

(a) *Qualifications:* The deputy building commissioner may be a registered architect, registered structural engineer, registered professional engineer, carpenter or with at least five (5) years' responsible experience in the construction industry or a related field.

(b) *Appointment:* The appointment of the deputy building commissioner shall be by the president of the board of trustees by and with the concurrence of the village board.

(c) *Functions:* The deputy building commissioner's duties are such duties as may be assigned to him or her by the building commissioner and the chairman of the building department in the event of the illness, absence or inability of the building commissioner to act. The deputy building commissioner is hereby authorized to perform all duties of the building commissioner in enforcing the building code of the village and such other provisions of this code as may be pertinent.

(d) *Term Of Office:* The term of office of the deputy building commissioner will be for one (1) year beginning May 1 and ending April 30 of the following year, and subject to section [2-27](#) of this code.

(e) *Salary:* The salary of the deputy building commissioner shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-22-3; Ord. 2012-24, § 5, 9-24-2012)

### **Sec. 2-284. Chief Building Inspector:**

(a) *Qualifications:* The chief building inspector shall have had at least five (5) years' experience in the design and construction of buildings.

(b) *Appointment:* The appointment of the chief building inspector shall be by the president of the board of trustees by and with the concurrence of the village board.

(c) *Functions:* The chief building inspector shall perform all general building inspections which are not the responsibility of other chief inspectors established in this article. He or she shall issue violation notices. A copy of each violation notice shall be given to the building commissioner.

(d) *Term Of Office:* The term of office of the chief building inspector will be for one (1) year beginning May 1 and ending April 30 of the following year, and subject to section [2-27](#) of this code.

(e) *Salary*: The salary of the chief building inspector shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-22-4; Ord. 2012-24, § 6, 9-24-2012)

**📖 Sec. 2-285. Chief Electrical Inspector:**

(a) *Qualifications*: The chief electrical inspector shall have had at least five (5) years' experience as a registered electrical engineer or electrician in electrical installation work.

(b) *Appointment*: The appointment of the chief electrical inspector shall be by the president of the board of trustees by and with the concurrence of the village board.

(c) *Functions*: The chief electrical inspector shall be in charge of all electrical applications. He or she shall write all electrical permits and shall inspect all electrical installations, which include signs, electric or nonelectric. He or she shall issue violation notices. A copy of each violation notice shall be given to the building commissioner.

(d) *Term Of Office*: The term of office of the chief electrical inspector shall be for one (1) year beginning May 1 and ending April 30 of the following year, and subject to section [2-27](#) of this code.

(e) *Salary*: The salary of the chief electrical inspector shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-22-5; Ord. 2012-24, § 7, 9-24-2012)

**📖 Sec. 2-286. Chief Plumbing Inspector:**

(a) *Qualifications*: The chief plumbing inspector shall have had at least five (5) years' experience in planning installation and be a licensed plumber.

(b) *Appointment*: The appointment of the chief plumbing inspector shall be by the president of the board of trustees by and with the concurrence of the village board.

(c) *Functions*: The chief plumbing inspector shall be in charge of all plumbing permits. He or she shall write all plumbing permits and shall inspect all plumbing including tank and water heater installations. He or she shall issue violation notices. A copy of each violation notice shall be given to the building commissioner.

(d) *Term Of Office*: The term of office of the chief plumbing inspector shall be for one (1) year beginning May 1 and ending April 30 of the following year, and subject to section [2-27](#) of this code.

(e) *Salary*: The salary of the chief plumbing inspector shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-22-6; Ord. 2012-24, § 8, 9-24-2012)

**📖 Sec. 2-287. Chief Boiler, Heating, Ventilation And Refrigeration Inspector:**

(a) *Qualifications:* The chief boiler, heating, ventilation and refrigeration inspector may be a registered professional engineer with at least five (5) years' experience or a qualified mechanic with at least ten (10) years' responsible experience in the design, installation and/or inspection of warm air heating systems, air conditioning systems, ventilating units, industrial sanitation ventilation installations, steam and hot water boilers, unfired pressure vessels and refrigeration equipment.

(b) *Appointment:* The appointment of the chief boiler, heating, ventilation and refrigeration inspector shall be by the president of the board of trustees by and with the concurrence of the village board.

(c) *Functions:* The chief boiler, heating, ventilation and refrigeration inspector shall inspect all old and new heating and ventilating devices installed in the village and determine whether there is a fire hazard or a health hazard to the inhabitants of the village. He or she shall issue violation notices. A copy of each violation notice shall be given to the building commissioner.

(d) *Term Of Office:* The term of office of the chief boiler, heating, ventilation and refrigeration inspector will be for one (1) year beginning May 1 and ending April 30 of the following year, and subject to section [2-27](#) of this code.

(e) *Salary:* The salary of the chief boiler, heating, ventilation and refrigeration inspector shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-22-7; Ord. 79-33, 12-6-1979; Ord. 2012-24, § 9, 9-24-2012)

**Secs. 2-288-2-305. Reserved:**

## **ARTICLE XII. SPECIAL ASSESSMENT ATTORNEY<sup>1</sup>**

<sup>1</sup> 65 ILCS 5/9-3-4.

**Sec. 2-306. Office Created:**

There is hereby created the office of special assessment attorney in and for the village. The special assessment attorney shall have charge of the filing of all special assessments.

(Code 1972, § 1-24-1)

**Sec. 2-307. Qualifications<sup>2</sup>:**

The special assessment attorney shall be an attorney at law duly licensed to practice in the state by the supreme court of Illinois.

(Code 1972, § 1-24-2)

<sup>2</sup> 705 ILCS 205/1 et seq.

**Sec. 2-308. Appointment:**

The special assessment attorney shall be appointed by the president of the village by and with the consent and approval of the board of trustees of the village.



(Code 1972, § 1-24-3)

**Sec. 2-309. Term Of Office:**

The special assessment attorney shall hold office from May 1 of the year of his or her appointment until April 30 of the following year, or until his or her successor has been appointed and qualified.

(Code 1972, § 1-24-4)

**Secs. 2-310-2-330. Reserved:**

**ARTICLE XIII. ECONOMIC DEVELOPMENT DEPARTMENT ADMINISTRATORS**

**Sec. 2-331. Office of Economic Development Director:**

There is hereby created and established the office of Economic Development Director. (Ord. 2019-22, §1, 06-24-2019)

**Sec. 2-332. Economic Development Director:**

(a) *Qualifications:* The Economic Development Director shall have considerable experience in economic and community development, and shall be a graduate of a four-year college or university, preferably with specialization in economic and community development or a related field; or any equivalent combination of experience and training. He/She shall have a working knowledge of business development, community and economic development, municipal zoning and infrastructure, planning programs and processes, and the ability to prepare and analyze reports and data. (Ord. 2019-22, §1, 06-24-2019)

(b) *Duties and Powers:* The Economic Development Director shall oversee all economic and community development plans and programs, and work with the public and private sector to promote business and economic development in the Village. He/She shall assist in the planning and coordination of community development projects, assist business and residential applicants with local and State permitting processes, and provide research for Village-sponsored projects. The Economic Development Director shall assist in the development of short-term and long-term economic and community development plans by preparing and maintaining information on utilities, taxes, zoning, transportation, community services, financing tools, and incentives; shall respond to requests for information for economic development purposes; and shall coordinate with other departments and agencies as needed. The Economic Development Director shall prepare grant proposals and applications, contracts and other documents as may be required for community services. (Ord. 2019-22, §1, 06-24-2019)

(c) *Tax Increment Financing:* The Economic Development Director shall be the TIF Administrator. (Ord. 2019-22, §1, 06-24-2019)

(d) *Compensation:* The annual salary of the Economic Development Director shall be in accordance with Section 2-34 of this chapter. (Ord. 2019-22, §1, 06-24-2019)

**Sec. 2-333. Economic Development Coordinator:**

(a) *Hiring:* The Economic Development Coordinator shall be an employee of the Village who shall be hired by the Corporate Authorities of the Village. (Ord. 2019-22, §1, 06-24-2019)

(b) *Qualifications:* The Economic Development Coordinator shall have experience in economic and community development; shall be a graduate of a four-year college or university with a degree in business, public administration, urban planning or a directly related field, and/or experience in community planning and development in a municipal environment; or shall have any equivalent combination of experience and additional education or training that provides the knowledge, skills, and abilities to perform this work. (Ord. 2019-22, §1, 06-24-2019)

(b) *Duties and Powers:* The Economic Development Coordinator shall assist with the development and pursuit of the Village's economic development plan. He/She shall identify opportunities for economic development and shall be familiar with the existing inventory of buildings and sites available for development or occupation within the Village. The Economic Development Coordinator shall assist local organizations, businesses and individuals with economic development opportunities. He/She shall conduct surveys, research market opportunities, identify and seek the award of development program opportunities, prepare proposals for funding economic development, identify opportunities for joint ventures, assist in preparing business and marketing plans, develop community and regional networks, conduct site visits, and monitor business results. The Economic Development Coordinator shall maintain files and records relative to his responsibilities, and he/she shall develop a business registry and Economic Development website. (Ord. 2019-22, §1, 06-24-2019)

(c) *Compensation:* The annual salary of the Economic Development Coordinator shall be in accordance with Section 2-34 of this chapter. (Ord. 2019-22, §1, 06-24-2019)

**Sec. 2-334-2-355. Reserved.**

**ARTICLE XIV. SANITATION AND DRAINAGE INSPECTOR<sup>4</sup>**

<sup>4</sup> See also [chapter 5](#), "Health And Sanitation"; [chapter 10](#), "Streets, Sidewalks, Driveways And Parking Lots"; and [chapter 11](#), "Utilities", of this code.

**Sec. 2-356. Office Created:**

There is hereby created the office of sanitation and drainage inspector for the village.

(Code 1972, § 1-28-1)

**Sec. 2-357. Appointment:**

The sanitation and drainage inspector shall be appointed by the president of the village with the consent and approval of the board of trustees.

(Code 1972, § 1-28-2)

**Sec. 2-358. Duties:**

The sanitation and drainage inspector shall conduct regular inspections of the sewer and drainage facilities and shall report to the public works director and the chairman in charge of the drainage committee, and the sewer and water advisory committee of the board of trustees.

(Code 1972, § 1-28-3)

**Sec. 2-359. Number Of Inspectors:**

The number of persons who shall be appointed to the office of sanitation and drainage inspector shall be determined by the president of the village board and the board of trustees.

(Code 1972, § 1-28-5)

**Sec. 2-360. Term:**

The term of office for the sanitation and drainage inspector shall be for one year beginning May 1 and ending April 30 of the following year.

(Code 1972, § 1-28-6)

**Sec. 2-361. Compensation:**

The compensation for the sanitation and drainage inspector shall be in accordance with section [2-34](#) of this chapter.

(Code 1972, § 1-28-7; Ord. 77-29, 5-19-1977)

**Secs. 2-362-2-380. Reserved:**

**ARTICLE XV. CIVIL EMERGENCIES<sup>1</sup>**

<sup>1</sup> See also [chapter 4](#), "Fire Prevention And Protection"; [chapter 9](#), "Police Department"; and Chapter 3 of this code.

**Sec. 2-381. Definitions:**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Civil emergency* shall mean: (i) 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 (ii) any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the village, resulting in or threatening 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.

*Curfew* shall mean prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the

corporate limits of the village except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(Code 1972, § 1-19-1; Ord. 2003-07, § 1, 3-24-2003; Ord. 2020-21, §1, 04-13-2020)

 **Sec. 2-382. Written Declaration:**

Whenever a civil emergency exists, the village president is authorized to declare the existence of a Local State of Emergency by means of a written declaration. The declaration shall be made under oath, setting forth the facts which constitute the civil emergency, describe the nature of the civil emergency, and declare that a Local State of Emergency exists in accordance with the definitions set forth in this article. The declaration shall be filed with the village clerk as soon as practicable after issuance.

(Code 1972, § 1-19-2; Ord. 2020-21, §1, 04-13-2020)

 **Sec. 2-383. Curfew:**

After proclamation of a civil emergency by the president, he may order a general curfew applicable to such geographical areas of the village or to the village as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

(Code 1972, § 1-19-3)

 **Sec. 2-384. Issuance Of Orders:**

After the declaration of a Local State of Emergency, the village president may, in addition to such other powers, take any or all of the following actions by executive order during the state of civil emergency in the interest of public safety and welfare, and to address the issues caused or threatened by the civil emergency:

- (a) do all things reasonably necessary to respond to the civil emergency;
- (b) approve previously appropriated expenditures of the village for the purpose of continuing the operations of the municipality;
- (c) in the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the village president shall be authorized to approve new spending by the village during the existence of the Local State of Emergency;
- (d) order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;

- (e) order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- (f) order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle; and
- (g) order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Any executive order may prescribe a penalty for a violation thereof in an amount not to exceed seven hundred fifty (\$750.00) dollars.

(Code 1972, § 1-19-4; Ord. 2020-21, §1, 04-13-2020)

**📖 Sec. 2-385. Effective Period:**

A declaration of a Local State of Emergency issued by the village president shall be effective for a period of up to forty-eight (48) hours after declaration, or until the adjournment of the next regular or special meeting of the board of trustees, whichever comes first, unless sooner terminated by a proclamation of the village president indicating that the civil emergency no longer exists. The village president shall have the power to re-proclaim the existence of a civil emergency at the end of each forty-eight (48) hour period during the time said civil emergency exists.

(Code 1972, § 1-19-5; Ord. 2020-21, §1, 04-13-2020)

**📖 Sec. 2-386. Advertisement, Posting Of Proclamation:**

Upon issuing the proclamation of a civil emergency authorized in this article, the chief of police shall notify the news media situated within the village and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the village: the village hall, the police station and the post office.

(Code 1972, § 1-19-6)

**📖 Sec. 2-387. Interpretation Regarding Powers Of Police And Fire Departments:**

Nothing contained in this article shall be construed to impair the powers contained in this code giving powers to the police and fire departments, but shall be construed together with existing provisions now in effect for the safety and welfare of the citizens of the village.

(Ord. 68-18, 10-17-1968; Code 1972, § 1-19-7)

**Secs. 2-388-2-400. Reserved:**

**📖 ARTICLE XVI. TAXATION<sup>1</sup>**

<sup>1</sup> 35 ILCS. See also [chapter 3](#), "Business Regulations"; § [3-61](#) et seq., "License Fees"; § [4-18](#), "Fire Insurance Tax Fund", of this code.

**📖 DIVISION 1. GENERALLY**

**📖 Sec. 2-401. Police Protection Tax<sup>2</sup>:**

An annual tax is hereby imposed for the purpose of police protection in the village at the rate of seventy five thousandths percent (0.075%) of the value as equalized or assessed by the state department of revenue for all taxable property therein, in accordance with the provisions of 65 Illinois Compiled Statutes 5/11-1-3.

(Ord. 69-21, 9-4-1969; Code 1972, § 1-20-1)

<sup>2</sup> See also [chapter 9](#), "Police Department", of this code.

**📖 Sec. 2-402. Fire Protection Tax<sup>3</sup>:**

An annual tax is hereby imposed for the purpose of fire protection in the village at the rate of seventy five thousandths percent (0.075%) of the value, as equalized or assessed by the state department of revenue, for all taxable property therein, in accordance with the provisions of 65 Illinois Compiled Statutes 5/11-7-1 and 5/11-7-3.

(Ord. 69-22, 9-4-1969; Code 1972, § 1-21-1)

<sup>3</sup> See also [chapter 4](#), "Fire Prevention And Protection", of this code.

**📖 Sec. 2-403. Use Tax<sup>1</sup>:**

A use tax shall be imposed by the village pursuant to 65 Illinois Compiled Statutes 5/8-11-1.1 et seq., as amended from time to time.

(Ord. 86-39, § I, 12-15-1986; Ord. 88-20, § 1, 8-22-1988; Ord. 2005-01, § 8, 1-10-2005)

<sup>1</sup> See also § [3-2](#), "License And Permit Applications", of this code.

**Secs. 2-404-2-420. Reserved:**

**📖 DIVISION 2. RETAILERS' OCCUPATION TAX<sup>1</sup>**

<sup>1</sup> See also § [3-2](#), "License And Permit Applications", of this code.

**📖 Sec. 2-421. Imposed:**

A retailers' occupation tax shall be imposed by the village pursuant to 65 Illinois Compiled Statutes 5/8-11-1.1 et seq., as amended from time to time.

(Code 1972, § 3-19-1; Ord. 2005-01, § 9, 1-10-2005)

**Secs. 2-422-2-435. Reserved:**

**📖 DIVISION 3. SERVICE OCCUPATION TAX**

**📖 Sec. 2-436. Imposed:**

A service occupation tax shall be imposed by the village pursuant to 65 Illinois Compiled Statutes 5/8-11-1.1 et. seq., as amended from time to time.

(Code 1972, § 3-20-1; Ord. 2005-01, § 10, 1-10-2005)

**Secs. 2-437-2-455. Reserved:**

## **DIVISION 4. TAXATION OF OCCUPATIONS OR PRIVILEGES<sup>2</sup>**

<sup>2</sup> Prior ordinance history: 1972 Code §§ 3-23-1, 3-23-2, 3-23-3, 3-23-4, 3-23-5, 3-23-6, 3-23-7, 3-23-8, 3-23-9; Ord. 86-1, 1-27-1986; Ord. 88-22, 9-12-1988.

### **Sec. 2-456. Imposed:**

The corporate authorities of the village may tax the occupations or privileges, cigarettes and motor vehicles as provided in 65 Illinois Compiled Statutes 5/8-11-2 through 8-11-4 as amended from time to time.

(Ord. 2005-01, § 11, 1-10-2005)

### **Sec. 2-457. Municipal Hotel Use Tax:**

(a) *Tax Imposed:* A tax is hereby imposed upon the privilege of renting or leasing rooms in a hotel, as defined in § 2 Hotel Operators' Occupation Tax Act, 35 ILCS 145/2, within the village at a rate of five percent (5%) of the rental or lease payment. Provided, however, the tax imposed shall not apply to permanent residents of the hotel, to directors, officers, agents or employees of the hotel who for, or in connection with, the transaction of business for the hotel occupy rooms, or to that portion of rental or lease payments paid by persons occupying an extended stay hotel facility, as defined in Section [8-42.1](#) of this code, corresponding to any day beyond the thirtieth (30th) consecutive day of that person's stay (i.e., the tax shall be applicable to rental or lease payments for the privilege of renting or leasing rooms for the first thirty (30) days of occupancy). The tax herein imposed shall be in addition to all other taxes imposed by the village.

(b) *Use of Tax Proceeds:* Proceeds of the tax imposed hereby shall be used to promote tourism, conventions, and to attract non-resident overnight visitors to the village. The proceeds of the tax imposed by this section shall not be used to advertise for or otherwise promote new competition in the hotel business.

(c) *Payment and Collection:* Each hotel shall collect the municipal hotel use tax imposed by this section from the person making the rental or lease payment at the time payment is tendered to the hotel. The hotel shall, as trustee, remit the tax to the village as required herein. The hotel shall file tax returns, in a form to be provided or approved by the village, reflecting tax receipts received during each month. At the time of filing said tax returns, the hotel shall remit to the village treasurer all tax proceeds due for the period to which the tax return applies.

(d) *Incidence of Tax:* The incidence of the tax imposed by this section shall be borne of the person renting or leasing rooms in the hotel.

(e) *Tax Returns:* Each hotel shall file tax returns showing tax receipts received with respect to the hotel during each three (3) month period ending on March 31, June 30, September 30 and December 31 of each year, within ten (10) days after the end of the respective period, upon forms prescribed by the village treasurer. At the time of filing, the hotel shall tender to the village treasurer payment representing the full amount of all tax proceeds due for the period to which the tax return applies.

(f) *Books and Records:* Every hotel shall keep complete and accurate books and records of rental or lease charges, payments, and taxes collected or not collected. At a minimum, the hotel shall keep books and records containing the following information: (1) the number of rooms rented or leased during a 24-hour period, including multiple rentals/leases of the same room; (2) the amount of the rental or lease charges; (3) the amount of the rental or lease payments collected; (4) the amount of taxes assessed and collected; and (4) the actual receipts of the hotel evidencing the proof of the aforementioned.

(g) *Access to Books and Records:* The village treasurer, auditor or other designated representative shall have full authority and access to each hotel's books and records to ensure the proper administration and collection of taxes pursuant to this section. Said authority and access shall be granted upon forty eight (48) hours written notice. It shall be unlawful for any person or hotel to prevent, hinder or interfere with the village treasurer, auditor, or other designated representative in the discharge of his/her duties in the enforcement of this section.

(h) *Interest:* Taxes not remitted by a hotel to the village in a timely manner shall accrue interest in the amount of one percent (1%) of the total tax not remitted per month.

(i) *Penalty:* Any person who fails or refuses to pay the tax imposed by this section, or any hotel that fails or refuses to comply with its obligations as set forth in this section, shall be fined seven hundred fifty dollars (\$750.00) for each offense. A separate and distinct offense shall be deemed to have been committed each day a violation occurs, exists or continues.

(j) *Suit for Enforcement or Collection:* The village is hereby authorized to initiate legal proceedings against any person or hotel to: 1) enforce compliance with the provisions of this section; 2) prevent future violations of this section; 3) collect taxes not paid or not remitted to the village as required by this section; 4) to impose liability for fines for violating the provisions of this section; and/or for any other reason deemed necessary.

(k) *Suspension/Revocation of License:* It shall be cause for the suspension and/or revocation of a hotel's business license to violate the provisions of this section. The village president is hereby authorized to hear and decide charges filed against a hotel seeking the suspension and/or revocation of its business license. Charges shall be initiated by the village prosecutor. The charges shall identify the specific grounds that constitute cause for the suspension/revocation. Once charges are filed, the village president shall send written notice of the charges and a hearing date to the prosecutor and hotel by certified mail, return receipt requested, at least five (5) days before the date set for hearing. A party may but is not required to be represented by an attorney. Formal rules of evidence will not apply at the hearing, but all parties will have an opportunity to submit evidence, question and cross-examine witnesses, and argue their case. The village attorney shall represent the village president at the hearing and rule on any evidentiary questions. The village president shall preside over the hearing and render a decision on the charges. The decision shall be in writing and delivered to the parties in open proceeding. A suspension or revocation of a business license shall not release or discharge the hotel from its obligations or liability under this section.

(l) *Appeal:* Any party aggrieved by the decision of the village president in connection with charges related to the revocation/suspension of a business license may appeal that decision to the board of trustees. The appeal shall be filed with the village clerk no later than ten (10) days after the village president's decision is rendered, setting forth grounds for the appeal, and the reason



why modification or reversal of the decision is appropriate. No new evidence shall be allowed at the hearing on appeal and the board of trustees' review of the village president's decision shall be limited to the record before the village president. The board of trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the parties as set forth in subsection (k). The decision of the board of trustees on appeal shall be final.

(Ord. 2013-04, § 1, 3-25-2013)

**Secs. 2-458-2-464. Reserved:**

## **DIVISION 5. CANNABIS RETAILERS' OCCUPATION TAX**

 **Sec. 2-465. Cannabis Retailers' Occupation Tax Imposed:**

A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village at the rate of three (3%) percent of the gross receipts from these sales made in the course of that business.

 **Sec. 2-466. Tax Collections; Reimbursement:**

(a) Each retailer shall collect and remit to the Illinois Department of Revenue the tax imposed under this division.

(b) A retailer may reimburse itself for its tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any Illinois tax the retailer is required to collect.

 **Sec. 2-467. Administration and Enforcement:**

(a) The Illinois Department of Revenue shall have full power and authority to administer and enforce the provisions of this division.

(b) The tax imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue.

(c) Any tax required to be collected, and any tax collected by such retailer and required to be remitted to the Illinois Department of Revenue, shall constitute a debt owed by the retailer to the State of Illinois. (Ord. 2019-29, §1, 09-26-2019)

 **Sec. 2-468-2-472. Reserved.**

## **DIVISION 6. MUNICIPAL AMUSEMENT TAX<sup>3,4</sup>**

<sup>3</sup> See also § [3-121](#) et seq., of this code.

<sup>4</sup> Prior ordinance history: Ord. 2000-12, § 1, 2-28-2000.

**Sec. 2-473. Title:**

This division shall be known and may be cited as the VILLAGE OF JUSTICE AMUSEMENT TAX ORDINANCE. The tax herein imposed is in addition to all other taxes imposed by the village of Justice, the state of Illinois or any municipal corporation or political subdivision of any of the foregoing.

(Ord. 2000-56, § 1, 10-23-2000)

**Sec. 2-474. Definitions:**

For purposes of this division:

*Amusement:* Any exhibition, performance, presentation or show for entertainment purposes, including, but not limited to, any theatrical, dramatic, musical or spectacular performance, promotional show, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition, such as boxing, wrestling, skating, dancing, swimming, riding on animals or vehicles, baseball, basketball, softball, soccer, football, tennis, miniature golf, golf practice center, golf driving range, hockey, track and field games, bowling, or billiard and pool games.

For purposes of this division, "amusement" shall not mean any recreational activity offered for public participation or on a membership or other basis, including, but not limited to, carnivals, amusement park rides and games, bowling, billiards and pool games, dancing, tennis, golf, racquetball, swimming, weightlifting, bodybuilding or similar activities.

For purposes of this division, "amusement" shall not mean raffles, as defined in 230 Illinois Compiled Statutes 15/1, as now or hereafter amended, intertrack wagering facilities, as defined in 230 Illinois Compiled Statutes 5/3, as now or hereafter amended, or automatic amusement devices.

*Automatic Amusement Devices:* Any machine which upon the insertion of a coin, slug, token, or similar object may be operated generally by any person for use as a game, entertainment or amusement, whether or not registering a score, and includes, but is not limited to, such devices as jukeboxes, marble machines, pinball machines, video games, movie or video booths or stands and all games, operations or transactions similar thereto under whatever name by which they may be indicated.

*Department Or Department Of Revenue:* The village of Justice.

*Owner:*

(1) With respect to the owner of a place where an amusement is being held, any person who has an ownership or leasehold interest in a building, structure, vehicle, boat, area or other place who presents, conducts or operates an amusement in such place or who allows, by agreement or otherwise, another person to present, conduct or operate an amusement in such place;

(2) With respect to the owner of an amusement, any person who has an ownership or leasehold interest in such amusement or any person who has a proprietary interest in the amusement so as to entitle such person to all or a portion of the proceeds, after payment of

reasonable expenses, from the operation, conduct or presentation of such amusement, excluding proceeds from nonamusement services and from sales of tangible personal property.

*Person:* Any natural individual, firm, society, foundation, institution, partnership, limited liability company, association, joint stock company, joint venture, public or private corporation, receiver, executor, trustee or other representative appointed by the order of any court, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular and plural are included in any circumstance.

(Ord. 2000-56, § 1, 10-23-2000; Ord. 2001-03, § 1, 2-12-2001; Ord. 2009-14, § 3, 6-22-2009)

 **Sec. 2-475. Tax Imposed:**

(a) An amusement tax is imposed upon the patrons of any amusement which takes place within the village, in an amount equal to five percent (5%) of the admission fees or other charges paid for the privilege to enter, to witness or to view such amusement; provided, however, that this tax shall not be imposed upon the privilege of witnessing or participating in any stock show or business show that is not open to the general public or, except as limited below, be imposed upon the privilege of witnessing or participating in any amusement sponsored or conducted by and the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of:

(1) Religious, educational and charitable institutions, societies or organizations;

(2) Societies or organizations for the prevention of cruelty to children or animals;

(3) Societies or organizations conducted for the sole purpose of maintaining symphony orchestras, opera performances and artistic presentations, including, but not limited to, musical presentations, and receiving substantial support from voluntary contributions;

(4) Societies or organizations conducted and maintained for the purpose of civic improvement;

(5) Fraternal organizations, legion posts, social and political groups which conduct amusements, sponsored occasionally but not more often than twice yearly for periods not longer than thirty (30) days;

Provided, however, that the entities described in subsections (a)(1) to (a)(5) of this section are not for profit institutions, organizations, groups or societies, where no part of the net earnings inure to the benefit of any person;

(6) Organizations or persons in the armed services of the United States, or national guard organizations, reserve officers' associations, or organizations or posts of war veterans, or auxiliary units or societies of such posts or organizations, if such posts, organizations, units or societies are organized in the state of Illinois, and if no part of their earnings inure to the benefit of any person;

(7) Organizations or associations created and maintained for the purpose of benefiting the members, or dependents or heirs of members, of the police or fire departments of any political subdivision of the state of Illinois.

(b) The tax imposed in subsection (a) of this section shall not apply to or be imposed upon:

(1) The admission fees to witness live performances of professional theater companies in any auditorium or theater in the village, whose maximum seating capacity, including all balconies, is not more than seven hundred fifty (750) persons.

A "professional theater company", as used in this division, is hereby defined as any society, organization, association, corporation or entity which advances the cultural interests of the village of Justice through the production of live theatrical and dramatic presentations of plays, musicals or operas to a seated audience in the village.

(2) Initiation fees and membership dues paid to a health club, racquetball club, tennis club or a similar club or organization, when such club or organization is organized and operated on a membership basis and for the recreational purposes of its members and its members' guests, shall be exempt from the tax imposed in subsection (a) of this section. This exemption shall not be construed to apply to any fees paid or based upon a per event or a per admission basis.

(3) Fees or other charges paid by a patron for the privilege of witnessing, viewing or participating in an amusement, solely within the confines of such patron's home, shall be exempt from the imposition of the tax imposed in subsection (a) of this section. For purposes of this exemption, "home" means the permanent dwelling residence of the patron. For patrons who live in condominium buildings, apartment buildings or other multiple-unit structures, the individual dwelling unit the patron occupies shall be considered the patron's home.

(c) (1) In the case of any amusement for which a full exemption from payment of the amusement tax is provided in this division, written application for such exemption shall be filed with the village of Justice by the person or persons who are sponsoring or conducting the amusement or who are required to collect the tax, on forms prescribed by the village of Justice collector, at least fifteen (15) days prior to the holding of such amusement. This requirement shall not apply, however, if the requirement contained in subsection (c)(2) of this section is satisfied.

(2) In the event that live performances are conducted by a professional theater company in an auditorium or theater that has a maximum seating capacity, including all balconies, of not more than seven hundred fifty (750) persons as provided in subsection (b)(1) of this section, the auditorium or theater may apply to the village for an exemption not to exceed three (3) years upon providing proof of its seating capacity. This exemption may be renewed for additional periods, each renewal period not to exceed three (3) years, upon a showing to the village that the maximum seating capacity of the auditorium or theater does not exceed seven hundred fifty (750) persons.

(d) For the purpose of determining the amount of the amusement tax due under this division, admission fees or other charges shall be computed exclusive of any federal, state or municipal taxes imposed upon the amusement patron and any separately stated charges for nonamusement services or for sales of tangible personal property.

(e) It is unlawful for any person to produce, present or conduct any amusement, without collection of the tax, except as provided in this division.

(Ord. 2000-56, § 1, 10-23-2000; Ord. 2009-14, § 3, 6-22-2009)

**📖 Sec. 2-476. Registration:**

Every owner, manager or operator of an amusement or of a place where an amusement is being held in the village, shall apply for registration as a tax collector with the village no later than thirty (30) days after commencing such business or thirty (30) days after the effective date hereof, whichever occurs later. Application for registration shall be made to the village by use of the form furnished by the village for such purpose and shall contain such information as the village may reasonably require.

(Ord. 2000-56, § 1, 10-23-2000)

**📖 Sec. 2-477. Collection, Payment And Accounting:**

(a) It shall be the duty of every owner, manager or operator of an amusement or of a place where an amusement is being held to secure from each patron the tax imposed by this division and to remit the tax to the village of Justice not later than the last day of each calendar month for all admission fees or other charges received during the immediately preceding calendar month. A verified statement of admission fees or charges in a form prescribed by the village of Justice collector shall accompany each remittance. Acceptance by the village of any amount tendered in payment of the tax shall be without prejudice to any claim, demand or right on account of any deficiency.

(b) Canceled admission tickets and complete and accurate records, books and accounts in detail of all receipts shall be kept at the place of amusement or such other place in the village as may be designated in writing by the person liable for collection of the tax. All such books, records and accounts shall be open to inspection by the village at all reasonable times during business hours.

(c) Every owner, manager, or operator who is required to collect the tax imposed by this division shall be considered a tax collector for the village. All amusement taxes collected shall be held by such tax collector as trustee for and on behalf of the village. The failure of the tax collector to collect the tax shall not excuse or release the patron from the obligation to pay the tax.

(d) Notwithstanding any other provision of this division, in order to permit sound fiscal planning and budgeting by the village, no person shall be entitled to a refund of, or credit for, the tax imposed by this division unless the person files a claim for refund or credit within one year after the date on which the tax was paid or remitted to the village.

(Ord. 2000-56, § 1, 10-23-2000; Ord. 2009-14, § 3, 6-22-2009)

**📖 Sec. 2-478. Rules And Regulations-Authorized:**

The village of Justice is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this division.

(Ord. 2000-56, § 1, 10-23-2000; Ord. 2009-14, § 3, 6-22-2009)

**📖 Sec. 2-479. Application Of Uniform Penalties, Interest And Procedures Ordinance:**

Whenever not inconsistent with the provisions of this division or whenever this division is silent, the provisions of the uniform penalties, interest and procedures ordinance, shall apply and supplement this division.

(Ord. 2000-56, § 1, 10-23-2000)

**Sec. 2-480. Penalty:**

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of this division shall be fined up to seven hundred fifty dollars (\$750.00) a day that the violation exists and in addition, shall be liable in a civil action for the amount of tax due.

(Ord. 2000-56, § 1, 10-23-2000)

## **DIVISION 7. MOTOR FUEL TAX**

**Sec. 2-481. Definitions:**

All words, terms and phrases used in this division shall have the meanings ascribed to them in the Municipal Motor Fuel Tax Law, 65 ILCS 5/8-11-2.3.

(Ord. 2019-32, §1, 09-26-2019; Ord. 2020-08, §1, 01-27-2020; Ord. 2020-17, §1, 3-9-2020)

**Sec. 2-482. Tax Imposed:**

A tax is hereby imposed upon all persons engaged in the business of selling motor fuel at retail in the village for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways at a rate of three cents (\$0.03) per gallon of motor fuel sold at retail for the purpose of use or consumption and not for purpose of resale. The tax is not imposed upon aviation fuel, as defined in Section 3 of the Retailers' Occupation and Tax Act.

(Ord. 2019-32, §1, 09-26-2019; Ord. 2020-08, §1, 01-27-2020)

**Sec. 2-483. Administration and Enforcement:**

(a) Each retailer shall remit to the Illinois Department of Revenue the tax imposed under this division.

(b) A retailer may reimburse itself for its tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any Illinois tax the retailer is required to collect, pursuant to such bracket schedules as the Illinois Department of Revenue may prescribe.

(c) The tax imposed, and all civil penalties that may be assessed as an incident thereof, shall be administered, collected, and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to: (i) administer and enforce this division; (ii) collect all taxes and penalties due hereunder; (iii) dispose of taxes and penalties so collected in the manner prescribed by law; and (iv) determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

(Ord. 2019-32, §1, 09-26-2019; Ord. 2020-08, §1, 01-27-2020; Ord. 2020-17, §2, 3-9-2020)

## **ARTICLE XVII. BOARDS AND COMMISSIONS**

### **DIVISION 1. GENERALLY**

**Secs. 2-484-2-495. Reserved:**

### **DIVISION 2. EMERGENCY MANAGEMENT AGENCY AND DEPARTMENT OF HOMELAND SECURITY**

**Sec. 2-496. Created; Purpose; Composition:**

(a) There is hereby created the village of Justice emergency management agency and department of homeland security (JEMA) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or manmade disaster, in accordance with the "Illinois emergency management agency act" 20 Illinois Compiled Statutes 3305/10.

(b) The JEMA shall consist of the JEMA coordinator (the "coordinator") and such additional members as may be selected by the coordinator.

(Ord. 2006-05, § 1, 2-13-2006)

**Sec. 2-497. Coordinator:**

The JEMA coordinator shall be appointed by the village president and shall serve until removed by same. The coordinator shall have direct responsibility for the organization, administration, training, and operation of the JEMA, subject to the direction and control of the village president as provided by statute.

In the event of the absence, resignation, death or inability to serve as the coordinator, the village president or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this division.

(Ord. 2006-05, § 1, 2-13-2006)

**Sec. 2-498. Functions, Duties:**

The JEMA shall perform such emergency management functions within the village as shall be prescribed in and by the state emergency operations plan and program prepared by the governor,

and such orders, rules and regulations as may be promulgated by the governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the Illinois emergency management agency act.

(Ord. 2006-05, § 1, 2-13-2006)

**📖 Sec. 2-499. Mobile Support Team:**

(a) All or any members of the JEMA organization may be designated as members of a mobile support team created by the director of the state of Illinois emergency management agency. The leader of such mobile support team shall be designated by the JEMA coordinator.

(b) Any member of a mobile support team who is a village employee or officer while serving on call to duty by the governor, or the state director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the village, while so serving, shall receive from the state reasonable compensation as provided by law.

(Ord. 2006-05, § 1, 2-13-2006)

**📖 Sec. 2-500. Mutual Aid Agreements:**

The JEMA coordinator may negotiate mutual aid agreements with other municipalities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by each of the political subdivisions and shall be consistent with the state emergency operations plan and the local emergency management operations plan.

(Ord. 2006-05, § 1, 2-13-2006)

**📖 Sec. 2-501. Cooperation With State During Emergency:**

If the governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of the JEMA to cooperate fully with the Illinois emergency management agency and with the governor in the exercise of emergency powers as provided by law.

(Ord. 2006-05, § 1, 2-13-2006)

**📖 Sec. 2-502. Compensation:**

Members of the JEMA who are paid employees or officers of the village, if called for training by the director of the Illinois emergency management agency, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such village employees or officers shall receive for such training time such compensation as may be established by the village board of trustees.

(Ord. 2006-05, § 1, 2-13-2006)

**📖 Sec. 2-503. Reimbursement Of Expenses By State:**



The village treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the village for expenses incident to training members of the JEMA, as prescribed by the Illinois emergency management agency, compensation for services and expenses of members of a mobile support team while serving outside the village in response to a call by the governor or the director of the Illinois emergency management agency, as provided by law, and any other reimbursement made by the state incident to emergency services and disaster activities as provided by law.

(Ord. 2006-05, § 1, 2-13-2006)

 **Sec. 2-504. Purchases, Contracts:**

(a) The village board may, on recommendation of the JEMA coordinator, authorize the village to enter into contracts necessary to place the village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.

(b) In the event of enemy caused or other disaster, the JEMA coordinator is authorized, on behalf of the village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to village contracts or obligations, as authorized by the Illinois emergency management agency act, provided that if the village board of trustees meets at such time the coordinator shall act subject to the directions and restrictions imposed by that body.

(Ord. 2006-05, § 1, 2-13-2006)

 **Sec. 2-505. Oath:**

Every person appointed to serve in any capacity in the JEMA organization shall, before entering upon his or her duties, subscribe to an oath, as required by law, which shall be filed with the coordinator.

(Ord. 2006-05, § 1, 2-13-2006)

 **Sec. 2-506. Office:**

The village president is authorized to designate space in a village building, or elsewhere, as may be provided for by the board of trustees for the JEMA office.

(Ord. 2006-05, § 1, 2-13-2006)

 **Sec. 2-507. Appropriations, Tax Levy For Emergency Services:**

The village board may make an appropriation for JEMA purposes in the manner provided by law, and may levy in addition to any other taxes, a tax for JEMA purposes only, at a rate not to exceed that provided by state statute.

(Ord. 2006-05, § 1, 2-13-2006)

**Secs. 2-508-2-525. Reserved:**

### **DIVISION 3. ZONING BOARD OF APPEALS<sup>1</sup>**

<sup>1</sup> See also chapters [8](#) and [12](#) of this code.

#### **Sec. 2-526. Created; Members<sup>2</sup>:**

The zoning board of appeals hereby created shall consist of seven (7) members to be appointed by the village president with the advice and consent of the board of trustees to serve respectively for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years and one for seven (7) years. One member of the zoning board of appeals shall be named by the village president with the advice and consent of the board of trustees as chairman of the zoning board of appeals. Upon the effective date of this division, the terms of office of the first appointees hereinbefore set forth for the number of years specified shall run to the end of the fiscal year of the village as applicable to the respective term. All members must be residents of the village. The successor to each member initially appointed shall serve a term of five (5) years.

(Code 1972, § 2-2-1; Ord. 2013-15, § 1, 10-14-2013)

<sup>2</sup> 65 ILCS 5/3.1-10-5, 5/11-12-4, 5/11-13-3.

#### **Sec. 2-527. Removal Of Members:**

The president and the board of trustees shall have the power to remove any member of the zoning board of appeals for cause after a public hearing.

(Code 1972, § 2-2-2; Ord. 2013-15, § 1, 10-14-2013)

#### **Sec. 2-528. Resignation; Filling Vacancy<sup>3</sup>:**

Any member of the zoning board of appeals may resign from his office. If a vacancy in office occurs by reason of death, resignation or removal from office, the vacancy shall be filled by appointment by the president and board of trustees voting jointly for the remainder of the term of the office which has become vacant.

(Code 1972, § 2-2-3; Ord. 2013-15, § 1, 10-14-2013)

<sup>3</sup> 65 ILCS 5/3.1-30-5.

#### **Sec. 2-529. Meetings; quorum; minutes; records:**

All meetings of the zoning board of appeals shall be held at the call of the chairman and at such other times as the zoning board of appeals may determine. The chairman or, in his or her absence, the acting chairman, shall administer oaths and may compel the attendance of witnesses. Four (4) members of the board shall constitute a quorum and a quorum shall be present to vote on any matter before the board. All minutes of the board shall be open to the public; the board shall keep minutes of the proceedings showing the vote of each member upon every question, or if absent or failure to vote, indicating that fact, and shall also keep records of its examination and other official actions; every rule or regulation, every amendment or repeal

thereof and every order, requirement, decision or determination of the board shall be filed immediately in the office of the zoning board of appeals and shall be public record. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney.

(Code 1972, § 2-2-4; Ord. 2013-15, § 1, 10-14-2013)

**Sec. 2-530. Remuneration:**

The remuneration for members of the zoning board of appeals shall be at the rate of one hundred ten dollars (\$110.00) per meeting, per member present at each such meeting. The remuneration for the chairman of the zoning board of appeals shall be at the rate of one hundred thirty-five dollars (\$135.00) per meeting attended.

(Ord. 2012-24, § 11, 9-24-2012; Ord. 2013-15, § 1, 10-14-2013)

**Secs. 2-531-2-539. Reserved.**

**Sec. 2-540. Zoning Enforcement:**

(a) The building commissioner shall be and hereby is designated as the enforcing officer of the zoning chapter<sup>1</sup>. In enforcing the zoning provisions he or she shall be assisted by other officers of the village.

(b) Proper authorities of the village, or any person affected, may institute any appropriate action or proceedings against a violator as provided by statute.

(Code 1972, § 2-2-13; Ord. 83-10, 7-7-1983)

<sup>1</sup> See [Ch. 12](#) of this Code.

**Sec. 2-541. Notice Of Hearing; Sign Required:**

(a) In addition to all other requirements of this code, all applicants for a subdivision, rezoning, variance or special use are required to post an appropriate sign on the subject property not less than fifteen (15) nor more than thirty (30) days prior to the hearing date requesting such action by the zoning board of appeals. The information required to be included on such sign(s):

- (1) Reason for hearing.
- (2) Date and time of hearing.
- (3) Address of property.

(b) The sign(s) shall be at least four feet by four feet (4' x 4') in size. The sign(s) shall be posted at intervals of two hundred feet (200') on the subject property, with at least one sign on each street or road fronting property.

(c) The chairman of the zoning board of appeals shall approve all such signs, and the wording thereon, prior to the sign(s) being posted.

(d) The sign(s) shall remain on the property until the day after the hearing.

(Ord. 92-39, § 1, 11-9-1992; Ord. 2013-15, § 1, 10-14-2013)

**Sec. 2-542. Additional Fees:**

All actual expenses incurred by the village in processing, reviewing and hearing any petitions for variation, rezoning and subdivision shall be paid by the petitioner. These shall include, but not be limited to, engineering and legal fees.

For petitions for subdivisions, the engineering review fees specified in section [8-320](#) of this code shall control.

(Ord. 93-36, § 1, 9-27-1993)

**Sec. 2-543. Payment Of All Taxes And Fees:**

Before any application for amendment, variation or subdivision shall be accepted by the village, the applicant must produce evidence in the form of a paid tax bill or cancelled check that all outstanding real estate taxes have been paid in full. No application will be accepted if any fees are due, or bills unpaid to the village.

(Ord. 94-11, § 1, 6-27-1994; Ord. 2009-15, §5, 6-22-2009)

**Secs. 2-544-2-555. Reserved:**

**DIVISION 4. ELECTRICAL COMMISSION<sup>2,3</sup>**

<sup>2</sup> See § [8-101](#) et.seq. of this Code.

<sup>3</sup> S.H.A. 65 ILCS 5/11-37-2.

**Sec. 2-556. Created; Members:**

There is hereby established a commission which shall be known as the electrical commission of the village, and which shall consist of six (6) members. The chief electrical inspector shall be a member and the ex officio chairman of the commission. Of the other five (5) members, one shall be a registered professional engineer, one an electrical contractor, one a journeyman electrician, one a representative of an inspection bureau maintained by the fire underwriters, if such a representative resides in the village, and if no such representative resides in the village, then the chief of the fire department, and one a representative of an electricity supply company. If there is no person residing in the village who is qualified under any one of these descriptions, then the president may appoint some other person who shall fill that position. All members of the electrical commission shall be appointed by the president with the advice and consent of the corporate authorities. The chief electrical inspector shall serve on the commission without additional compensation therefor. The other members shall receive compensation in accordance with section [2-34](#) of this chapter.

(Code 1972, § 2-3-1)

**Sec. 2-557. Functions:**

It shall be the duty of the electrical commission to formulate and recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions that prevail in the village, to recommend

reasonable rules and regulations governing the issuance of permits by the electrical inspection department, and to recommend reasonable fees to be paid for inspections to be made by the electrical inspection department. The standards and specifications, rules and regulations governing the issuance of permit and fees so recommended shall become effective upon the passage of an ordinance adopting the same by the village board. All such fees shall be paid to the village treasurer.

(Code 1972, § 2-3-2)

**📖 Sec. 2-558. Violation Of Rules, Specifications Established By Commission<sup>1</sup>:**

Any person who shall install or alter any electrical equipment after the approval of the standards and specifications, and the fees prescribed therefor, except such as is exempt from the provisions of this division by the terms of article 11, division 37 of the Illinois municipal code, without first having secured a permit, as provided for, or any person who shall wilfully fail or refuse to comply with the rules, standards or specifications established by the electrical commission which have been provided by the village board shall, upon violation thereof, be fined as provided in this code.

(Code 1969, Ch. 4, Art. 2; Code 1972, § 2-3-3)

<sup>1</sup> 65 ILCS 5/11-37-1 et seq., 5/11-37-4.

**Secs. 2-559-2-575. Reserved:**

**📖 DIVISION 5. BOARD OF FIRE AND POLICE COMMISSIONERS<sup>2</sup> [4](#)**

<sup>2</sup> See chapters [4](#) and [9](#) of this code.

**📖 Sec. 2-576. Established:**

There is hereby established the board of fire and police commissioners to act under and in accordance with article 10, division 2.1 of the Illinois municipal code, which article is hereby adopted and made a part of this code by reference<sup>3</sup>.

(Code 1972, § 2-4-1)

<sup>3</sup> 65 ILCS 5/10-2.1-1 et seq.

**📖 Sec. 2-577. Powers; Duties:**

The powers and duties of the board of fire and police commissioners shall be governed by the provisions of article 10, division 2.1 of the Illinois municipal code.

(Code 1972, § 2-4-4)

**📖 Sec. 2-578. Members:**

The board of fire and police commissioners shall consist of three (3) members to be appointed by the president, with the consent of the board of trustees. The term of the first member shall be one year, the second member two (2) years, and the third member three (3) years. Each term will expire with the end of the fiscal year. No appointment shall be made by the president within

thirty (30) days before the expiration of the president's term of office. One member shall be a representative citizen of the employee class, one member of the employing class and one member not identified with either group. No person shall be appointed who holds a paid office of the United States, this state or of any municipality, and no more than two (2) members shall belong to the same political party.

(Code 1972, § 2-4-2)

**📖 Sec. 2-579. Oath:**

The members of the board of fire and police commissioners shall possess the qualifications required of other officers of the village, shall take oath or affirmation of office and shall be subject to removal from office as provided for other officers in this code.

(Code 1972, § 2-4-3)

**📖 Sec. 2-580. Secretary:**

The board of fire and police commissioners may employ a secretary or may designate one of its own members to act as such. The secretary's duties shall be governed by article 10, division 2.1 of the Illinois municipal code. He shall receive as his compensation in accordance with section [2-34](#) of this chapter.

(Code 1972, § 2-4-5)

**📖 Sec. 2-581. Annual Report:**

The board of fire and police commissioners shall, on or before the last regular meeting of the village board in March of each year, make to the president to be by him transmitted to the village board, a report of its actions and duties, rules in force and the practical effect thereof, and may in such report make such suggestions as the board believes will result in the greater efficiency of the police department.

(Code 1972, § 2-4-6)

**📖 Sec. 2-582. Appointment Of Members Of Police Department:**

The board of fire and police commissioners shall appoint all officers and members of the police department of the village, except those appointments which the village board of trustees may, by ordinance, otherwise provide. The appointment of the chief of the police department shall be made by the president and board of trustees.

(Code 1969, Ch. 4, Art. 3; Code 1972, § 2-4-7)

**📖 Sec. 2-583. Rules And Regulations:**

For examinations, appointments, promotions, demotions, hearings, investigations and penalties in the fire and police departments the following rules and regulations shall apply:

(1) *Rule 1:* The term "board" as used in this section shall mean the regularly appointed board of fire and police commissioners.

The accepted meaning, by this board, of the term "fire department" or "police department" includes the full membership of either department which has gained such membership by appointment after examination as authorized under 65 Illinois Compiled Statutes 10-2.1-9.

All rules regarding the fire department will go into effect when and if the existing department becomes eligible under the state statutes.

(2) *Rule 2:* The board of fire and police commissioners shall appoint all officers and other members except members designated by ordinance by the board of trustees to the fire and police departments of the village. All appointments to each department other than that of the lowest rank shall be from the rank next below that to which the appointment is made. The board shall execute for delivery to each appointee a commission showing the appropriate designation of the appointee. An entrance appointee of the lowest rank in either department shall only receive a six (6) months' probationary period commission. If during the probationary period the person appointed proves in the option of the board of fire and police commissioners to be unsuited or unqualified for the position, he will be dropped from the service. The board may at its discretion extend the probationary period for a term not to exceed six (6) months. If such probationary appointee is admitted to regular service, he may receive, upon surrender to the board of his probationary commission and the exhibition of a receipt from the village clerk showing that he has paid into the department pension fund the required fee for such probationary period of service, a commission showing date of entry into regular service as that of a probationary notary; otherwise, a regular service commission shall be dated for entry in regular service at end of probationary period and shall not later be changed.

(3) *Rule 3:* Applicant requirements, examinations. All applicants for a position in either the fire or police department shall be subjected to such form of examination as may be prescribed by the board of fire and police commissioners, such examination to be public, competitive and open to all, subject to the limitations herein and to such reasonable limitations as may be prescribed by the board of fire and police commissioners. The examinations shall be practical in their character and shall relate to those matters which will fairly test the persons examined as to their relative capacity to discharge the duties of the positions to which they seek appointment. The examinations shall include tests of physical qualifications and health. All such examinations shall be conducted in whole or in part by the board of fire and police commissioners or its authorized agents. Each applicant who desires to submit to an examination for an entrance position in either department shall be required to file a written application for examination and furnish such information as may be prescribed by the board of fire and police commissioners including, but not limited to, personal references, but excluding information concerning political and religious opinions or affiliations. Disqualifying factual information or personal references shall deny the applicant the right to submit to examination. The board of fire and police commissioners may charge each applicant a reasonable, nominal application fee to help defray the costs of the application and testing process. The proceeds therefrom shall be deposited in the fire and police commission fund. Each applicant must meet the following requirements to be eligible to take such examinations:

a. Each applicant must be a citizen of the United States and able to read, write, speak and understand the English language.

b. Each applicant must be at least twenty one (21) years of age and less than thirty five (35) years of age, except those who have been previously employed as policemen in a regularly constituted police force of any municipality, or persons eighteen (18) or twenty (20) years of age who are eligible under 65 Illinois Compiled Statutes 10-2.1-6.

c. The height and weight of each applicant must be proportionate.

d. Each applicant shall possess a valid, unrestricted (except for the requirement of corrective eye lenses) state of Illinois driver's license.

e. Each applicant shall submit, with his application, a certified copy of the applicant's birth record and a copy of applicant's high school diploma, or other evidence that the applicant possesses such diploma or the equivalent of a high school education, and, if applicant has been a member of any active military service, a copy of his discharge papers.

f. All such applications shall be supported by five (5) names of persons of good character acquainted with the applicant.

g. Each applicant must return his fully completed application, along with all required supporting documents, to either the office of the village president or the village police department within the time prescribed by the fire and police commission.

h. Each applicant who has returned his fully completed application within the time specified by the commission must attend a pretesting orientation with his spouse or fiancée at such time and place as may be determined by the board of fire and police commissioners.

**State law reference**-Examination of applicants, disqualifications, removal, Ill. Rev. Stat. Ch. 24, § 10-2.1-0.

(4) *Rule 4:* Eligible register established from entrance examinations for lowest rank. The board of fire and police commissioners shall prepare and keep a register of persons who are eligible. No examined applicant who otherwise meets the requirements of these rules shall be placed on the eligible roster unless such applicant furnishes a certificate from a qualified physician, selected by the board, showing that his health, eyesight and hearing are good and that he is in good physical condition and otherwise capable of fulfilling the physical requirements of the position sought. These persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. An eligible roster book shall be kept for this purpose and the secretary of the board shall enter therein the names of applicants, who have made passing grades, in the order of grades received in examination, from the highest down; and appointment, as needed to fill vacancies, shall be made by selecting the name of the one with the highest grade appearing on the eligible roster. When more than three (3) names are of the same high grade at the top of the eligible register, then each name entered thereon, in the top bracket, shall receive the same considerations, regardless of the order the name appears on the register, and the appointment shall be made from any name in the highest grade. Any name entered upon either department register shall not receive consideration for appointment after two (2) years have elapsed from and after the date of examination when such applicant became eligible for appointment; however, any name may remain effective on the eligible register during the two-year period regardless of the maximum age limit. An eligible applicant may refuse one (1) offer of appointment and retain his rights and standing on the eligible register, but the second refusal to accept an offered



appointment may be considered as grounds for no further consideration by the board and the name may be removed from the register, except that no member of the armed services, whose name appears upon any eligible register within the jurisdiction of this board, shall lose any of his rights during such absence.

**State law reference**-Register of eligibles, Ill. Rev. Stat. Ch. 24, § 10-2.1-14.

(5) *Rule 5: Promotions according to merit, examination and seniority:*

a. The board, by its rules, shall provide for promotion in the fire and police departments, on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies above the lowest rank shall be filled by promotion.

b. All examinations for promotions shall be competitive among such members of the next lower rank who desire to submit themselves to examination. Eligible registers shall be established and maintained in a like manner as stated in Rule 4 of these rules. All promotions shall be from the three (3) having the highest rating, and where there are less than three (3) names on the promotional eligible register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional register.

c. The method of examination and the rules governing examinations for promotion shall be the same as provided for applicants for original appointment, except that original appointments only shall be on probation, as provided by the rules. The board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register.

d. A seniority credit of two (2) percent for each year, or fraction thereof, of regular service in the department shall be added to the examination result as well as the five (5) percent credit for military service as defined by law. In addition, a rating determined by the board may be added for ascertained merit, efficiency, etc.

**State law references**-Veteran's and cadet's preference, Ill. Rev. Stat. Ch. 24, § 10-2.1-8 et seq.; promotions, merit, seniority, Ill. Rev. Stat. Ch. 24, § 10-2.1-15.

(6) *Rule 6: Merits and demerits for department members.* A merit or demerit record shall be kept by the board and such record shall be provided and for use of the board only. It will be compiled from reliable information received that is either for or against the record of any member of either department. The character of reports to be considered by the board in determining merits or demerits may be as follows:

For the police department:

The manner in which arrests are made and the treatment accorded arrested emergencies, habits, moral conduct, sobriety, alertness, action, promptness, ordinance enforcement and observation of rules adopted by the board of fire and police commissioners.

For the fire department:

Courage and judgment in emergencies. Habits, moral conduct, sobriety, courtesy, amiability, promptness and observance of the rules adopted by the board.

Merits or demerits may be computed in percentages by the board at any time and the result added or subtracted to or from the rating on the eligible registers, thereby creating a new rating or standing on such registers. Such demerits may be used in determining the board's decision in demotions or discharges.

(7) *Rule 7.* Temporary appointments to village payroll service in fire and police departments. The board may make temporary appointments in either department to meet any exigency therein or to prevent material impairment in either department. No temporary appointments, other than probationary appointments, shall exceed sixty (60) days and should any temporary appointee later receive an appointment in regular service, such former service shall not be considered in computing time of a probationary service. A temporary appointment may be renewed after sixty (60) days at the discretion of the board of fire and police commissioners.

**State law reference**—Temporary appointments, Ill. Rev. Stat. Ch. 24, § 10-2.1-16.

(8) *Rule 8:* Investigation of charges, demotions, suspensions or removals. Except as otherwise provided in this Code or by law, no officer or member of the fire or police department shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. The board of fire and police commissioners shall conduct a fair and impartial hearing of the charges, to be commenced within thirty (30) days of the filing thereof, which hearing may be continued from time to time. In case an officer or member is found guilty, the board may discharge him or may suspend him without pay for not more than thirty (30) days; however, if the board should conclude that the efficiency of the department would be better served, it may, if the accused is a commanding officer, reduce him to the next lowest rank within the department in which he serves, for such period of time as is, in the opinion of the board, advisable; after such period the board may advance him to his former rank or to any commanding rank below such former rank, without further examination. Any officer or other member, who has been notified by the board of charges having been filed against him, or who has been notified by the board of his suspension or demotion, shall immediately surrender his or her commission for custody of the board, until his or her case has been finally closed by the board. The board may suspend any officer or member of either department without pay, pending the hearing, but not to exceed thirty (30) days. If the board of fire and police commissioners determines that the charges are not sustained, the officer or member shall be reimbursed for all wages withheld, if any. In the conduct of the hearing, each member of the board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing. After each investigation, when the board has reached a conclusion, the result of the decision shall be mailed to the defendant by the secretary of the board

**State law reference**—Removal or discharge investigation of charges, etc., Ill. Rev. Stat. Ch. 24, § 10-2.1-17.

(9) *Rule 9:* Residence of members, reinstated members and temporary appointees. No officer or member of the fire or police department, and no reinstated officer or member or temporary appointee as an officer or member of such departments shall be other than a resident and legal voter of the village. Failure to continuously remain either a resident or legal voter of the village shall constitute cause for the removal or discharge of any such officer, member or temporary appointee and shall be prima facie evidence that such officer, member or temporary appointee has resigned from such departments.

**State law reference**—Residence of policemen and firemen, Ill. Rev. Stat. Ch. 24, § 3-14-1.

(10) *Miscellaneous:*

a. Any member of either the fire department or police department who refuses promotion or to take an examination therefor may be demoted or removed from the service for the good of the department.

b. Penalties resulting in removals or loss in pay shall be based, in all cases, upon evidence provided under oath; however, the board shall have the power to demote any commanding officer, except the chief, to any rank in the department in which he or she is serving if the board has conclusive proof, in its possession, of the inefficiency or inability of such officer to perform the duties in a satisfactory manner in the rank in which he or she is serving. The board shall also recommend to the village trustees the demotion of the chief if, in the board's opinion, he or she is inefficient or unable to perform the duties required.

c. When an officer is temporarily reduced in rank after having been found guilty of charges as defined in rule 8 or has been granted a leave of absence by the board of trustees, the officer in the next rank below that held by the offender or absentee, as the case may be, shall be moved up to fill such temporary vacancy but shall receive no additional pay during such temporary occupancy. However, if a leave of absence has been granted for an indefinite period, for enlistment or service in the armed forces, such vacancy shall be filled, in the usual manner, with full pay as established by the board of trustees for that rank.

d. All leaves of absence for members of either department shall be authorized by board of trustees resolution or ordinance and shall be only for such periods as shall be fixed by the board of trustees. Any member of either department who has or may be granted leave of absence for duty in any of the armed services of the United States will not lose his or her rights for promotion, unless he or she should be unavailable for examinations held for promotion into the lowest commanding rank. A commissioned commanding officer, who has been granted leave for duty in the armed services, shall upon his or her return from service be placed in the rank shown in his or her commission from the board. Upon the return of an officer on leave, as explained in the foregoing paragraph, who has entered his or her rightful rank, the officers displaced by such entry shall be moved to next rank below; and the last commissioned member of the patrolman rank shall have his or her name placed at the top of the eligible register for appointment to the first vacancy occurring in the patrolman rank at which time he or she will be given full credit for time served by him or her either as a regular or probationary appointee.

e. The classification of commissions hereafter issued to appointees by the board of fire and police commissioners shall be as follows:

1. *Class A:* For all members in regular service, including commanding officers.
2. *Class B:* For probationary appointees.
3. *Class C:* For emergency or temporary appointees attached to either department.

4. *Class D:* For special police appointments made by the board of trustees. The holders of class D commissions granted at request of the board of trustees shall have no standing under the fire and police commissioner act.

All commissions shall contain the signature of not less than two (2) members of the board. Before any commission is delivered to any person for whom it was issued, other than a regular member of either department who has previously been sworn in, he or she shall take the oath of office administered by the village clerk, and furnish such bond as may be required by the board of trustees.

f. The board of fire and police commissioners, from time to time, may make changes in these rules.

g. No member of the board of fire and police commissioners shall be authorized to waive the provisions of any of these rules and regulations or any of the fire department or police department. Any proposed waiver of any of such rules or regulations must be passed upon by the board at a regular or special meeting and appear in the minutes of such meeting.

(11) *Rule 11: Lateral hiring.*

a. Certified employees. There shall be designated a separate classification of probationary employees who shall be “certified.” Any probationary employee hired shall not be classified as a “certified” employee unless said employee has met the requirements set forth in the following definition of “certified probationary employee.” A “certified probationary employee” is defined as a newly hired employee with at least twenty-four (24) months of uninterrupted service within the last forty-eight (48) months, in a full-time capacity with one or more recognized Illinois police agencies, and who has obtained certification through the Illinois Law Enforcement Training and Standards Board.

b. Recommendation and background investigation. Notwithstanding any other provision contained in the agreement or in the rules and regulations of the village’s board of fire and police commissioners (“board”), the chief of police has the authority to recommend to the board the hiring of an officer as a “lateral transfer” who is a certified probationary employee pursuant to the requirements of this section (“lateral transfer”). The chief of police or his or her designee shall conduct a background investigation of the lateral transfer. The board shall conduct an oral interview, polygraph test and psychological evaluation and medical evaluation of the lateral transfer. The lateral transfer shall not be appointed as a full-time, sworn police officer of the Justice police department (“department”) unless and until the lateral transfer completes and passes the oral interview, background investigation, polygraph test and psychological evaluation, and medical evaluation, and meets any and all other criteria necessary for appointment.

c. Probationary period. Any lateral transfer shall be subject to the same probationary period as any other newly hired officer as set forth in the provisions of the agreement.

d. Salary and seniority. The initial compensation of a lateral transfer shall be determined by that lateral transfer’s number of years of experience as a sworn, full-time officer in any other recognized Illinois police agency. A lateral transfer shall be compensated at the rate set forth in the existing agreement for similarly experienced officers up to five (5) years. A lateral transfer is considered a newly hired officer for the purposes of department seniority and benefits, and shall be subject to any and all rules, regulations, code provisions, or agreement provisions concerning same.

(Code 1972, § 2-4-8; Ord. 85-14, 8-26-1985; Ord. 2008-26, § 1, 4-28-2008; Ord. 2009-15, § 6, 6-22-2009)

**Secs. 2-584-2-600. Reserved:**

## **DIVISION 6. YOUTH COMMISSION**

### **Sec. 2-601. Commission Created:**

A youth commission is hereby created for the village, which commission shall be known as "the youth commission of the village".

(Ord. 91-8, § 2, 5-28-1991)

### **Sec. 2-602. Membership:**

The said commission shall consist of eleven (11) adult members, one of which shall be chairman; eight (8) teenage members, age eleven (11) to eighteen (18), four (4) boys and four (4) girls. All members of the commission shall have a vote in commission matters. The village president and chief of police shall also be ex officio members of said commission. For the purpose of youth commission meetings, any five (5) members shall constitute a quorum for the conduct of business.

(Ord. 91-8, § 2, 5-28-1991)

### **Sec. 2-603. Appointment; qualifications.**

The members of said commission shall be appointed by the president with the advice and consent of the village board, and one (1) of such members shall be appointed chairman of such commission. No person shall be eligible to be a member of said commission unless he or she shall be a resident of the village.

(Ord. No. 91-8, § 2, 5-28-91)

### **Sec. 2-604. Terms of office.**

The term of office for adult members shall be staggered:

Five (5) members for one (1) year

Five (5) members for two (2) years

One (1) member for three (3) years

The term of office for teenage members shall be for one (1) year.

(Ord. No. 91-8, § 2, 5-28-91)

### **Sec. 2-605. Duties.**

The youth commission shall:

- (1) Assist in coordinating and integrating governmental and private plans and services affecting the welfare of children and youth in the village.
- (2) Assist in coordinating and integrating all plans and services for protecting children from exposure to harmful influences and conditions conducive to delinquency.
- (3) Make or cause to be made studies and surveys relating to juvenile behavior or in the interest of youth guidance.
- (4) Request and obtain such cooperation, assistance and data from village departments, agencies and the Illinois Department of Correction, Juvenile Division Community Services.
- (5) Recommend plans and methods for the improvement of opportunities for the wholesome development of youth in Justice.
- (6) Create subcommittees, composed of members or nonmembers of said commission, to aid and assist in the work of the commission.
- (7) Create a special subcommittee consisting of persons qualified by experience and training to provide guidance and counsel to children.

(Ord. No. 91-8, § 2, 5-28-91)

 **Sec. 2-606. Reports.**

In April of each year, the youth commission shall prepare and submit to the village board a summary report of its operations and studies during the preceding year. The commission shall keep a written record of its proceedings.

(Ord. No. 91-8, § 2, 5-28-91)

 **Sec. 2-607. Auxiliary members.**

The members of the youth commission shall screen and recommend auxiliary members of the youth commission to the village president. Up to ten (10) auxiliary members shall be appointed by the village president pursuant to section [2-603](#). The term of such auxiliary members shall be one (1) year, and such auxiliary members shall be part-time and not regular members of the youth commission.

(Ord. No. 91-8, § 2, 5-28-91)

**Secs. 2-608-2-620. Reserved.**

 **DIVISION 7. BOARD OF HEALTH\***

\*Cross reference—Health and sanitation, [Ch. 5](#).

State law reference—Municipal board of health, III. Rev. Stat. Ch. 24, § 11-16-1.

 **Sec. 2-621. Created.**

There is hereby created the board of health for the village. The board of health shall consist of the president, the health officer and the members of the \_\_\_\_\_ buildings, plats and zoning committee, of the village board.

(Code 1972, § 2-6-1; Bill No. 2012-24, § 12, 9-24-2012)

**Sec. 2-622. General Duties.**

(a) The board of health shall have the powers and perform the duties assigned to it by statute or ordinance. It shall be the duty of the board of health to enforce all provisions of this code which relate to public health or relate to nuisances.

(b) The board of health shall make all necessary rules and regulations for the protection of the health of the inhabitants of the village and to guard against the spread of contagious diseases, and to prevent by necessary rules the induction of diseases, contagious or otherwise, within the corporate limits of the village.

(Code 1969, Ch. 5, §§ 27, 28; Code 1972, § 2-6-2)

**Secs. 2-623-2-635. Reserved.**

**DIVISION 8. BOARD OF PUBLIC IMPROVEMENTS\***

\*Cross reference-Streets, sidewalks, driveways and parking lots, [Ch. 10](#).  
State law reference-Board of local improvements, Ill. Rev. Stat. Ch, 24, § 9-2-7.

**Sec. 2-636. Members; officers.**

(a) The board of public improvements shall consist of the following members: the president of the village board, the village engineer, two (2) trustees who are chairmen of the public utilities committee and the finance committee respectively, and another trustee who shall be appointed by the president with the advice and consent of the village board.

(b) The president of the village shall be the president of the board of public improvements.

(c) The secretary of the board of public improvements shall be appointed from the members of the board.

(Code 1972, § 2-7-1; Ord. 2012-24, § 13, 9-24-2012)

**Sec. 2-637. Special assessments.**

The village hereby adopts the provisions of Article 9, Chapter 24, Illinois Municipal Code in and for local improvements to be paid in whole or in part by special assessment.

(Code 1969, Ch. 2; Code 1972, § 2-7-2)

**Secs. 2-638-2-650. Reserved.**

**DIVISION 9. POLICE PENSION BOARD\***

\*Cross Reference-Police department, [Ch. 9](#).  
State law reference-Board of trustees of the police pension fund, Rev. Stat. Ch. 108 1/2 § 3-128 et seq.

**Sec. 2-651. Created; composition; function.**

A police pension board is hereby created to consist of five (5) members, a majority of whom shall be residents of the village and shall constitute a board of trustees to administer the pension fund and to designate the beneficiaries thereof. The board shall be known as the board of trustees of the police pension fund of the village.

(Code 1972, § 2-9-1)

**Sec. 2-652. Appointments.**

Two (2) members of the police pension board shall be appointed by the president of the board of trustees of the village, by and with the concurrence of the board of trustees. The third and fourth members of the board shall be elected from the regular police force by the active members thereof. The fifth member shall be elected by and from among the beneficiaries of the fund.

(Code 1972, § 2-9-2)

**Sec. 2-653. Terms of office.**

One (1) of the police pension board members appointed by the president of the village shall serve one (1) year beginning on the second Tuesday in May after the village comes within the provisions thereof. The other appointed member shall serve for two (2) years beginning on the same date. The successors to any of the appointed members of such board shall serve for two (2) years each or until their successors are appointed and qualified. The election provided for in this division for elected board members shall be held biennially on the third Monday of April at such place or places in the village and under the Australian ballot system and such other regulations as shall be prescribed by members of the board. All members of the regular police force shall be entitled to vote only for the police force members of the board. All beneficiaries shall be entitled to vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than one (1) ballot at such election. The members shall be elected for a term of two (2) years, beginning on the second Tuesday of the first May after such election. Upon the death, resignation or inability to act of any member of the board elected under this division, his successor shall be elected at a special election to be called by the board and conducted in the same manner.

(Code 1972, § 2-9-3)

**Sec. 2-654. Meeting rooms.**

Suitable rooms for offices and meetings of the police pension board shall be assigned by the president and board of trustees of the village.

(Code 1972, § 2-9-4)

**Sec. 2-655. Meetings.**

(a) The police pension board shall hold regular quarterly meetings on the second Tuesday of July, October, January and April annually, and special meetings as called by the president.



(b) At the regular July meeting the board shall select from its members a president vice-president, secretary and assistant secretary to serve for one (1) year and until their respective successors are elected and qualified.

(c) The vice-president of the board shall perform the duties of president during any vacancy in that office, or during such time as the president is absent from the village, or for any other reason is disqualified or by reason of illness or other causes is unable to perform his duties.

(d) The assistant secretary shall act for the secretary whenever necessary to discharge the functions of such office.

(Code 1972, § 2-9-5)

**State law reference**-Board meetings, Ill. Rev. Stat. Ch. 108 1/2, § 3-130.

 **Sec. 2-656. Powers; duties.**

(a) The police pension board shall have the following powers and duties:

(1) To control and manage, exclusively, the pension fund, and all moneys donated, paid or assessed for the relief or pensioning of disabled, super-annuated and retired members of the police department, their widows, minor children and dependent parents. All such moneys shall be placed by the treasurer of the village to the credit of the fund, subject to the order of the board.

(2) To order and direct the payment of pensions and other benefits provided by this division and to issue certificates signed by its president and secretary to the persons entitled thereto of the amount ordered paid to such persons from the fund, which certificates shall state the purpose of the payment.

(3) To submit annually to the board of trustees at the close of the village's fiscal year, a list of persons entitled to payments from the fund, stating the amount of the payments, and their purpose as ordered by the board. It shall also include items of income accrued to the fund during such fiscal year. Such list shall be signed by the secretary and president of the board, and attested under oath. No resolution or order for the payment of money shall be valid unless approved by a majority of the members of the board, and any order for such payment shall be signed by the president and secretary of the board.

(4) To draw such pension funds from the treasurer or other officials of the village, and invest any part thereof in the name of the board of the police pension fund in interest bearing bonds or tax anticipation warrants of the United States, of the state or of any county, township or municipal corporation of the state, and in insured shares of state-chartered building and loan associations and insured shares of federal-chartered federal savings and loan associations if the shares are insured by the Federal Savings and Loan Insurance Corporation. All securities shall be deposited with the treasurer of the village, and be subject to the order of the board. Interest on such investments shall be credited to the account of the pension fund.

(5) To compel witnesses to attend and testify before it, upon all matters connected with the administration of this division, in the manner provided by law for the taking of testimony before masters in chancery. The president, or any member of the board, may administer oaths to such witnesses.

(6) To appoint a clerk and define his duties. No person drawing a pension under this division shall be employed by the board.

(7) To provide for the payment from the fund of all necessary expenses, including clerk hire, printing and witness fees.

(8) To keep a public record of all its proceedings.

(9) To make necessary rules and regulations in conformity with the provisions of this division, which shall be published by the board and copies transmitted from time to time to all pensioners and contributors.

(b) The board shall have such further powers and duties as may be otherwise authorized and provided for under Article 3 of Chapter 108 1/2 of the Illinois Revised Statutes, and as from time to time as Article 3 may be amended.

(Ord. No. 70-5, 3-26-70; Code 1972, § 2-9-6)

**Secs. 2-657-2-659. Reserved.**

## **DIVISION 10. EMERGENCY TELEPHONE SYSTEM BOARD\***

\***Cross reference**—Emergency telephone system, [11-120](#) et seq.

**State law reference**—Emergency telephone number, Ill. Rev. Stat. Ch. 134, §§ 31 et seq.

### **Sec. 2-660. Created; composition, appointment.**

An emergency telephone system board is hereby created consisting of seven (7) members. They shall be residents of the village. They shall be appointed by the village president with the advice and consent of the village board.

(Ord. No. 91-6, § 1, 5-28-91)

### **Sec. 2-661. Terms of office; compensation, chairman.**

One (1) member shall serve for one (1) year, three (3) shall serve for two (2) years, and three (3) shall serve for three (3) years. Terms shall be drawn by lot upon the appointment of the initial seven (7) members.

Members of the Board shall serve without compensation but shall be reimbursed for the actual and necessary expenses.

The successor to each member initially appointed shall serve for three (3) years.

One (1) member shall be named by the village president with the advice and consent of the board of trustees as chairman of said board.

(Ord. No. 91-6, § 2, 5-28-91)

### **Sec. 2-662. Powers and duties.**

The power of such board shall include, but not be limited to the following:

- (1) Planning a 911 system.
- (2) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems.
- (3) Receiving moneys from the surcharge imposed under Ordinance 91-3 and from any other source for deposit into the emergency telephone system fund.
- (4) Authorizing all disbursements from the fund.
- (5) Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system.

(6) All moneys received by a board pursuant to a surcharge imposed shall be deposited into an emergency telephone system fund. The treasurer of the village shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

- a. The design of the emergency telephone system.
- b. The coding of an initial master street address guide data base, and update and maintenance thereof.
- c. The repayment of any moneys advanced for the implementation of the system.
- d. The charges for automatic number identification and automatic location identification equipment, and maintenance, replacement and update thereof.
- e. The nonrecurring charges related to installation of the emergency telephone system and the ongoing network charges.
- f. Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(Ord. 91-6, § 3, 5-28-1991)

**📖 Sec. 2-663. Removal; Vacancy:**

The president and board of trustees shall have the power to remove any member of the emergency telephone system board for cause after a public hearing. Any vacancy occurring on the board shall be filled by the president, with the advice and consent of the village board.

(Ord. 91-6, § 4, 5-28-1991)

**Secs. 2-664-2-669. Reserved:**

## **DIVISION 11. SENIOR ADVISORY COMMITTEE**

### **Sec. 2-670. Created:**

There is hereby created a senior advisory committee for the village. The duties of the committee shall include suggesting and coordinating senior activities and programs, informing the president and board of trustees of such activities and assisting in integrating such activities into the village events schedule.

(Ord. 95-11, § 1, 6-12-1995)

### **Sec. 2-671. Membership:**

The committee shall consist of five (5) members, one of which shall be elected chairperson by the members. All members shall have an equal vote in the decisions of the committee.

(Ord. 95-11, § 2, 6-12-1995)

### **Sec. 2-672. Appointment; Qualifications:**

The members of the committee shall be appointed by the president with the advice and consent of the village board. All members of the committee must be residents of the village.

(Ord. 95-11, § 3, 6-12-1995)

### **Sec. 2-673. Terms Of Office:**

The terms of office shall be one year, beginning on May 1 and ending on April 30 of the next year.

(Ord. 95-11, § 4, 6-12-1995)

### **Sec. 2-674. Reports:**

In April of each year the committee shall prepare and submit to the village board a summary report of its operations and activities during the preceding year.

(Ord. 95-11, § 5, 6-12-1995)

## **DIVISION 12. ECONOMIC PLANNING BOARD**

### **Sec. fj. Economic Planning Board Created:**

There is hereby created and established an advisory board, which shall be known as the Economic Planning Board of the Village of Justice.

(Ord. 2013-16, § 1, 10-14-2013)

### **Sec. 2-676. Duties:**

The board shall be charged with the following tasks: a) research, study and recommend the adoption of an economic development plan to attract and retain commercial businesses, and to otherwise promote commercial development; b) identify and categorize business zones and real

property for future commercial development; c) identify and prioritize projects, perform cost analysis, generate plans for implementation, and identify benefits to the public; d) study, identify and recommend incentives that can be offered to commercial businesses to expand their current operations or to attract new business to the Village of Justice; e) study, identify and recommend ways to stabilize and generate tax revenue within commercial districts; f) submit written recommendations to the village president and board of trustees for adoption and implementation; and, g) submit findings relative to its duties to the president and board of trustees no fewer than two times per year at the second village board meeting in October and April.

(Ord. 2013-16, § 1, 10-14-2013)

#### **Sec. 2-677. Voting Membership:**

The voting membership of the economic development board shall be composed of five (5) public members.

(Ord. 2013-16, § 1, 10-14-2013)

#### **Sec. 2-678. Appointment; Term Of Members; Removal:**

(1) The five (5) public members shall be appointed by the village president with the advice and consent of the board of trustees. The public members of the board shall be compensated at a rate of one hundred dollars (\$100.00) per month for meetings held and attended. The terms of office for the public members shall commence on the second (2nd) Monday of May, and shall have the following terms of office:

- (a) Three members shall serve for a one-year term.
- (b) Two members shall serve for a two-year term.

(2) Members of the board shall serve until the expiration of their terms, or as soon thereafter as their successors have been duly appointed and qualified.

(3) The village of Justice, economic development director shall be the chairman of the economic planning board. The chairman shall not receive compensation or other benefits for his or her service. The secretary of the economic planning board shall be appointed by the village president with the advice and consent of the board of trustees. The secretary shall be compensated at a rate of one hundred dollars (\$100.00) per month for meetings held and attended.

(4) The village president with the advice and consent of the board of trustees shall have the power to remove any public member of the board in case of incompetence, neglect of duty or malfeasance in office after service of intent to remove the public member from the board by certified mail, return receipt requested after providing an opportunity to be heard in person not more than ten (10) days from the date of notice. Vacancies in the board shall be filled for the unexpired term of the member whose place has become vacant, in the manner provided in this section for the appointment of such member.

(Ord. 2013-16, § 1, 10-14-2013; Ord. 2015-15, § 1, 9-28-2015)

#### **Sec. 2-679. Meetings:**

The board shall conduct its meetings upon the call of the chairman in the Village Board Room located at 7800 Archer Road, Justice, Illinois. Approval of any matters coming before the board shall require the affirmative vote of the majority of members then holding office. Additional meetings may be called at such dates, times and locations as may be approved by the board. Meetings shall be cancelled by the call of the chairman of the board in the absence of business coming before the board. The board shall conduct its meetings in accordance with the Open Meeting Act. Non-voting consultants shall not be counted for purposes of determining a quorum.

(Ord. 2013-16, § 1, 10-14-2013; Ord. 2015-15, § 2, 9-28-2015)

**📖 Sec. 2-680. Non-Voting Ex-Officio Consultants:**

There shall be three (3) ex-officio non-voting consultants of the board consisting of the village president, the village trustee serving as the chairperson of the economic development and business licenses committee, and the village trustee serving as the chairperson of the buildings, zoning and ordinances committee, whose duties shall be to support and advise the board. The non-voting ex-officio consultants shall attend board meetings with the voting members of the board. Non-voting ex-officio consultants shall not receive compensation or other benefits for his or her service.

(Ord. 2013-16, § 1, 10-14-2013; Ord. 2015-15, § 3, 9-28-2015)

**📖 Sec. 2-681. Non-Voting Adjunct Consultants.**

There shall be adjunct non-voting consultants of the board who shall provide professional advice, recommendations, and planning goals to the board. The adjunct non-voting consultants shall attend board meetings with the voting members of the board. Non-voting adjunct consultants shall not receive compensation or other benefits for his or her service.

(Ord. 2013-16, § 1, 10-14-2013; Ord. 2015-15, § 4, 9-28-2015)

**Secs. 2-682-2-699. Reserved:**

**📖 ARTICLE XVIII. CODE HEARING DEPARTMENT**

**📖 Sec. 2-700. Purpose:**

The stated purpose of this article is to provide a fair and efficient enforcement procedure for building code, property maintenance code, and fire code violations, and other miscellaneous violations under this code.

This article will set forth rules and regulations in order to create a system to expedite the hearing, prosecution and correction of such violations.

(Ord. 96-38, § 1, 11-12-1996; Ord. 2012-24, § 14, 9-24-2012)

**📖 Sec. 2-701. Definitions:**

As used in this article, unless the context requires otherwise:

(1) *Code*: Any Justice ordinance, law, housing or building code that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in a municipality;

(2) *Building Officers*: Any full- or part-time employee whose duties include the inspection or examination of structures and vacant lots in the village of Justice to determine if code violations exist;

(3) *Building Owner*: The legal or beneficial owner of a structure;

(4) *Hearing Officer*: An individual appointed by the president, with the advice and consent of the village board, other than a building inspector or law enforcement officer, whose duty it is to:

- a. Preside at the administrative hearings to decide if a code violation exists;
- b. Administer oaths;
- c. Hear testimony and accept evidence from the building inspector, the building or lot owner and all interested parties relevant to the existence of a code violation;
- d. Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing;
- e. Issue and sign a written finding, decision and order stating whether a code violation exists;
- f. Issue subpoenas, if necessary;
- g. Assess fines and penalties.

(Ord. 96-38, § 2, 11-12-1996)

#### **Sec. 2-702. Hearing Officer:**

The village president, with the advice and consent of the village board, is hereby authorized to appoint persons to the positions set forth in section [2-701](#) of this article.

(Ord. 96-38, § 3, 11-12-1996)

#### **Sec. 2-703. Code Hearing Department:**

Pursuant to 65 ILCS 5/11-31.1-2 (1994) the village establishes a code hearing department. The function of the hearing department is to expedite the prosecution and correction of code violations in the manner set forth in this article.

(Ord. 96-38, § 4, 11-12-1996)

#### **Sec. 2-704. Hearing Procedures Not Exclusive:**

The village by adoption of this ordinance does not preclude itself from using other methods to enforce the provisions of its codes.

(Ord. 96-38, § 5, 11-12-1996)

**📖 Sec. 2-705. Instituting Code Hearing Proceedings:**

When a building inspector discovers a code violation while inspecting a structure or vacant lot, he shall note the violation on a multiple-copy violation notice and report form, indicating the name and address of the owner or his or her agent, the type and nature of the violation, the date and time the violation was observed, the names of witnesses to the violation, and the address where the violation is observed.

The violation report form shall be forwarded by the building inspector to the code hearing department where a docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than thirty (30) days nor more than sixty (60) days after the violation is reported by the building inspector.

One (1) copy of the violation report form shall be maintained in the code hearing department and shall be part of the record of hearing, one copy of the report form shall be returned to the building inspector so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one (1) copy of the report form shall be served by first class mail on the owner, along with a summons commanding the owner to appear at the hearing. If the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or nailing a copy of the violation report form on the front door of a structure where the violation is found not less than twenty (20) days before the hearing is scheduled. Service may also be made by a police officer in accordance with 65 ILCS 5/1-2-11 (1994), by the village president in accordance with 65 ILCS 5/1-2-9.1 (1994) or in any other manner provided by law including those enumerated in the 735 ILCS 5/1-101 et seq. (1994).

(Ord. 96-38, § 6, 11-12-1996; Ord. 2009-15, § 7, 6-22-2009)

**📖 Sec. 2-706. Subpoenas And Defaults:**

At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the building inspector or the attorney for the village, or the owner or his or her attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the owner or his or her attorney fails to appear, the hearing officer may find the owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

(Ord. 96-38, § 7, 11-12-1996)

**📖 Sec. 2-707. Continuances-Representation At Code Hearings:**

No continuance shall be authorized by the hearing officer in proceedings under this article except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by the hearing officer under this article shall be given to the next regular hearing date. The case for the village may be presented by the building inspector, by any other employee of the village or by an attorney designated by the village. However, in no event shall the case for the village be



presented by an employee of the code hearing department. The case for the owner may be presented by the owner, his or her attorney, or any other agent or representative.

(Ord. 96-38, § 8, 11-12-1996)

**📖 Sec. 2-708. Hearing; Evidence:**

At the hearing, a hearing officer shall preside and hear testimony and accept any evidence relevant to the existence or nonexistence of a code violation in the structure indicated. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this article.

(Ord. 96-38, § 9, 11-12-1996)

**📖 Sec. 2-709. Eviction Rights Of Occupants:**

No action of eviction, abatement of nuisance, forcible entry or detainer or other similar proceeding shall be threatened or instituted against the occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

(Ord. 96-38, § 10, 11-12-1996)

**📖 Sec. 2-710. Defenses Of Code Violations:**

It shall be a defense to a code violation charged under this article if the owner, his or her attorney or any other agent or representative proves to the hearing officer's satisfaction that:

- (1) The code violation alleged in the notice does not in fact exist, or at the time of the hearing that the violation has been remedied or removed;
- (2) The code violation has been caused by the current building occupants and that in spite of reasonable attempts by the owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations;
- (3) An occupant or resident of the dwelling has refused entry to the owner or his or her agent to all or part of the dwelling for the purpose of correcting the code violation.

(Ord. 96-38, § 11, 11-12-1996)

**📖 Sec. 2-711. Findings, Decision, Order:**

At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not the code violation exists based on the findings of fact, and an order, ordering the owner to correct the violation or dismissing the case, in the event that a violation is not proved. If a code violation is proved, the order may also impose the sanctions that are provided in the code for the violation proved and costs not to exceed seventy-five dollars (\$75.00) per violation. A copy of the findings, decision, and order shall be served on the owner within five (5) days after they are issued; service shall be in the same manner the report form and summons are served pursuant to

section 2-705 of this article. Payment of any fine or penalty imposed shall be made to the village of Justice, in care of the building department. When collected, the fines and penalties shall be paid into the treasury of the village.

(Ord. 96-38, § 12, 11-12-1996; Ord. 2000-06, § 1, 1-10-2000; Ord. 2009-15, § 7, 6-22-2009; Ord. 2010-02, § 2, 2-8-2010; Ord. 2012-24, § 15, 9-24-2012)

**Sec. 2-712. Administrative Review:**

The findings, decision and order of the hearing officer shall be subject to review in the circuit court of Cook County and the provisions of the administrative review law, and all amendments and modifications thereto, and the rules adopted pursuant thereto are adopted and shall apply to and govern every action of the judicial review of the findings, decision and order of a hearing officer under this article.

(Ord. 96-38, § 13, 11-12-1996)

**Sec. 2-713. Judgment On Findings, Decision, Order:**

(a) Any fine, other sanctions or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the administrative review law shall be a debt due and owing to the village, as such, may be collected in accordance with the applicable law.

(b) After expiration of the period within which judicial review under the administrative review law may be sought for a final determination of the code violation, the village may commence a proceeding in the circuit court of Cook County for the purposes of obtaining a judgment on the findings, decision and order. The village may consolidate multiple findings, decision and order against a person in such a proceeding. Upon commencement of the action the village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with 65 Illinois Compiled Statutes 5/11-31.1-1 et seq. (1994), and this article. Service of the summons and a copy of the petition may be made by any method provided by section [2-203](#) of the code of civil procedure<sup>1</sup> or by certified mail, return receipt requested, provided that the total amount of the fines, other sanctions and costs imposed by the findings, decision and order does not exceed two thousand five hundred dollars (\$2,500.00). If the court is satisfied that the findings, decision and order were entered in accordance with 65 Illinois Compiled Statutes 5/11-31.1-1 et seq. (1994), and this article, and that the owner had an opportunity for a hearing under 65 Illinois Compiled Statutes 5/11-31.1-1 et seq. (1994), and this article and for judicial review as provided in 65 Illinois Compiled Statutes 5/11-31.1-1 et seq. (1994): 1) the court shall render judgment in favor of the village and against the owner for the amount indicated in the findings, decision and order, plus costs. Such judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money; and 2) the court may also issue such other orders and injunctions as are requested by the village to enforce the order of the hearing officer to correct a code violation.

(Ord. 96-38, § 14, 11-12-1996)

<sup>1</sup> 735 ILCS 5/2-203.

**📖 Sec. 2-714. Sanctions Applicable To Owner-Property:**

The order to correct a code violation and the sanctions imposed by the village as a result of a finding of a code violation under this article, such violation shall attach to the property, so that a finding of a code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this article.

(Ord. 96-38, § 15, 11-12-1996)

**📖 Sec. 2-715. Civil Liability For Rentals In Excess Of Number Permitted By Ordinance-Definitions:**

(a) The owner of a building located in the village who directly or indirectly has collected, or caused to be collected, rentals from an occupant of that building during a period in which the number of apartments or family units in that building exceeded the number permitted for that building by an ordinance of the village, is liable to any such occupant in an amount equal to not more than three (3) times the amount of any rentals paid by such occupant, or in his behalf, after January 1, 1970, together with the court costs and reasonable attorney fees. If the occupant is a recipient of public aid under article III, IV, or VI of the "the Illinois public aid code", approved April 11, 1967, as amended, in whose behalf vendor payment of the rental was made by the Illinois department of public aid or a local governmental unit, as the case may be, the liability as herein provided is to the Illinois department of public aid or the local governmental unit making vendor payment of the rental.

(b) For the purpose of this section:

*Family Unit:* A room or group of rooms used or intended to be used as a housekeeping unit of living, sleeping, cooking, and eating. The fact that any such family unit is used or intended to be used with cooking or eating accommodations in common with another family unit in any such building does not affect liability hereunder.

*Owner:* The legal or beneficial owner of a building.

(c) No liability accrues under this section until thirty (30) days after the owner of record of a building has been notified in writing that such owner is in violation of any such village ordinance. Such notice shall be personally served upon such owner of record or sent by registered mail to the last known address of such owner.

(Ord. 96-38, § 16, 11-12-1996)

**📖 Sec. 2-716. Federal Government's Contracts-Maintenance Of Property-Penalties:**

A person who contracts with the federal government or any of its agencies, including, without limitation, the department of housing and urban development, to care for vacant residential real estate shall be responsible for maintaining the property to prevent and correct village health and safety code violations.

(Ord. 96-38, § 17, 11-12-1996)

**📖 Secs. 2-717-2-749. Reserved:**

## 📖 **ARTICLE XIX. ETHICS<sup>1</sup>**

**1** Prior ordinance history: Ord. 99-21, 6-28-1999.

### 📖 **Sec. 2-750. Definitions:**

For purposes of this article, the following terms shall be given these definitions:

*Campaign For Elective Office:* Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice presidential electors, but does not include activities: 1) relating to the support or opposition of any executive, legislative, or administrative action, 2) relating to collective bargaining, or 3) that are otherwise in furtherance of the person's official duties.

*Candidate:* A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the election code<sup>2</sup>.

**2** 10 ILCS 5/1-3.

*Collective Bargaining:* Has the same meaning as that term is defined in section 3 of the Illinois public labor relations act<sup>1</sup>.

**1** 5 ILCS 315/3.

*Compensated Time:* With respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location. "Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

*Contribution:* Has the same meaning as that term is defined in section 9-1.4 of the election code<sup>2</sup>.

**2** 10 ILCS 5/9-1.4.

*Employee:* A person employed by the village of Justice, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

*Employer:* The village of Justice.

*Gift:* Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

*Leave Of Absence:* Any period during which an employee does not receive: 1) compensation for employment, 2) service credit towards pension benefits, and 3) health insurance benefits paid for by the employer.

*Officer:* A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

*Political Activity:* Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: 1) relating to the support or opposition of any executive, legislative, or administrative action, 2) relating to collective bargaining, or 3) that are otherwise in furtherance of the person's official duties.

*Political Organization:* A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk under section 9-3 of the election code<sup>3</sup>, but only with regard to those activities that require filing with the state board of elections or a county clerk.

**3** 10 ILCS 5/9-3.

*Prohibited Political Activity:*

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

*Prohibited Source:* Any person or entity who:

(1) Is seeking official action: a) by an officer or b) by an employee, or by the officer or another employee directing that employee;

(2) Does business or seeks to do business: a) with the officer or b) with an employee, or with the officer or another employee directing that employee;

(3) Conducts activities regulated: a) by the officer or b) by an employee, or by the officer or another employee directing that employee; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(Ord. 2004-12, § 1, 5-10-2004; Ord. 2009-11, § 2, 5-26-2009)

#### **Sec. 2-751. Prohibited Political Activities:**

(a) No officer or employee shall intentionally perform any prohibited political activity during any "compensated time", as defined herein. No officer or employee shall intentionally use any property or resources of the village of Justice in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity: 1) as part of that officer's or employee's duties, 2) as a condition of employment, or 3) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded

additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this article.

(e) No person either: 1) in a position that is subject to recognized merit principles of public employment or 2) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant in aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

(Ord. 2004-12, § 1, 5-10-2004; Ord. 2009-11, § 2, 5-26-2009)

 **Sec. 2-752. Gift Ban:**

(a) *Solicitation Or Acceptance Of Gifts:* Except as permitted by this section, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any "prohibited source", as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this subsection.

(b) *Exceptions:* Subsection (a) of this section is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any: a) contribution that is lawfully made under the election code or b) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the

gift was offered, such as: a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding seventy five dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are: a) consumed on the premises from which they were purchased or prepared or b) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intragovernmental and intergovernmental gifts. For the purpose of this article, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).

Each of the exceptions listed in this subsection is mutually exclusive and independent of every other.

(c) Disposition Of Gifts: An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the internal revenue code of 1986, as now or hereafter amended, renumbered, or succeeded.

(Ord. 2004-12, § 1, 5-10-2004; Ord. 2009-11, § 2, 5-26-2009)

### **Sec. 2-753. Ethics Advisor:**

(a) The president of the board of trustees may, at its option, with the advice and consent of the board of trustees, designate an ethics advisor for the village of Justice. The duties of the ethics advisor may be delegated to an officer or employee of the village of Justice unless the position has been created as an office by the village of Justice.



(b) The ethics advisor shall provide guidance to the officers and employees of the village of Justice concerning the interpretation of and compliance with the provisions of this article and state ethics laws. The ethics advisor shall perform such other duties as may be delegated by the village of Justice.

(Ord. 2004-12, § 1, 5-10-2004; Ord. 2009-11, § 2, 5-26-2009)

**📖 Sec. 2-754. Ethics Commission:**

(a) The president and board of trustees may, at its option, create a commission to be known as the ethics commission of the village of Justice. The commission shall be comprised of three (3) members appointed by the president of the board of trustees with the advice and consent of the board of trustees. No person shall be appointed as a member of the commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the village of Justice.

(b) At the first meeting of the commission, the initial appointees shall draw lots to determine their initial terms. Two (2) commissioners shall serve two (2) year terms, and the third commissioner shall serve a one year term. Thereafter, all commissioners shall be appointed to two (2) year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two (2) commissioners. A quorum shall consist of two (2) commissioners, and official action by the commission shall require the affirmative vote of two (2) members.

(c) The president of the board of trustees, with the advice and consent of the board of trustees, may remove a commissioner in case of incompetence, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten (10) days' notice. Vacancies shall be filled in the same manner as original appointments.

(d) The commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with subsection [2-755\(c\)](#) of this article and refer violations of section [2-751](#) or [2-752](#) of this article to the appropriate attorney for prosecution. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this article and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this article.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the village of Justice to cooperate with the commission during the course of its investigations. Failure or refusal to cooperate with requests by the commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the commission are limited to matters clearly within the purview of this article.

(e) (1) Complaints alleging a violation of this article shall be filed with the ethics commission.

(2) Within three (3) business days after the receipt of a complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three (3) business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(3) Upon not less than forty eight (48) hours' public notice, the commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the open meetings act. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven (7) business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of section [2-752](#) of this article and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. Alternatively, the commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of section [2-751](#) of this article, then the commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the commission concerning the alleged violation.

(4) On the scheduled date and upon at least forty eight (48) hours' public notice of the meeting, the commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the open meetings act.

(5) Within thirty (30) days after the date the hearing or any recessed hearing is concluded, the commission shall either: a) dismiss the complaint or b) issue a recommendation for discipline to the alleged violator and to the village president, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(6) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven (7) business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within fourteen (14) days after receiving the demand, the commission shall conduct a public hearing on the complaint upon at least forty eight (48) hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven (7) days thereafter, the commission shall publicly issue a final recommendation to the alleged violator and to the village president or impose a fine upon the violator, or both.

(7) If a complaint is filed during the sixty (60) days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection (e)(5) of this section within seven (7) days after the complaint is filed, and during the seven (7) days preceding that election, the commission shall render such decision before the date of that election, if possible.

(8) The commission may fine any person who intentionally violates any provision of section [2-752](#) of this article in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00). The commission may fine any person who knowingly files a frivolous complaint alleging a violation of this article in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00). The commission may recommend any appropriate discipline up to and including discharge.

(9) A complaint alleging the violation of this article must be filed within one year after the alleged violation.

(Ord. 2004-12, § 1, 5-10-2004; Ord. 2009-11, § 2, 5-26-2009)

#### **Sec. 2-755. Penalties:**

(a) A person who intentionally violates any provision of section 2-741 of this article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty four (364) days, and may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

(b) A person who intentionally violates any provision of section [2-752](#) of this article is subject to a fine in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00).

(c) Any person who intentionally makes a false report alleging a violation of any provision of this article to the local enforcement authorities, the state's attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary

for a period of not more than three hundred sixty four (364) days, and may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

(d) A violation of section [2-751](#) of this article shall be prosecuted as a criminal offense by an attorney for the village of Justice by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of section [2-752](#) of this article may be prosecuted as a quasi-criminal offense by an attorney for the village of Justice, or, if an ethics commission has been created, by the commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of section [2-751](#) or [2-752](#) of this article is subject to discipline or discharge.

(Ord. 2004-12, § 1, 5-10-2004; Ord. 2009-11, § 2, 5-26-2009)

**Secs. 2-756-2-759. Reserved:**

## **📖 ARTICLE XX. JUSTICE PARK DEPARTMENT**

**📖 Sec. 2-760. Department Created:**

There is hereby created the Justice parks department in and for the purchase, establishment and maintenance of municipal lands to be designated as public parks within the village of Justice.

(Ord. 2002-43, § 1, 9-23-2002)

**📖 Sec. 2-761. Composition:**

The village president and board of trustees may appoint a grant counselor to assist the village of Justice in the pursuit of and administration of grant money for its municipal parks or such other officials as the president and board of trustees see fit. All maintenance personnel hired for the maintenance of the public parks and municipal lands shall be under the supervision and control of the public works director. All Justice park nonappointed employees shall follow the rules and regulations in this code cited for administrative employees of the village of Justice.

(Ord. 2002-43, § 1, 9-23-2002)

**📖 Sec. 2-762. Control; Compensation:**

The compensation and makeup of the Justice parks department shall be subject to the control of the president and board of trustees of the village at all times in the performance of their duties under the provisions hereof. The compensation shall be in accordance with section [2-34](#) of this chapter. Acquisition, leasing, purchase or conveyance of any nature and kind of lands in and out of the Justice park department shall be at the sole determination of the president and the board of trustees.

(Ord. 2002-43, § 1, 9-23-2002)

## 📖 **ARTICLE XXI. CODE ENFORCEMENT OFFICER**

### 📖 **Sec. 2-800. Office of Code Enforcement Officer:**

There is hereby created and established the office of Code Enforcement Officer.

### 📖 **Sec. 2-801. Code Enforcement Officer:**

(a) *Qualifications:* The Code Enforcement Officer shall be a registered architect, registered structural engineer, registered professional engineer, carpenter or have at least ten (10) years of experience in the construction industry or a related field; pass all exams and tests required by the Village including but not limited to drug/alcohol screenings; complete the Certified Property Maintenance and Housing Inspector and Certified Zoning Enforcement Officer training through the American Association of Code Enforcement (AACE) and pass the Property Maintenance and Housing Inspector Certification Exam through the International Code Council (ICC) within thirty (30) days of being appointed. (Ord. 2019-23, §1, 06-24-2019)

(b) *Duties and Powers:* The Code Enforcement Officer shall respond to and investigate complaints regarding all violations of the Justice Municipal Code (excluding traffic laws and ordinance violations with criminal counterparts) (collectively, as used in this section, the “laws”), and he may issue citations or warning letters to responsible parties as warranted. The Code Enforcement Officer shall enforce the laws pertaining to abandoned or inoperable vehicles, illegal parking of vehicles, vehicle licensing, amusement game machine licensing, animal complaints, garbage issues, unsightly properties, business regulations, utility regulations, structures and vacant lots, and health and sanitation violations. The Code Enforcement Officer may also be requested, and is authorized, to assist the building commissioner, or his designee, from time to time. On an as-needed basis, the Code Enforcement Officer shall meet with owners, tenants, contractors, developers, business, representatives, and others to review and explain the requirements of the laws and violations or potential violations thereof in order to secure compliance with the laws, and shall draft and distribute a variety of correspondence, memoranda, notices, flyers, brochures, media releases, and reports relating to enforcement of the laws and actions related thereto. The Code Enforcement Officer shall keep a careful and accurate record of all written warnings, citations, letters and such other work-product as may be generated during the performance of his/her duties. The Code Enforcement Officer shall provide such information as may be necessary to support the village in judicial proceedings, administrative hearings and such other enforcement actions as may be undertaken, and shall testify in such actions. (Ord. 2019-23, §1, 06-24-2019)

(c) *Compensation:* The annual salary of the Code Enforcement Officer shall be in accordance with Section 2-34 of this chapter. (Ord. 2019-23, §1, 06-24-2019)

(g) Nothing contained herein shall preclude the individual appointed as code enforcement officer from also performing inspection or enforcement duties related to those codes expressly adopted by the village elsewhere in this code, including, but not limited to, those adopted in chapters 4, 5 and 8 hereof. (Ord. 2009-24, §3, 11-9-2009)

**Sec. 2-802. Office of Deputy Code Enforcement Officer:**

There is hereby created and established the office of Deputy Code Enforcement Officer. (Ord. 2019-23, §1, 06-24-2019)

**Sec. 2-803. Deputy Code Enforcement Officer:**

(a) *Qualifications:* The Deputy Code Enforcement Officer shall be a registered architect, registered structural engineer, registered professional engineer, carpenter or have at least five (5) years of experience in the construction industry or a related field; pass all exams and tests required by the Village including but not limited to physical ability and drug/alcohol screenings; complete the Certified Property Maintenance and Housing Inspector and Certified Zoning Enforcement Officer training through the American Association of Code Enforcement (AACE) and pass the Property Maintenance and Housing Inspector Certification Exam through the International Code Council (ICC) within thirty (30) days of being appointed. (Ord. 2019-23, §1, 06-24-2019)

(b) *Duties and Powers:* The Deputy Code Enforcement Officer shall be authorized and perform all tasks assigned to him by the Code Enforcement Officer. He shall respond to and investigate complaints regarding certain violations of the Justice Municipal Code (excluding traffic laws and ordinance violations with criminal counterparts) and he may issue citations or warning letters to responsible parties as warranted. The Deputy Code Enforcement Officer shall assist the building commissioner, or his designee, from time to time. On an as-needed basis, the Deputy Code Enforcement Officer shall meet with owners, tenants, contractors, developers, business, representatives, and others to review and explain the requirements of the laws and violations or potential violations thereof in order to secure compliance with the laws, and shall draft and distribute a variety of correspondence, memoranda, notices, flyers, brochures, media releases, and reports relating to enforcement of the laws and actions related thereto. The Deputy Code Enforcement Officer shall keep a careful and accurate record of all written warnings, citations, letters and such other work-product as may be generated during the performance of his/her duties. The Deputy Code Enforcement Officer shall provide such information as may be necessary to support the Village attorney in judicial proceedings, administrative hearings and such other enforcement actions as may be undertaken and shall testify in such actions. (Ord. 2019-23, §1, 06-24-2019)

(c) *Compensation:* The annual salary of the Deputy Code Enforcement Officer shall be in accordance with Section 2-34 of this chapter. (Ord. 2019-23, §1, 06-24-2019)

**Sec. 2-804. Additional Duties and Powers:**

The duties and powers of the Code Enforcement Officer and Deputy Code Enforcement Officer enumerated in this Article are not intended to be exhaustive, and such officers shall be authorized to take all action necessary to enforce the provisions of this Code not otherwise reserved to other officers or their departments. (Ord. 2019-23, §1, 06-24-2019)

**Sec. 2-805 -2-809. Reserved.**

## **ARTICLE XXII. ANTI-NEPOTISM & REIMBURSEMENT OF TRAVEL EXPENSES**

### **Sec. 2-810. Definitions.**

The following words, terms, and phrases, as used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

*Current Employee* means any person who received payment of wages for services actually rendered to the village within the sixty (60) prior to the date of the adoption of this article.

*Employee* means any person who earns wages paid by the village, and shall exclude unpaid volunteers.

*Immediate Family* means any father, mother, sister, brother, husband, wife, child, grandchild or grandparent of a person, whether the relationship be natural, adopted, or “in-law.”

*Nepotism* means the employment or other work-place favoritism granted to relatives without regard to merit.

### **Sec. 2-811. Purpose Policy.**

Nepotism in government is contrary to good governance, and the practice erodes public confidence, discourages transparency, and provokes skepticism for official actions and the motivations behind them. The Village of Justice hereby adopts a policy of anti-nepotism for all employment-related decisions.

### **Sec. 2-812. Employment Prohibited.**

No person shall be employed in any full-time or part-time capacity with the village if such employment would result in a direct reporting relationship to a person within his/her immediate family.

### **Sec. 2-813. Exceptions.**

This article shall not apply: (a) to current employees, but only to the extent that the immediate application hereof would result in a violation of this article; (b) to seasonal employees; (c) to police officers appointed by, or hired upon the recommendation of, the Board of Fire and Police Commissioners; or (d) when its application would be contrary to any existing written contract, collective bargaining agreement, or statutory right.

### **Sec. 2-814. Acknowledgement.**

All elected officials, department heads, hiring managers, and supervisors shall acknowledge, in writing, that they have received, read, and understood the provisions of this article. Such acknowledgement shall be delivered to the village clerk within thirty (30) days of this article becoming applicable to such person. (Ord. 2018-08, §1, 06-11-18)

**📖 Sec. 2-815-2-899. Reserved.**

**📖 Sec. 2-900. Reimbursement of Travel Expenses - Definitions:**

The following words and phrases shall have the meanings ascribed to them herein unless the context or use clearly connotes a different meaning.

“Corporate Authorities” means the President and Board of Trustees.

“Entertainment” means shows, amusements, theaters, circuses, sporting events, or any other public or private entertainment or amusement.

“Required Documentation” means (1) a supported estimate of the cost of travel, meals, or lodging if such expenses have not been incurred or contracts and receipts for such expense if already incurred; and, (2) a supported explanation of the purpose of the expense incurred in relation to the Village of Justice.

“Travel” means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

“Village” means the Village of Justice, Cook County, Illinois.

**📖 Sec. 2-901. Reimbursements Limited:**

No officer or employee of the Village shall be reimbursed with Village funds for any expense incurred unless authorized and in accordance with the provisions herein specified.

**📖 Sec. 2-902. Reimbursement Submission and Schedule:**

The Village, upon receipt of an expense reimbursement request form accompanied by any required documentation, may reimburse the travel, meal, and lodging expenses of any officer or employee up to the amounts hereinafter specified:

LODGING (*per night*)

Hotel \$200.00

Meals (*per diem*)

Breakfast \$15.00

Lunch \$20.00

Dinner \$30.00



Transportation

Private vehicle (*per mile*) \$0.54  
Employer-Furnished Vehicle (*per mile*) \$0.19  
Private Motorcycle (*per mile*) \$0.51  
Rental Car (*per diem*) \$100.00  
Airplane Published Coach Fare

 **Sec. 2-903. Reimbursement Limited:**

No officer or employee may be reimbursed for expenses unless they are actually incurred by the officer or employee in relation to, or in the course of, official Village business, job or office related training or education, attendance or participation at any event or function as a representative or agent of the Village, or such other matters as may be pre-approved by the Corporate Authorities.

 **Sec. 2-904. Reimbursement for Entertainment Prohibited:**

No officer or employee shall be reimbursed for an entertainment expense unless such expense is ancillary to the purpose of a program or function otherwise qualifying for reimbursement.

 **Sec. 2-905 Reimbursement in Excess of Schedule:**

No expense reimbursement in excess of the amounts set forth in Section 2-902 shall be made to any officer or employee without the approval of the Corporate Authorities by a separate roll call vote.

 **Sec. 2-906. Reimbursement of Elected Officials:**

No expense reimbursement in any amount shall be made to any person holding an elected office without the approval of the Corporate Authorities by a separate roll call vote.

(Ord. 2017-08, §1, 2-27-17)

Notes

- 1 65 ILCS 5/1-1-1 et seq., 5/2-3-8,5/3.1-45-5.
- 2 65 ILCS 5/3.1-35-5, 5/3.1-45-5.
- 3 30 ILCS 20/1; 65 ILCS 5/3.1-35-40.

4 See chapters [4](#) and [9](#) of this code.

\* Footnote is unavailable. Please contact city.

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