

TITLE III: ADMINISTRATION

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County Clerk of the official election results of the regular municipal election at which the officers were elected, but in no event shall the proclamation of the results of the regular municipal election and the inauguration of the newly elected officers occur later than the first regular meeting of the council in the month of June following the election.

(3) The regular meetings of the council shall be held as follows: the first and third Tuesday of each month at the hour of 7:00 p.m.

(F) Quorum. Three members of the council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution, or ordinance, unless a greater number is provided for by statute.

(G) Voting rights. The Mayor and each commissioner shall have the right to vote on all questions coming before the council.

(H) Presiding officer. The Mayor shall preside at all regular and special meetings of the council; provided, that in the absence of the mayor, the commissioner of accounts and finances shall be the presiding officer, as is provided by statute.

(I) Addressing meetings. It shall be unlawful for any person to address or attempt to address any regular or special meeting of the council, excepting upon the consent of the Mayor or with the consent of a majority of the members present.

(J) Disturbing meetings. It shall be unlawful to disturb or interrupt any regular or special meeting of the council; any person violating any provision of this section shall be fined not less than one dollar nor more than ten dollars for each offense and may be summarily ejected from the council room and the Village Hall.

(K) Filing of certain ordinances for public inspection. Every ordinance or resolution appropriating any money; ordering any street improvement or sewer; making or authorizing the making of any contract; or granting any franchise, right, or license to occupy or use the streets, alleys, highways, bridges, viaducts, public property, or public places in the municipality for any purpose shall remain on file with the Village Clerk for public inspection, in the form in which it is finally passed, at least one week before the final passage thereof.

(L) Estimate of expenses. It shall be the duty of each commissioner to present to the Village Clerk each year a detailed statement of the expenses which it is anticipated will be necessary for the operation of his department for the coming fiscal year. Such statement shall be presented to the commissioner of accounts and finances on or before the 2nd meeting in January each year.

§ 30.01 GENERAL PROVISIONS.

(A) Powers and functions of the council. The council shall consist of the Mayor and four commissioners elected for a four-year term, as is provided by law. The council shall be the governing body of the village and shall have the powers and duties prescribed by statute, to wit, ILCS Ch. 65, Act 5, § 4-5-2.

(B) Vacancies. Vacancies occurring in the council shall be filled by the remaining members, as provided by statute.

(C) Departments. The village government shall be divided into five departments, as is provided in ILCS Chapter 65, Act 5, § 4-5-2, and each commissioner shall be the superintendent of a department. The Mayor shall be superintendent of the department of public affairs, and the other commissioners shall be allotted to the four other departments by the council as is provided by statute.

(D) Bond. The Mayor and each commissioner shall, before beginning the duties of office, execute and give a bond, with good and sufficient corporate security thereon, in a sum not less than \$3,000.00; which bonds shall be filed with, recorded and preserved by the Village Clerk.

(E) Commencement of terms and meetings.

(1) All meetings of the council shall be held in the council room of the Village Hall.

(2) The terms of elected municipal officers shall commence at the first regular meeting of the council after receipt from the

(M) Open meeting laws. All meetings of the council, whether regular or special, shall be open to the public. When discussing village business, the commissioners shall comply with applicable open meeting laws.

(N) Order of business. The following rules shall govern the proceedings of the Village Council. A quorum being present, the council shall proceed to transact business in the order shown on the posted, or published agenda. The agenda shall be prepared by the Village Clerk. The agenda shall include the items of business that are customary at every meeting, such as roll call and approval of the minutes of the last meeting, plus items requested by the Mayor, any member of the council and any other elected village officer. Except for consideration of emergency matters permitted by open meeting laws, no item of business shall be discussed unless such item was listed on the posted or published agenda as required by open meeting laws.
(Ord. 523, passed 6-14-99; Am. Ord. 620, passed 5-1-07)

§ 30.02 THE MAYOR.

(A) Superintendent of Public Affairs. The Mayor shall be commissioner of public affairs, shall supervise all departments, and shall report to the council for its action on all matters requiring the attention of any department.

(B) General duties. The Mayor shall have and exercise all the powers and perform all the duties that are or may be prescribed by law, or by the village ordinances. He shall be the chief executive officer and representative of the village; he shall sign all contracts and warrants on behalf of the village, and all licenses issued by the village; he shall cause to be prepared and published all statements and reports required to be prepared and published by law, or by ordinance or resolution of the council; and he shall appoint members to all village commissions, committees and boards with the consent of the council and in accordance with statutory provisions.

(C) Departments and officers. The Village Attorney, the Village Clerk and all other officers and employees of the village who are not specifically assigned to any other department are hereby assigned to the department of public affairs. The police department, and all officers, assistants and employees therein are hereby distributed and assigned to the department of public affairs.

(D) Enforcement of ordinances. The Mayor shall be generally charged with and responsible for the proper conduct of the village's affairs, the conduct of elections, and the enforcement of all ordinances of the village, as chief executive.

(E) Publication of ordinances. The Mayor shall cause to be prepared and published all ordinances of the village.
(Ord. 523, passed 6-14-99)

§ 30.03 COMMISSIONER OF ACCOUNTS AND FINANCES.

(A) Superintendent of department. The commissioner of accounts and finances shall be superintendent of the department of accounts and finances, and shall have supervision over and direction of all accounts and finances of the village, and shall have charge of and supervision and direction over all records of the village and all officers, boards and departments insofar as the accounts and records of the village are concerned.

(B) Accounts and records. He shall cause proper accounts and records to be kept and proper reports to be made by the officers and/or departments of the village, insofar as the accounts and finances of the village are concerned.

(C) Audits. He shall superintend the annual audits of the accounts and records of officers or employees of the village who may receive or disburse money, and shall see to it that the annual audit required by statute is made.

(D) Inspecting accounts. He shall inspect or cause to be inspected all records or accounts required to be kept in any of the offices or departments of the village insofar as the accounts and finances of the village are concerned and shall, at least once in every month, report the result of such inspection to the council, with such recommendations as he shall see fit to make.

(E) Report on bills. He shall examine, or cause to be examined, and report to the council, upon all bills, accounts, payrolls, demands and claims before they are acted upon, unless otherwise provided by law or ordinance.

(F) Collection of money. He shall collect, or cause to be collected, all claims, demands, license fees, inspection fees, franchise taxes, fines, penalties, forfeitures, rentals, or money, which may be due or become due to the village, except as otherwise provided for by law.

(G) Report on failure to pay. He shall report to the council any failure to make a report, or to pay moneys due the village, with such recommendations in relation thereto as he may deem proper.

(H) Officers in department. The Village Treasurer, the Village Collector, and their respective offices and departments, all officers, assistants, and employees therein, all clerical employees in the Village Hall, and all bookkeepers and accountants, are

hereby distributed and assigned to the department of accounts and finances and shall be under the supervision and direction of the commissioner thereof.

(I) Bonds. He shall require that every officer or employee having the care or custody of funds of the village, shall, before entering upon the duties of their respective offices, give bond to the village, according to law, with good and sufficient security, and in such amount as the council shall by ordinance or resolution prescribe.

(J) Absence of Mayor. The commissioner of accounts and finances shall be vice-president of the council, and in case of vacancy of the office of Mayor, or the absence or inability of the Mayor, shall perform the duties of the mayor.
(Ord. 523, passed 6-14-99)

§ 30.04 COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS.

(A) General duties. The commissioner of streets and public improvements shall be superintendent of the department of streets and public improvements and shall have charge of, supervision over and direction of the cleaning and sprinkling of streets, avenues, alleys, and public places; the construction and reconstruction of all street improvements, street lighting, sidewalks, crosswalks, drains, ditches, gutters, culverts, crossing bridges, viaducts and other improvements, and of the repair thereof, except when such improvement or repairs are paid for by special assessments.

(B) Officers and employees. The village engineer and all persons employed by the village in the maintenance, construction or repair of the streets, street lighting, sidewalks, or storm sewers are hereby assigned to the department of streets and public improvements and shall be under the supervision of the commissioner of streets and public improvements.

(C) Motor fuel tax. All repairs, construction or reconstruction of any and all streets, and of all adjuncts and appurtenances thereto which may be made in whole or part out of money received by the village from the state as its share of the motor fuel tax shall be under the control of the commissioner of streets and public improvements.
(Ord. 523, passed 6-14-99)

§ 30.05 COMMISSIONER OF PUBLIC HEALTH AND SAFETY.

(A) Superintendent over department. The commissioner of public health and safety shall be superintendent of the department of public health and safety, and shall have charge, supervision and direction over all

officers and employees hereinafter assigned to the department.

(B) Enforcement of ordinances. He shall enforce or cause to be enforced, the laws of the state and the ordinances of the village, relating to public health and safety and all building and zoning ordinances.

(Ord. 523, passed 6-14-99)

§ 30.06 COMMISSIONER OF PUBLIC PROPERTY.

(A) Superintendent over department. The commissioner of public property shall be superintendent over the department of public property and shall have charge and supervision over all officers and employees assigned thereto.

(B) Officers and employees. The commissioner of public property shall have custody of and be charged with the operation of the waterworks and the collection of garbage and refuse; and he shall have supervision over all officers and employees assigned to these activities.

(C) Custody of buildings. He shall have the custody of, and be responsible for the maintenance and repair of, the Village Hall, the village garages and storage houses, and all other village owned buildings and grounds.

(D) Inventory and maps. The commissioner of public property shall keep an accurate inventory of all public property of the village used or controlled by any department thereof, and shall keep accurate maps, plats and records of all public works, lands or property owned by the village.

(Ord. 523, passed 6-14-99)

§ 30.07 COMPENSATION OF COMMISSIONERS.

The salary for each commissioner elected at or after the general municipal election occurring in April, 1999 and each commissioner who is appointed to fill any vacancy on or after said election, and any successor to said office, shall be paid the annual salary of \$2,400.00, payable in equal monthly installments of \$200.00. This salary rate shall remain in effect thereafter unless otherwise amended by ordinance. This salary shall be in lieu of all other compensation, except actual expenses incurred while performing duties for the village.

(Ord. 523, passed 6-14-99)

§ 30.08 COMPENSATION OF MAYOR.

The salary for the Mayor elected at the general municipal election held during April, 1999, and his or her successor, shall be as follows: An annual salary of \$3,600.00, payable in equal monthly installments of \$300.00. This salary rate shall remain in effect thereafter unless otherwise amended by ordinance. This salary shall be in lieu of

all other compensation, except actual expenses incurred while performing duties for the village.

(Ord. 523, passed 6-14-99)

§ 30.09 VILLAGE ATTORNEY.

(A) Appointment. The Mayor, by and with the advice and consent of the council, may appoint a Village Attorney.

(B) Suits and actions. The attorney shall prosecute or defend any and all suits or actions at law or equity to which the village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the village on behalf of the village, or in the capacity of any such person as an officer of the village. It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the village, and of all similar interlocutory orders.

(C) Advice. The attorney shall be a legal advisor of the village, and shall render advice on all legal questions affecting the village, whenever requested to do so by any village official. Upon request by the Mayor or by the council, he shall reduce any opinion to writing.

(D) Ordinances and documents. It shall be the duty of the attorney to draft or supervise the drafting of any contract, lease or other documents or instruments, to which the village may be a party; and upon request of the council, to draft ordinances covering any subjects within the power of the village. (Ord. 523, passed 6-14-99)

§ 30.10 VILLAGE CLERK.

(A) Appointment. The Mayor, by and with the advice and consent of the council, shall appoint the Village Clerk.

(B) Bond. Before entering upon the duties of office, the clerk shall execute a bond with good and sufficient corporate security thereon in an amount not less than \$300,000.00, conditioned upon the faithful performance of duties; which bond shall be filed with the Village Treasurer.

(C) Signatures. The clerk shall seal and attest all contracts of the village and all licenses, permits and such other documents as shall require this formality.

(D) Deposit of funds. The clerk shall deposit the village funds in such depositories as may be selected from time to time as is provided by statute, and he shall keep the village money separate and distinct from his own, and shall not intermingle his own money with it or make private or personal use of village funds.

(E) Records. The clerk shall keep such records showing all money received by him, the source from which it was received, and the purpose for which it was paid out; and he shall keep a record showing at all times the financial status of the village. In addition to the record of ordinances and other records which the clerk is required by statute to keep, he shall keep a register of all licenses and permits issued and the payments thereon; a record showing all of the officers and regular employees of the village; and such other records as may be required by the council.

(F) Seal. The clerk shall be the custodian of the village seal, and shall affix its impression on documents whenever required.

(G) Documents. The clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.

(H) Indices. The clerk shall keep and maintain a proper index to all documents and records kept in his office, so that ready access thereto and use thereof may be had.

(I) Minutes of meetings. The clerk shall transcribe and reduce to typewritten form the minutes of each meeting of the council and shall certify the correctness thereof.

(J) Ex officio collector. The clerk shall act as and perform all the duties of collector unless and until a separate collector is appointed.

(K) Additional duties. In addition to the duties herein provided, the clerk shall perform such other duties and functions as may be required by statute or ordinance. (Ord. 523, passed 6-14-99)

§ 30.11 VILLAGE TREASURER.

(A) Appointment. The Mayor, by and with the advice and consent of the council, shall appoint a Village Treasurer.

(B) Bond. The treasurer shall give bond in such sum as may be required by the council, but the bond shall not be less than \$50,000.00, with good and sufficient corporate security thereon; which bond shall be filed with, recorded and preserved by the Village Clerk. The bond shall be conditioned upon the faithful performance by the treasurer of his duties of office, and to indemnify the village for any loss due to any neglect of duty or any wrongful act on the part of the treasurer.

(C) Duties. The treasurer shall perform such duties as may be prescribed for him by statute or ordinance.

(D) Accounts. The treasurer shall audit and reconcile such books and accounts of the

village as may be required by the council, and shall keep them in the manner required by law.

(E) Reports. The treasurer shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the village and his transactions during the preceding year.

(F) Register of warrants. The treasurer shall keep a register of all warrants, bonds or orders filed with him or paid by him, and all vouchers, as is required by statute. (Ord. 523, passed 6-14-99)

§ 30.12 CHIEF OF POLICE/POLICE DEPARTMENT.

(A) Appointment. The Mayor, by and with the advice and consent of the council, shall appoint the Chief of Police, who shall be the ex officio superintendent of police.

(B) Rank. The Chief of Police shall be the head of the police department and shall have supervision over all officers and members thereof. The Chief of Police shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the council. The chief shall be responsible for the performance by the police department of its functions, and all persons who are members of the police department shall serve subject to the orders of the chief. (Ord. 523, passed 6-14-99)

§ 30.13 BUILDING OFFICIAL.

For provisions concerning the Building official, see §§ 150.16 and 153.27.

§ 30.14 SUPERINTENDENT OF STREETS AND ALLEYS.

For provisions concerning the Superintendent of Streets and Alleys, see § 71.04.

Section

Board of Local Improvements

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31.05 Creation

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Zoning Board of Appeals

31.20 Establishment

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BOARD OF LOCAL IMPROVEMENTS

§ 31.01 CREATION.

The Board of Local Improvements shall consist of the Mayor and the Council Commissioners.
(Ord. 19, passed 4-13-16)

Statutory reference:

Board of Local Improvements, see
ILCS Ch. 65, Act 5, § 9-2-7

PLANNING COMMISSION

§ 31.05 CREATION.

In order that adequate provisions are made for the preparation of a comprehensive village plan for the guidance, direction, and control of the growth and development or redevelopment of the village and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, a Planning Commission is created under authority of ILCS Ch. 65, Act 5, § 11-12-12.
(Ord. 321, passed 10-13-75)

§ 31.06 MEMBERS.

The Planning Commission shall consist of seven members, citizens of the village, appointed by the Mayor on the basis of their particular fitness for duty on the Planning Commission and subject to the approval of the Council. Of the seven members, three shall serve for a period of three years, two for a

period of two years, and two for a period of one year. Thereafter, members shall serve for a period of three years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation; however, if the Council deems it advisable, they may receive compensation as fixed from time to time by the Council.

(Ord. 321, passed 10-13-75)

§ 31.07 ORGANIZATION.

Immediately following their appointment the members of the Planning Commission shall meet, organize, elect those officers deemed necessary, and adopt and later change or alter, rules and regulations or organization and procedure consistent with village ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the Mayor and Council setting forth its transactions and recommendations.

(Ord. 321, passed 10-13-75)

§ 31.08 POWERS AND DUTIES

The Planning Commission shall have the following powers and duties.

(A) Prepare and recommend to the Council a comprehensive plan for the present and future development or redevelopment of the village and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the village and not included in any other municipality. The plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the village. The plan shall be advisory except as to those parts which have been implemented by ordinances duly enacted by the Council. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Village Clerk shall be complied with as provided for by law.

(B) Provide for the health, safety, comfort, and convenience of the inhabitants of the village and contiguous territory. The plan or plans shall establish reasonable standards of design for subdivisions and resubdivisions of unimproved land and for areas subject to redevelopment in respect to public improvements. The plan or plans shall also establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public-service facilities, curbs, gutters,

sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

(C) Designate land suitable for annexation to the village and the recommended zoning classification for the land upon annexation.

(D) Recommend to the Council, from time to time, those changes in the comprehensive plan, or any part thereof, that may be deemed necessary.

(E) Prepare and recommend to the Council, from time to time, plans and recommendations for specific improvements in pursuance of the official comprehensive plan.

(F) Give aid to the officials of the village charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of those improvements and generally to promote the realization of the official comprehensive plan.

(G) Arrange and conduct any form of publicity relative to the Plan Commission's activities for the general purpose of public understanding.

(H) Cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(I) Exercise any other powers germane to the powers granted under authority of ILCS Ch. 65, Act 5, § 11-12-4.
(Ord. 321, passed 10-13-75)

Cross-reference:

Comprehensive plan adopted by reference, see § 156.01

§ 31.09 OFFICIAL MAP.

At any time or times, before or after the formal adoption of the official comprehensive plan by the village authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half miles from the corporate limits of the village.
(Ord. 321, passed 10-13-75)

§ 31.10 SUBDIVISION MAPS AND PLATS.

No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the village or within contiguous territory which

is not more than one and one-half miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public-service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water run-off channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the appropriate ordinances, including the official map. However, a certificate of approval by the Council certified by the Village Clerk, or a certified copy of an order of the Circuit Court of Vermilion County, directing the recording as provided by law, shall be sufficient evidence of compliance with this section upon which the County Recorder of Deeds may accept the map or plat for recording.

(Ord. 321, passed 10-13-75)

Cross-reference:

Subdivision regulations, see Ch. 154

§ 31.11 COMPLIANCE REQUIRED.

All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances, including the official map, with the Village Clerk shall be complied with as provided for by law.

(Ord. 321, passed 10-13-75)

§ 31.12 PUBLIC IMPROVEMENT REPORTS.

The Village Clerk shall furnish the Planning Commission for its consideration, a copy of all ordinances, plans, and data relative to public improvements of any nature. The Planning Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the village.

(Ord. 321, passed 10-13-75)

§ 31.13 EXPENDITURES.

The Commission may, at the discretion of the village, employ a paid secretary or staff, or both, whose salaries, wages, and other necessary expenses shall be provided for by the village from the public funds. If the Planning Commission deems it advisable to secure technical advice or services, it may be done upon authority from the village and appropriations by the village.

(Ord. 321, passed 10-13-75)

ZONING BOARD OF APPEALS

§ 31.20 ESTABLISHMENT.

For provisions concerning the Zoning Board of Appeals, see §§ 153.25 and 155.09.

ZONING COMMITTEE

§ 31.25 ESTABLISHMENT.

For provisions concerning the Zoning Committee, see § 153.26.

BUILDING AND GROUNDS COMMITTEE

§ 31.30 ESTABLISHMENT.

For provisions concerning the Building and Grounds Committee, see Chapter 150.

Section

REGULAR POLICE OFFICERS

Police Department

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Department of Public Health and Safety

32.51 Establishment

GENERAL PROVISIONS

§ 32.01 ESTABLISHMENT.

(A) There is hereby established as a department of the municipal government of the village a police department, which shall manage and effectuate the duties and functions assigned to it by ordinance and all law enforcement functions of the village. The executive officer of the department shall be the chief of police, who shall be an officer of the village appointed by the mayor with the approval of the council, and who shall report to the Mayor. The chief of police shall inform the Mayor and the council as to the business and affairs of the police department and shall manage the personnel and the department.

(B) Duties. It shall be the duty of the members of the police department to see to the enforcement of all of the ordinances of the village and all statutes applicable therein; and to preserve order, prevent infractions of the law and arrest violators thereof.

(C) Conduct of members. It shall be the duty of every member of the police department to conduct himself in a proper and law abiding manner at all times, and to avoid the use of unnecessary force.
(Ord. 523, passed 6-14-99)

§ 32.02 DEFINITIONS.

"PART-TIME POLICE OFFICER." A police officer who is employed on a part-time basis as a police officer by the village, his or her hours of employment being less than 30 hours per week. Part-time police officers shall be members of the regular police department, except for pension purposes.

"FULL-TIME POLICE OFFICER." A police officer who is permanently employed on a full-time basis by the village.
(Ord. 523, passed 6-14-99)

§ 32.03 DUTIES OF CHIEF OF POLICE.

(A) The chief of police shall be the highest in rank of the police department and, subject to the authority of the mayor, shall direct the operations of police department.

(B) The chief of police shall assign to all officers their respective hours of duty and shall direct them in the discharge of their duties. From the records of the department he shall make monthly reports to the council setting forth all the activities of his department for the preceding month.

(C) Rules and regulations. The chief of police shall make or prescribe such rules and regulations as he shall deem advisable; such rules, when approved by the council, shall be binding on members of the department. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and other similar matters necessary or desirable for the better efficiency of the department.

(D) Stolen property - custody. The chief of police shall have the custody of all lost, abandoned or stolen property recovered in the village.
(Ord. 523, passed 6-14-99)

§ 32.04 HIRING CRITERIA.

(A) The village shall hire the best qualified personnel for the positions of full-time and part-time police officers, consistent with budget and staffing requirements, and shall further comply with village ordinances relative to equal employment opportunities.

(B) The general employment ordinances of the village shall govern the hiring and employment of full time and part-time police officers, unless otherwise limited by provisions of this chapter.

(C) (Reserved).

(D) All applicants for a position in the police department who are 20 years of age and who have successfully completed two years of law enforcement studies at an accredited college or university may be considered for hire to active duty with the police department. An applicant described in this division who is hired to active duty shall not have the power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

(E) No person shall be hired or employed by the police department if he or she does not possess a high school diploma or an equivalent high school education.

(F) No person who is classified by his local selective service draft board as a conscientious objector, or who has ever been so classified, may be hired by the police department.

(G) No person shall be hired by the police department unless he or she is a person of good character and not a person who has been convicted of a felony or a crime involving moral turpitude.

(H) A classifiable set of fingerprints of every person who becomes employed as a member of the police department shall be furnished to the Illinois Department of State Police and to the Federal Bureau of Investigation.

(I) All police officers shall be trained under the Intergovernmental Law Enforcement Officer's In-Service Training Act (ILCS Ch. 50, Act 720, § 1, et. seq.) in accordance with the procedures for police officers established by the Illinois Law Enforcement Training Standards Board.

(Ord. 523, passed 6-14-99; Am. Ord. 635, passed 11-4-08)

§ 32.05 POLICE OFFICERS.

(A) All hirings of police officers shall be made by the Mayor, with the advice and consent of the council.

(B) The police officers, as well as the chief of police and all other officers, when on duty shall devote their entire time and attention to the discharge of the duties of their office. They shall observe all rules and regulations of the department. They shall, to the best of their ability, preserve order, quiet, and peace throughout the village and shall enforce the laws of the state and ordinances of the village. When any police officer has knowledge that an offense has been committed, he shall make a complaint and procure evidence to enable prosecution of the offender.

(Ord. 523, passed 6-14-99)

§ 32.06 POWER TO ARREST.

All police officers shall arrest any person violating any state law or village ordinance when the violation is committed in the presence of the officer. When an offense has been committed, but not within the presence of the officer and there is reasonable ground to believe that the person accused has committed it, the officer shall cause the proper complaint to be made and a warrant to issue for the arrest of the accused.

(Ord. 523, passed 6-14-99)

§ 32.07 SEARCH WARRANTS.

Where any officer has reasonable cause to believe that personal property stolen, embezzled, or obtained by false pretense, any counterfeit money, or tools or material for making same, or any gaming implements are contained in any house, building, apartment, room or place, it shall be his duty to swear out a search warrant as is provided in ILCS Ch. 725, Act 5, § 108-3.

(Ord. 523, passed 6-14-99)

§ 32.08 IMPERSONATING AN OFFICER.

Any person who falsely represents himself to be a police officer of the village, either by the wearing of a similar uniform, badge, insignia, or in the use of a vehicle with similar markings as village police vehicles or otherwise, or the use of the word "police" or the equivalent on any uniform, badge, insignia, or vehicle marking shall be subject to the penalties provided in § 132.99(A).

(Ord. 523, passed 6-14-99)

§ 32.09 INJURING OR INTERFERING WITH USE OF A POLICE DOG.

(A) It shall be unlawful for any person to willfully or maliciously torment, beat, kick, strike, mutilate, torture, injure, disable, or kill any dog used by the police department in the performance of the duties and functions of the police department.

(B) It shall be unlawful for any person at any time to interfere with the use or handling of such dog by any person on behalf of the police department.

(C) Any person violating this section shall be subject to a fine of not more than \$500.00.

(Ord. 523, passed 6-14-99)

§ 32.10 UNIFORM AND BADGE.

The mayor shall make suitable regulations subject to the approval of the council, under which the police officers of the village

shall be required to wear an appropriate uniform and badge.
(Ord. 523, passed 6-14-99)

§ 32.11 WITNESS FEES.

Every member of the police department shall appear as witness whenever necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the village is a party; any fees paid for such services shall be turned over to the chief, who shall deposit the same with the treasurer.
(Ord. 523, passed 6-14-99)

AUXILIARY POLICE OFFICERS

§ 32.12 APPOINTMENT; QUALIFICATIONS; TERM.

(A) The mayor is authorized to appoint auxiliary police officers. Each individual appointment shall be subject to the advice and consent of the council.

(B) A classifiable set of fingerprints of every person who is appointed as an auxiliary police officer shall be furnished to the Illinois Department of State Police and to the Federal Bureau of Investigation.

(C) No person shall be appointed as an auxiliary police officer if he has been convicted of a felony or other crime involving moral turpitude.

(D) The term of the appointment shall not exceed one calendar year from the date of appointment.
(Ord. 523, passed 6-14-99)

§ 32.13 DUTIES.

(A) Auxiliary police officers shall not supplement members of the regular police department of the village in the performance of their assigned and normal duties except as provided in this section.

(B) Auxiliary police officers shall only be assigned to perform the following duties:

(1) To aid or direct traffic within the municipality.

(2) To aid in the control of natural or man-made disasters.

(3) To aid in case of civil disorder as directed by the chief of police.

(4) In cases which render it impractical for members of the regular police department to perform normal and regular police duties, the chief of police, with the written consent of the mayor, may assign auxiliary police officers to perform normal and regular police duties.

(C) Auxiliary police officers when on duty shall also be conservators of the peace, and shall have the powers as specified in ILCS Ch. 65, Act 5, § 3-9-4.
(Ord. 523, passed 6-14-99)

§ 32.14 UNIFORMS.

Auxiliary police officers shall not wear uniforms or any identification symbol which might be confused with that of members of the regular police department.
(Ord. 523, passed 6-14-99)

§ 32.15 SUPERVISION BY CHIEF.

Auxiliary police officers shall, at all times during the performance of their duties, be subject to the direction and control of the chief of police.
(Ord. 523, passed 6-14-99)

§ 32.16 FIREARMS.

Auxiliary police officers shall not carry firearms, except with the permission of the chief of police, who shall have prior authorization from the mayor, and unless they are in full uniform and in the performance of their duties.
(Ord. 523, passed 6-14-99)

§ 32.17 COMPENSATION.

Auxiliary police officers shall serve without pay from the village.
(Ord. 523, passed 6-14-99)

§ 32.18 TRAINING.

Prior to beginning any of their duties as auxiliary police officers, each auxiliary police officer shall have received a course of training in the use of weapons and other police procedures as appropriate in the exercise of the powers conferred upon them under this section. The course of training and study shall be determined and provided by the chief of police.
(Ord. 523, passed 6-14-99)

§ 32.19 OATH.

An auxiliary police officer shall take an oath similar to that of regular police officers.
(Ord. 523, passed 6-14-99)

§ 32.20 DISTINGUISHED FROM POLICE OFFICERS.

Auxiliary police officers shall not be members of the regular police department of the municipality. The term "POLICE OFFICER" as used elsewhere in this code does not include auxiliary police officers.
(Ord. 523, passed 6-14-99)

DEPARTMENT OF PUBLIC HEALTH AND SAFETY

§ 32.21 ESTABLISHMENT.

For provisions concerning the department of public health and safety, see § 152.05.

Section

EMPLOYMENT

Taxation

- 33.01 Municipal service occupation tax
 33.02 Municipal retailer's occupation tax

Employment

- 33.10 State Municipal Retirement Fund
 33.11 Wage regulation

Charitable Solicitation

- 33.20 Organizations permitted to solicit
 33.21 Procedure

Emergency Management Policies

- 33.35 National Incident Management System; adopted

TAXATION

§ 33.01 MUNICIPAL SERVICE OCCUPATION TAX.

(A) A tax is imposed upon all persons engaged in the village in the business of making sales of service at the rate of .75% of the cost price of all tangible personal property transferred by the servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with ILCS Ch. 65, Act 5, § 8-11-5.

(B) Every supplier or serviceman required to account for the municipal service occupation tax for the benefit of the village shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by ILCS Ch. 65, Act 5, § 8-11-5. At the time the report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.
 (Ord. 249, passed 7-24-67; Am. Ord. 254, passed 8-28-67; Am. Ord. 255, passed 4-8-68)

§ 33.02 MUNICIPAL RETAILER'S OCCUPATION TAX.

(A) A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in this village at the rate of .75% of the gross receipts from sales made in the course of business while this section is in effect, in accordance with ILCS Ch. 65, Act 5, § 8-11-1.

(B) Every person engaged in business in the village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by ILCS Ch. 65, Act 5, § 8-11-1. At the time the report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.
 (Ord. 248, passed 7-24-67)

§ 33.10 STATE MUNICIPAL RETIREMENT FUND.

(A) The village elects to participate in the State Municipal Retirement Fund, effective January 1, 1980. The Village Clerk shall promptly file a certified copy of this provision with the Board of Trustees of the State Municipal Retirement Fund.

(B) Effective October 1, 2006, the City Council hereby elects to include as earnings reportable to the State Municipal Retirement Fund compensation paid under an Internal Revenue Code section 125 plan and/or compensation directed into a premium conversion plan or flexible spending account. (Ord. 347, passed 7-9-79; Am. Res. 608, passed 9-5-06)

Statutory reference:

Pensions, see ILCS Ch. 40, Act 5,
 §§ 7-101 et seq.

§ 33.11 WAGE REGULATION.

(A) To the extent and as required by the Prevailing Wage Act, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the village is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Vermillion County, Illinois area as determined by the State Department of Labor as of the month of June of the current year, a copy of which determination being attached hereto and incorporated herein by reference. As required by the Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the village. The definition of any terms appearing in this chapter which are also used in the Act shall be the same as in the Act.

(B) Nothing herein contained shall be construed to apply to this general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the village to the extent required by the Prevailing Wage Act.

(C) The Village Clerk shall publicly post or keep available for inspection by an interested party in the main office of the village this ordinance or any revisions of such prevailing rate of wage. A copy of this ordinance or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications, for public works construction for the village.

(D) The Village Clerk shall mail a copy of this ordinance to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

(E) The Village Clerk shall promptly file a certified copy of this ordinance with both the Illinois Secretary of State Index Division and the State Department of Labor.

(F) The Village Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this ordinance, and such publication shall constitute notice that the ordinance is effective and that this is the determination of this public body.

(Ord. 339, passed 6-26-78; Am. Ord. 481, passed 8-8-94; Am. Ord. 486, passed 6-12-95; Am. Ord. 495, passed 6-24-96; Am. Ord. 503, passed 6-9-97; Am. Ord. 513, passed 6-8-98; Am. Ord. 525, passed 6-14-99; Am. Ord. 535, passed 6-20-00; Am. Ord. 566, passed 7-5-03; Am. Ord. 580, passed 8-17-04; Am. Ord. 590, passed 6-21-05; Am. Ord. 604, passed 5-16-06; Am. Ord. 633, passed 5-20-08; Am. Ord. 642, passed 5-5-09; Am. Ord. 653, passed 5-18-10; Am. Ord. 676, passed 5-17-11; Am. Ord. 690, passed 5-1-12)

CHARITABLE SOLICITATION

§ 33.20 ORGANIZATIONS PERMITTED TO SOLICIT.

The following organizations are granted permission to solicit contributions for official functions sponsored by the organizations in accordance with their established rules and regulations, upon highways within the village limits at intersections where all traffic is required to come to a full stop.

(A) American Legion, Catlin Post #776.

(B) Catlin Lions Club.

(C) Catlin Womens Club.

(D) Catlin Booster Club.

(E) Boy Scouts of America, Troops #221 and #222.

(F) Catlin Community Unit District #5. (Ord. 352, passed 9-29-80)

§ 33.21 PROCEDURE.

(A) The organizations listed in § 33.20, by engaging in the solicitation shall be deemed to have agreed to save the village harmless and indemnify the village against any loss, claim, damage, or costs in connection therewith arising out of alleged injuries to persons or property occurring within the village limits.

(B) Any of the organizations listed in § 33.20 planning a solicitation shall register the date of the solicitation, the purpose thereof, and the name or names of the individuals in charge with the Village Clerk not less than ten days prior to the solicitation. The solicitation authorized by this subchapter shall be limited to contributions for the benefit of charitable projects. (Ord. 352, passed 9-29-80)

EMERGENCY MANAGEMENT POLICIES

§ 33.35 NATIONAL INCIDENT MANAGEMENT SYSTEM; ADOPTED.

It shall be the public policy of the village to adopt the NIMS concept of emergency planning and unified command. It shall further be the policy of the village to train public officials responsible for emergency management.

(Res. 639, passed 2-17-09)

Section

34.01 State Officials and Employees
Ethics Act§ 34.01 STATE OFFICIALS AND EMPLOYEES ETHICS
ACT.

(A) The regulations of ILCS Ch. 5, Act 430 § 5-15 and ILCS Ch. 5, Act 430 §§ 10-10 through 10-40 of the State Officials and Employees Ethics Act, ILCS Ch. 5, Act 430 §§ 11-1 et seq., hereinafter referred to as the "Act" in this section are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by ILCS Ch. 5, Act 430 § 70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the village, is hereby prohibited.

(E) For purposes of this section, the terms "officer" and "employee" shall be defined as set forth in ILCS Ch. 5, Act 430 § 70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in ILCS Ch. 5, Act 430 § 50-5 for similar violations of the Act.

(G) To the extent that any existing ordinances or policies which are not repealed hereunder are less restrictive than this section, the provisions of this section shall prevail in accordance with the provisions of ILCS Ch. 5, Act 430 § 70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings, without further action by the Village Council.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Village Council. (Ord. 574, passed 5-4-04)

Section

35.01	Title and purpose
35.02	Scope
35.03	Prudence
35.04	Objectives
35.05	Delegation of authority
35.06	Ethics and conflicts of interest
35.07	Authorized financial dealers and institutions
35.08	Authorized and suitable investments
35.09	Collateralization
35.10	Safekeeping and custody
35.11	Diversification
35.12	Maximum maturities
35.13	Internal control
35.14	Performance standards
35.15	Reporting
35.16	Marking to market

§ 35.01 TITLE AND PURPOSE.

(A) This chapter may be cited as the Investment Policy Code.

(B) It is the policy of the village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the village and conforming to all state and local statutes governing the investment of public funds.
(Ord. 528, passed 9-7-99)

§ 35.02 SCOPE.

The provisions of this chapter include all funds governed by the Village Council.
(Ord. 528, passed 9-7-99)

§ 35.03 PRUDENCE.

(A) Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

(B) The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.
(Ord. 528, passed 9-7-99)

§ 35.04 OBJECTIVES.

(A) The primary objectives in the investment of public funds, in order of priority, shall be:

(1) Legality. Conformance with federal, state and other legal requirements;

(2) Safety. Preservation of capital and protection of investment principal;

(3) Liquidity. Maintenance of sufficient liquidity to meet operating requirements; and

(4) Yield. Attainment of market rates of return.

(B) The portfolio should be reviewed periodically as to its effectiveness in meeting the village's needs for safety, liquidity, rate of return, diversification and its general performance.
(Ord. 528, passed 9-7-99)

§ 35.05 DELEGATION OF AUTHORITY.

Management and administrative responsibility for the investment program is hereby delegated to the Village Treasurer who, under the delegation of the Village Council, shall establish written procedures for the operation of the investment program.
(Ord. 528, passed 9-7-99)

§ 35.06 ETHICS AND CONFLICTS OF INTEREST.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
(Ord. 528, passed 9-7-99)

§ 35.07 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

(A) The treasurer will maintain a list of financial institutions authorized by the Village Council to provide investment services.

(B) In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.
(Ord. 528, passed 9-7-99)

§ 35.08 AUTHORIZED AND SUITABLE INVESTMENTS.

(A) Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds.

(B) Investments shall be made that reflect the cash flow needs of the fund type being invested.
(Ord. 528, passed 9-7-99)

§ 35.09 COLLATERALIZATION.

Funds on deposit (checking accounts, certificates of deposit, and the like) in excess of FDIC limits must be secured by some

form of collateral, witnessed by a written agreement and held at an independent third party institution in the name of the village. (Ord. 528, passed 9-7-99)

§ 35.10 SAFEKEEPING AND CUSTODY.

All security transactions, including collateral for repurchase agreements, entered into by the village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the treasurer and evidenced by safekeeping receipts and a written custodial agreement. (Ord. 528, passed 9-7-99)

§ 35.11 DIVERSIFICATION.

The village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity. (Ord. 528, passed 9-7-99)

§ 35.12 MAXIMUM MATURITIES.

(A) To the extent possible, the village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the village will not directly invest in securities maturing more than one year from the date of purchase.

(B) Reserve funds may be invested in securities exceeding one year if the maturity of the investments are made to coincide as nearly as practicable with the expected use of the funds. (Ord. 528, passed 9-7-99)

§ 35.13 INTERNAL CONTROL.

The treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

(A) Control of collusion;

(B) Separation of transaction authority from accounting;

(C) Custodial safekeeping; and

(D) Written confirmation of telephone transactions for investments and wire transfers.

(Ord. 528, passed 9-7-99)

§ 35.14 PERFORMANCE STANDARDS.

The investment portfolio will be managed in accordance with the parameters specified within this chapter. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio. (Ord. 528, passed 9-7-99)

§ 35.15 REPORTING.

The treasurer shall prepare an investment report at least monthly. The report should be provided to the Village Council and available on request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the council. (Ord. 528, passed 9-7-99)

§ 35.16 MARKING TO MARKET.

A quarterly statement of the market value of the portfolio shall be issued to the Village Council. (Ord. 528, passed 9-7-99)

Section

36.01 Adoption by reference

§ 36.01 ADOPTION BY REFERENCE.

The personnel policies, a copy of which is attached to Ordinance No. 541, passed February 6, 2001, and all amendments thereto, are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(Ord. 541, passed 2-6-01; Am. Ord. 592, passed 7-19-05; Am. Ord. 615, passed 3-20-07; Am. Ord. 627, passed 12-4-07; Am. Ord. 629, passed 1-15-08; Am. Ord. 638, passed 1-20-09; Am. Ord. 654, passed 5-18-10; Am. Ord. 669, passed 1-18-11)

Section

- 37.01 Adoption of state statutes
- 37.02 Definitions
- 37.03 Code Hearing Department
- 37.04 Village code hearing jurisdiction
- 37.05 Village code hearing procedure
- 37.06 Findings, decision, order of the Hearing Officer
- 37.07 Costs of administrative adjudication proceeding
- 37.08 Administrative Review Law to apply
- 37.09 Enforcement of judgment
- 37.10 Sanctions applicable to property and property owner
- 37.11 Defenses to certain village code violations

§ 37.01 ADOPTION OF STATE STATUTES.

The village hereby adopts ILCS Ch. 65, Act 5 §§ 1-2.21, et. seq., and ILCS Ch. 65, Act 5 §§ 11-31.1-1, et. seq., as they may be amended from time to time.
(Ord. 582, passed 10-19-04)

§ 37.02 DEFINITIONS.

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

"COMPLAINT." A formal written accusation against a person or entity (i.e., a ticket or notice of violation for a violation of the village code).

"DEFAULT." A failure to appear for a scheduled hearing or legal proceeding.

"HEARING OFFICER."

(1) An individual appointed by the Mayor, or designated pursuant to any intergovernmental agreement between the village and another municipality, whose powers and duties shall include:

(a) Presiding at all administrative adjudication hearings called to determine whether or not a violation of the village code exists;

(b) Issuing subpoenas directing witnesses to appear and give relevant testimony at administrative hearings, upon the request of the parties or their representatives;

(c) Hearing testimony and accepting evidence relevant to the existence of a violation of the village code;

(d) Preserving and authenticating the record of administrative adjudication hearings and all exhibits and evidence introduced at such hearings;

(e) Issuing determinations, based on the evidence presented at administrative adjudication hearings, of whether a village code violation exists. The determinations shall be in writing and shall include written findings of fact, decisions, and orders, including fines, penalties, or actions with which respondents must comply; and

(f) Imposing penalties consistent with the applicable village code provisions and assessing costs upon finding a respondent liable for a violation, except, however, that in no event shall the Hearing Officer have authority to impose a penalty of incarceration or impose a fine in excess of \$50,000. The maximum monetary fine under this chapter shall be exclusive of the costs of enforcement or the costs imposed to secure compliance with the village code and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the village.

(2) Prior to conducting administrative adjudication proceedings, hearing officers shall have successfully completed a formal training program which includes the following:

(a) Instruction on the rules of procedure of the administrative hearings which they will conduct;

(b) Orientation to each subject area of village code violations which may be adjudicated;

(c) Observation of administrative hearings;

(d) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

(3) In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three years.

"PETITIONER." The person or entity making a village code violation allegation initiating the administrative adjudication hearing process.

"PRIMA FACIE EVIDENCE." The bare minimum of evidence needed to bring and prove a case before a Hearing Officer.

"PROPERTY OWNER." The legal or beneficial owner of real property.

"RESPONDENT." A person or entity who is accused of a violation.

"VILLAGE CODE." The Code of Ordinances of the Village of Catlin.

"VILLAGE OFFICIAL." All full-time and part-time police officers as well as any other officer or employee of the village authorized to enforce the village code.
(Ord. 582, passed 10-19-04)

§ 37.03 CODE HEARING DEPARTMENT.

(A) There is hereby established a Village Code Hearing Department, the function of which is to expedite the prosecution and correction of violations of the village code in the manner provided by this chapter. The Code Hearing Department is hereby designated to be the Code Hearing Department of the City of Danville, Illinois, so long as there exists an intergovernmental agreement between the village and the City of Danville that so provides. The Hearing Officer and such other agents or employees assigned to the Hearing Officer shall constitute the Code Hearing Department.

(B) The adoption of this chapter does not preclude the village from using other lawful methods to enforce the provisions of the village code.

(Ord. 582, passed 10-19-04)

§ 37.04 VILLAGE CODE HEARING JURISDICTION.

An administrative adjudication proceeding under this chapter may be initiated for any alleged village code violation, except for an offense that is a traffic regulation governing the movement of vehicles and except for any reportable offenses under Section 6-204 of the Illinois Vehicle Code.

(Ord. 582, passed 10-19-04)

§ 37.05 VILLAGE CODE HEARING PROCEDURES.

The administrative adjudication of village code violations pursuant to this chapter, shall adhere to the following procedures:

(A) Complaint.

(1) Upon finding an alleged village code violation, a village official shall prepare and issue a complaint.

(2) The complaint shall contain, but not necessarily be limited to, the following information:

(a) The name and last known address of the respondent;

(b) The date, time, and location at which the alleged violation was observed;

(c) A statement detailing the type and nature of the violation;

(d) The chapter and section of the village code alleged to have been violated;

(e) The signature and identification of the village official issuing the complaint, which signature shall act as a certification of the accuracy of all information contained within the complaint;

(f) The names of witnesses to the alleged violation;

(g) The date, time and location of the village code hearing at which the alleged violation shall be administratively adjudicated, which hearing date shall not be less than 30, nor more than 40 days after the date of the complaint in non-emergency situations. For purposes of this chapter, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interests, safety or welfare. In emergency situations, meaning those situations that reasonably constitute threats to the public interests, safety or welfare, the hearing date shall not be less than three, nor more than seven days after the date of the complaint.

(3) The signed complaint shall constitute prima facie evidence of the violation.

(B) Village Code Hearing Department procedures.

(1) The original and a copy of the complaint shall be provided to the Village Code Hearing Department.

(2) Upon receiving the complaint, the Code Hearing Department shall assign a docket number to the complaint.

(3) The Village Code Hearing Department shall retain the complaint as part of the record of the administrative adjudication hearing.

(C) Service of complaint.

(1) Respondents shall be served with complaints in a manner reasonably calculated to give them actual notice of the complaint, including, as appropriate:

(a) Personal service upon the respondent or its employees or agents;

(b) Service by first class mail at the respondent's last known address;

(c) Notice that is posted upon the property where an alleged violation is found when the respondent is the owner or manager of the property; or

(d) Such other method as is reasonably calculated to provide the respondent with actual notice of the administrative hearing proceedings.

(2) The complaint shall be served along with a summons commanding the respondent to appear at the administrative adjudication hearing. The summons shall include the following information:

(a) The type and nature of the village code violation to be adjudicated;

(b) The date and location of the adjudicatory hearing;

(c) The legal authority and jurisdiction under which the hearing is to be held; and

(d) The penalties for failure to appear at the hearing.

(D) Sufficiency of pleadings.

(1) The complaint and summons shall be liberally construed with the view to doing substantial justice between parties.

(2) If any complaint is insufficient in substance or form, the Hearing Officer may order a fuller or more particular statement. If the complaint does not sufficiently define the issues, the Hearing Officer may order another complaint prepared.

(3) No complaint is bad in substance which contains such information as reasonably informs the respondent of the nature of the claim which he or she is called upon to meet.

(4) All defects in pleadings, either in form or substance, not objected to prior to the hearing are waived.

(E) Conduct of administrative adjudication hearings.

(1) At any hearing conducted pursuant to this chapter, the respondent may be represented by counsel, present witnesses or other evidence on his or her own behalf, and cross-examine opposing witnesses.

(2) Any party to a hearing conducted pursuant to this chapter may request the hearing officer to issue subpoenas directing the attendance and testimony of relevant witnesses and the production of relevant documents.

(3) All continued or adjourned hearings shall be scheduled with reasonable promptness commensurate with the nature and status of the proceeding.

(4) The formal and technical rules or evidence do not apply in any hearing under this chapter. Evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(5) No continuances shall be authorized by the hearing officer except in cases where a continuance is absolutely necessary to protect the rights of the respondent. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer shall not exceed 25 days.

(6) All administrative adjudication hearings conducted pursuant to this chapter shall be recorded.

(7) All alleged village code violations adjudicated pursuant to this chapter shall be prosecuted by the Village Attorney unless there is an intergovernmental agreement between the village and another municipality in which case they shall be prosecuted by the attorney so designated in that agreement.

(8) The case for the respondent may be presented by the respondent, his or her attorney, or any other agent or representative.

(9) The burden of proof in all village code violations adjudicated pursuant to this chapter shall be upon the respondent to refute the prima facie case set forth in the complaint. Such burden shall be by a preponderance of the evidence.

10) Hearings shall regularly take place on Thursdays at 5:30 p.m. in the Danville City Council Chambers on the lower level of the Municipal Building, 17 West Main Street, Danville, IL, or such other days and times as may be necessary and designated by the Code Hearing Department.

(F) Failure to appear. If, on the date set for hearing, the respondent or his or her attorney fails to appear, the Hearing Officer may find the respondent in default and shall proceed with the hearing and accept evidence relevant to the existence of a village code violation.

(Ord. 582, passed 10-19-04)

§ 37.06 FINDINGS, DECISION, ORDER OF THE HEARING OFFICER.

(A) At the conclusion of an administrative adjudication hearing, the Hearing Officer shall make a determination, on the basis of the evidence presented at the hearing, whether a village code violation exists. The determination shall be in writing and shall be designated as the findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a decision of whether a village code violation exists based upon the findings of fact, and an order directing and ordering the respondent to correct the violation or, in the event a violation is not proved, dismissing the case. If a village code violation is proved, the order shall also impose the sanctions that are provided in the village code for the violation proved as well as the costs of the administrative adjudication proceeding as set forth in § 37.07.

(B) A copy of the findings, decision and order shall be served upon the respondent within five days after it is issued. Service of the copy upon the respondent shall be in the same manner as a complaint and summons may be served under this chapter.

(C) Payment of any penalty or fine and disposition of fine money shall be in the same

manner as set forth in the village code, unless the payment method shall be otherwise provided for by an intergovernmental agreement.

(D) In the event that the findings, decision and order of the Hearing Officer directs the correction of the violation, the Hearing Officer shall also establish a status hearing date scheduled after the date established for the correction of the violation, at which status hearing compliance with the corrective direction shall be determined. At such time, the Hearing Officer shall hear testimony and accept evidence relevant to the corrective actions of the respondent. If the hearing officer determines that the village code violation has not been corrected as directed, additional sanctions may be imposed as provided by the village code.

(Ord. 582, passed 10-19-04)

§ 37.07 COSTS OF ADMINISTRATIVE ADJUDICATION PROCEEDING.

If a village code violation is proved and the respondent is ordered to pay the costs of the administrative adjudication proceeding, the following costs shall be paid by the respondent pursuant to such order:

(A) File management/record keeping - \$10.00.

(B) Hearing officer - \$25.00.

(C) Prosecuting attorney's fee cost - \$25.00.

(Ord. 582, passed 10-19-04)

§ 37.08 ADMINISTRATIVE REVIEW LAW TO APPLY.

The findings, decision and order of the Hearing Officer shall be subject to the review in the Circuit Court for the Fifth Judicial Circuit, Vermilion County, Illinois and the provisions of the Administrative Review Law (ILCS Ch. 735, Act 5 §§ 3.101, et. seq.) and all amendments and modifications thereto, and the rules adopted pursuant thereto, are adopted and shall apply to govern every action for the judicial review of the findings, decision and order of the Hearing Officer under this chapter.

(Ord. 582, passed 10-19-04)

§ 37.09 ENFORCEMENT OF JUDGMENT.

(A) Any fine, other sanction, 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 Illinois Administrative Review Law, are a debt due and owing to the village and may be collected in accordance with applicable law.

(B) After expiration of the period in which judicial review under the Illinois

Administrative Review Law may be sought for a final determination of a village code violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(C) In any case in which a respondent has failed to comply with an order directing the respondent to correct a village code violation or imposing any fine or other sanction as a result of a village code violation, any expenses incurred by the village to enforce the order, including, but not limited to, its attorney's fees, court costs and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction, shall be due and owing the village and may be collected in accordance with applicable law. Prior to any expenses being fixed by a Hearing Officer pursuant to this section, the village shall provide a notice to the respondent that states that the respondent shall appear at a hearing before the hearing officer to determine whether the respondent has failed to comply with the order. The notice shall set the date for such hearing, which shall not be less than seven days from the date that notice is served. If notice is served by mail, the seven day period shall begin to run on the date that the notice was deposited in the mail.

(D) Upon being recorded in the manner required by Article XII of the Illinois Code of Civil Procedure, a lien shall be imposed upon the real estate of the respondent in the amount of any debt due and owing under this chapter. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(E) The Hearing Officer may set aside any order entered by default and set a new hearing date upon a petition filed within 21 days after the issuance of the order of default, if the Hearing Officer determines that the respondent's failure to appear at the hearing was for good cause or at anytime if the respondent establishes that the village did not provide proper service of process. If any judgment is set aside pursuant to this section, the Hearing Officer shall have the authority to enter any order extinguishing any lien which has been recorded for any debt due and owing the village as a result of the vacated default order.

(Ord. 582, passed 10-19-04)

§ 37.10 SANCTIONS APPLICABLE TO PROPERTY AND PROPERTY OWNER.

An order to correct a village code violation and the sanctions imposed by the village as a result of a finding of a village code violation under this chapter shall attach to the property as well as to the property owner, so that a finding of a village code violation against one property owner cannot be

avoided by conveying or transferring the property to another owner. Any subsequent transferee or property owner takes subject to the findings, decision and order of the Hearing Officer under this chapter. (Ord. 582, passed 10-19-04)

§ 37.11 DEFENSES TO CERTAIN VILLAGE CODE VIOLATIONS.

It shall be a defense to a village code violation charged under the village's building or zoning codes which establish construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to the structures in the village, if the respondent proves by a preponderance of the evidence that:

(A) The alleged village code violation does not, in fact, exist or at the time of the hearing the violation has been remedied or removed;

(B) The village code violation has been caused by the current property occupants and that, in spite of reasonable attempts by the respondent to maintain the dwelling free of such violations, the current occupants continue to cause the violations; or,

(C) An occupant or resident of the dwelling has refused entry to the respondent or his or her agents to all or part of the dwelling for the purpose of correcting the village code violation. (Ord. 582, passed 10-19-04)

Section

- 38.01 Designation of FOIA Officer
- 38.02 Duties of FOIA Officer
- 38.03 Electronic training curriculum
- 38.04 Retrieval of records
- 38.05 Fees
- 38.06 Appeal of denial
- 38.07 Adoption of documents by reference

§ 38.01 DESIGNATION OF FOIA OFFICER.

(A) The Village Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the village are to be referred. Such requests are to be made at the offices of the Village Clerk at the Village Hall, 109 S. Sandusky Street, Catlin, Illinois during the regular business hours of the Village Clerk's Office, Monday through Friday.

(B) In the event that the Village Clerk is not available during the times described above, the Chief of Police is designated as the Deputy FOIA Officer to whom such initial requests are to be made.

(C) Except in instances when records are furnished immediately, the FOIA Officer, or her designees, shall receive requests submitted to the village under the Freedom of Information Act, ensure that the village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the village shall immediately disclose upon request.
(Ord. 655, passed 5-18-10)

§ 38.02 DUTIES OF FOIA OFFICER.

Upon receiving a request for a public record, the FOIA Officer shall:

- (A) Note the date the village receives the written request;
- (B) Compute the day on which the period for response will expire and make a notation of that date on the written request;
- (C) Maintain an electronic or paper copy of the written request, including all documents submitted with the request until the request has been complied with or denied; and
- (D) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.
(Ord. 655, passed 5-18-10)

§ 38.03 ELECTRONIC TRAINING CURRICULUM.

The FOIA Officer and Deputy FOIA Officer shall, within six months after January 1, 2010, successfully complete an electronic training curriculum to be developed by the Public Access Counselor of the State of Illinois and thereafter successfully complete

an annual training program. Whenever a new Freedom of Information Officer is designated by the village, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.
(Ord. 655, passed 5-18-10)

§ 38.04 RETRIEVAL OF RECORDS.

Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored by the FOIA Officer, or by an employee of the village acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the village.
(Ord. 655, passed 5-18-10)

§ 38.05 FEES.

If copies of records are requested, the fees for such copies, whether certified or not, shall be determined from time to time by the FOIA Officer pursuant to Section 6(b) of the Freedom of Information Act. The Village Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.
(Ord. 655, passed 5-18-10)

§ 38.06 APPEAL OF DENIAL.

In the event that a request to inspect village records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the State of Illinois.
(Ord. 655, passed 5-18-10)

§ 38.07 ADOPTION OF DOCUMENTS BY REFERENCE.

The Village Clerk shall prepare: a Village Information Directory; a block diagram of the functional subdivisions of the village; a Village Records Directory; and a Records Catalogue, all of which shall be substantially in the same form as the documents attached to Ordinance 655, passed May 18, 2010 and made a part of this section as if set forth fully herein. This information shall also be posted on the village's website.
(Ord. 655, passed 5-18-10)

