

**Title 1**

**ADMINISTRATIVE**

**CHAPTER 1**

**OFFICIAL VILLAGE CODE**

**1-1-1 TITLE**

Upon adoption by the board of trustees, this village code is hereby declared to be and shall hereafter constitute the official village code of Island Lake. This village code of ordinances shall be known and cited as the *ISLAND LAKE VILLAGE CODE*, and it is hereby published by authority of the board of trustees and shall be kept up to date as provided in section [1-1-3](#) of this chapter under the direction of the village clerk and village attorney, acting for the village board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this village code by title in any legal document.

**1-1-2 ACCEPTANCE**

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

**1-1-3 AMENDMENTS**

Any ordinance amending this village code shall reference the provision to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this village code. All such amendments or revisions by ordinance shall be forwarded to the codifiers for insertion in its proper place in each copy of this village code.

**1-1-4 SUPPLEMENTS**

Any person having in his custody an official copy of this village code shall make every effort to maintain this code in an up to date and efficient manner, including insertion of replacement pages when received. The code books, when in actual possession of officials and other interested persons are the property of the village and shall be returned to the office of the clerk upon expiration of the persons' term of office or termination of employment, as the case may be.

## CHAPTER 2

### SAVING CLAUSE

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

All general ordinances of the village passed prior to the adoption of this village code are hereby repealed, except those included in this village code or those by necessary implication that are reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the village; and all special ordinances.

#### **1-2-2 COURT PROCEEDINGS**

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the village herein repealed and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the village under any ordinance or provision thereof in force at the time of adoption of this village code.

#### **1-2-3 SEVERABILITY CLAUSE**

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

## CHAPTER 3

### DEFINITIONS

#### 1-3-1 RULES OF CONSTRUCTION:

- A. Whenever any word in any section of this village code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this village code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this village code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. The word "ordinance" contained in the ordinances of the village has been changed in the content of this village code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the village's ordinances is not meant to amend the passage and effective dates of such original ordinances.
- B. In the construction of this code and of all ordinances, the rules and definitions set out in this chapter shall be observed unless such construction would be inconsistent with the manifest intent of the board of trustees. The rules of construction and definitions set out herein shall not be applied to any section of this code which shall contain any express provision excluding such construction or where the subject matter or the context of such section may be repugnant thereto.
- C. All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the board of trustees may be fully carried out. In the interpretation and application of any provision of this code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the code imposes greater restrictions upon the subject matter than the other provisions of the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

#### 1-3-2 DEFINITIONS

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

**AGENT:** A person acting on behalf of another.

**ANNUAL FEE ORDINANCE:** That certain schedule of fees that is annually adopted by ordinance of the board of trustees setting forth the applicable fees, charges, penalties, and fines authorized by this code and by other ordinances of the village, as set out in chapter 16 of title 1 of this code.

**BOARD OF TRUSTEES, CORPORATE AUTHORITIES, OR VILLAGE BOARD:** The board of trustees of the Village of Island Lake, which shall consist of the mayor and trustees.

**CODE:** The village code of Island Lake, Illinois and amendments thereto. **COUNTY:** The Counties of Lake and McHenry, State of Illinois.

**EMPLOYEES:** Whenever reference is made in this code to a village employee by title only, this shall be construed as though followed by the words "of the Village of Island Lake".

**FEE:** A sum of money charged by the village for the carrying on of a business, profession or occupation.

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

**MAYOR:** The mayor of the village may be referred to as "President" or "mayor" of the village.

**MISDEMEANOR:** Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

**NUISANCE:** Anything offensive or obnoxious to the health and welfare of the inhabitants of the village; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

**OCCUPANT:** As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

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

**OFFICERS:** Whenever reference is made in this code to a village officer by title only, this shall be construed as though followed by the words "of the Village of Island Lake".

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

**OWNER:** As applied to a building or land, this term shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON:** Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

**PERSONAL PROPERTY:** Every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased defeated, discharged or diminished and every right of interest therein.

**RETAILER:** Unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**STATE:** The State of Illinois.

**STREET:** This term shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

**TENANT:** As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**VILLAGE:** The Village of Island Lake, Lake and McHenry Counties, State of

Illinois. **VILLAGE PRESIDENT:** See mayor.

WHOLESALE and WHOLESALER: Unless otherwise specifically defined, such terms shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: These terms may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

**1-3-3 CATCHLINES**

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

## CHAPTER 4

### GENERAL PENALTY

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

Whenever in this code, or in any ordinance of the village, any act or omission is prohibited or is made or declared to be unlawful or an offense or a violation of this code, or whenever in this code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a violation of this code, where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance is hereby declared to be an offense and shall be punishable by a fine in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. A separate offense shall be deemed committed on each day or part thereof on which a violation occurs or continues or is permitted to occur or continue.

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

The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

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

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

## CHAPTER 5

### MAYOR

#### **1-5-1 ELECTION; TERM OF OFFICE**

The mayor shall be elected for a term of four (4) years, and shall be the president of the board of trustees, as provided by statute.

#### **1-5-2 DUTIES:**

- A. The mayor shall be the chief executive officer of the village and shall perform all such duties as may be required by statute or ordinance. The mayor shall have supervision over all the executive officers of the village and over all the employees of the village. The mayor shall have the power and authority to inspect all books and records kept by any village officer or employee at any reasonable time
- B. Whenever there is a question as to respective powers or duties of any appointed officer of village, it shall be settled by the mayor. The mayor shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform that duty.

#### **1-5-3 BOND; OATH; SALARY**

The mayor shall take oath or affirmation of office and shall execute and deliver to the village a bond in accordance with section 1-8A-7 of this code. Commencing on May 1, 2017, the mayor shall receive an annual mayoral salary of \$21,400.00 plus an annual salary of \$1,200 for performing the duties of liquor commissioner plus \$100 for each regular and special meeting of the village board attended by the mayor. Meetings that are concurrent on the same date will be deemed to be one meeting. The duties of the mayor shall include a minimum of twenty (20) hours per week, exclusive of meetings attended, for which the mayor shall be entitled to participate in IMRF benefits.

#### **1-5-4 MAYOR PRO TEM**

During a temporary absence or disability of the mayor, the board of trustees shall elect one of its members to act as mayor pro-tem, who, during the absence or disability of the mayor, shall perform the duties pertaining to the office.

## CHAPTER 6

### BOARD OF TRUSTEES

#### **1-6-1 ELECTION; FUNCTIONS**

The board of trustees, consisting of six (6) members, shall be elected to office for a four (4) year term, according to the method provided by statute. This board shall be the legislative department of the village government, and shall perform such duties and have such powers as may be delegated by statute to it.

#### **1-6-2 SALARY**

Each trustee of the village shall receive the sum of one hundred dollars (\$100.00) for each board and special meeting of the village board attended by the trustee. Meetings that are concurrent on the same date will be deemed to be one meeting, and a trustee will receive the total sum of \$100 for the date regardless of how many meetings or what type of meetings are held and attended by that trustee.

#### **1-6-3 MEETINGS**

- A. Regular Meetings: Regular meetings of the board of trustees shall be held on the second and fourth Thursday evening of each month unless otherwise approved in accordance with the Illinois Open Meetings Act.
- B. Special Meetings: Special meetings may be held anytime on call of the mayor, or on the call of at least three (3) trustees, or as otherwise provided by state statute. The special call by the 3 trustees shall be in writing, duly signed by each sponsoring trustee, and shall be presented to the village clerk, who shall proceed immediately to prepare the agenda and provide notice of the special meeting to the news media as required by the Illinois Open Meetings Act and cause the agenda and any supporting documents to be served on the mayor and members of the village board by e-mail. Any notice of a special meeting must be in compliance with the Illinois Open Meetings Act, 5 ILCS 120/1.01 et seq. In accordance with state statute, no business other than that set forth in the agenda may be transacted or undertaken at any special meeting.
- C. Time and Location: All regular meetings are to be held at 7:30 P.M. local time in the village hall, 3720 Greenleaf Avenue, Island Lake, Illinois, unless otherwise specified by the notice of the meeting or approved by the board of trustees.

#### **1-6-4 ORDER OF BUSINESS AND RULES OF PROCEDURE**

- A. Quorum: A majority of the corporate authorities shall constitute a quorum to do business.
- B. Order of Business: Unless otherwise determined by a majority of the corporate authorities, the business shall be conducted in the following order:
  - 1. Call to order.
  - 2. Roll call.
  - 3. Pledge of allegiance.
  - 4. Correspondence/recognition of village employees with family members in the military.
  - 5. Public comments
  - 6. Consent Agenda items.
    - a. Approval of Minutes.
    - b. Approval of Payments of Bills.
    - c. Committee & Department Reports:
      - i. Finance and administration.
      - ii. Public works & Water.
      - iii. Building, zoning, and ordinance.
      - iv. Police and public safety.
      - v. Parks, recreation & education.



- vi. Economic development.
  7. Agenda items:
    - a. Old business.
    - b. New business.
  8. Items from village clerk, trustees and department heads.
  9. Mayor's report.
  10. Open to public comments
  11. Executive session.
  12. Reconvene to regular session.
  13. Action on executive session items.
  14. Adjourn.
- C. Agenda: Any matter of business before the board may be rescheduled on the agenda by majority vote of the members present.
- D. Voting, record yeas and nays:
  1. Upon request of any member, the yeas and nays upon any question shall be taken and entered upon the minutes.
  2. The results of all votes by yeas and nays shall be announced by the clerk, no member's vote may be changed after the result has been announced.
- E. Rules of Order: The rules of parliamentary procedure in the latest published edition of Robert's Rules of Order shall govern the board meetings in all cases to which they are applicable and in which they are not inconsistent with the rules of this board or the statutes of this state.
- F. Temporary Suspension of Rules: These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of the corporate authorities.
- G. Meeting Procedures:
  1. The Mayor shall be the presiding officer and chair. If the mayor is absent the temporary chair shall be the presiding officer and chair. The presiding officer shall preserve order and decorum and may speak to points of order in the preference to other members and shall decide all questions of order.
  2. Members of the public are invited and permitted to speak any public, open meeting of the Village Board and any other commission, committee, board or other public entity created by or subject to the Village's ordinances (collectively, "Subcommittee"), subject to the following rules:
    - a. Individuals wishing to be heard may be recognized by the Mayor, or Chairman of the Subcommittee, during the public comment portion(s) of each meeting. Further public comment will not be allowed during specific meeting agenda items unless allowed by the Mayor or Chairman of the Subcommittee.
    - b. Public comment may be restricted to no more than five minutes for each individual speaker. The Mayor or Chairman of the Subcommittee may permit additional comment in his or her discretion taking into account the number of persons wishing to be heard on a matter and the amount of business requiring attention.
    - c. Members of the public may be asked to avoid repeating comments that have already been made, although they may be given the

opportunity to indicate that they agree or disagree with an earlier speaker.

- d. Members of the public will be required to step forward to the podium and to identify themselves for the record. Members may be asked but are not required to provide an address for the record.
- e. Order and decorum shall be maintained at the public meetings. This includes prohibiting outbursts from the public or other behavior that is threatening, disorderly or disruptive to the public business. The Mayor or Chairman of the Subcommittee may eject from a public meeting any person who, in the sole opinion of the Mayor or Chairman, disrupts the order and decorum of the meeting or otherwise violates the rules of this section.
- f. Public comment shall be restricted to the portions of the meetings which are required to be open to the public under the Open Meetings Act. Nothing in this Section shall be construed to allow public access to or public comment at closed sessions or any other meeting of public officials which is not required to be open to the public under the Open Meetings Act.

#### **1-6-5: STANDING COMMITTEES**

A. The standing committees of the board of trustees are:

- 1. Police, Public Safety and Ordinances
- 2. Lakes, Parks, Recreation and Education
- 3. Economic Development
- 4. Building and Zoning
- 5. Public Works
- 6. Finance and Administration

B. The Mayor, with the advice and consent of the corporate authorities, shall have the power to appoint and remove, at-will, one member of the village board to be the chairperson of each standing committee, and four other trustees as members of the committee. The appointed standing committee chair shall oversee his or her respective department and have a working knowledge of the personnel and procedures of the department. In addition, each committee chairperson will keep the village board informed of his or her respective department's operations and make recommendations to the village board concerning these operations.

C. The standing committees shall serve the following overall functions in the area of each individual committee responsibility:

- 1. Overall supervision and review of village policies and procedures.
- 2. Liaison with other governmental agencies.
- 3. Long-range planning.
- 4. Budget and fiscal responsibility.
- 5. Origination of ordinances and resolutions.
- 6. Coordination of village staff.

D. The responsibilities of each committee shall be to investigate and gather information on matters pending before the village board, to initiate legislation and recommend to the village board the adoption of ordinances and resolutions. The areas of responsibility of each committee shall include but not be limited to the following:

1. Police, Public Safety and Ordinances.
  - a. Police department.
  - b. Traffic control.
  - c. Disaster (tornado, flood, riot control).
  - d. Animal control.
  - e. Coordination with village emergency management agency.
  - f. Coordinate and update all ordinances.
2. Lakes, Parks and Recreation.
  - a. Oversee Village recreation department.
  - b. Oversee village park maintenance and development.
  - c. Oversee creative playtime pre-school and club.
  - d. Plan and run all village special events.
  - e. Lake maintenance.
3. Economic Development and Grants
  - a. Attract new business to village
  - b. Retain existing business base.
  - c. Find and write grant application supporting committee goals.
4. Building and zoning
  - a. Building code regulations
  - b. Permits and inspections
  - c. Annexations
  - d. Long-range planning
  - e. Coordinate with zoning board of appeals and plan commission
  - f. Public buildings
  - g. Update Village Comprehensive Plan
5. Public Works
  - a. Roads and water systems
  - b. Local public improvements
  - c. Drainage issues
  - d. Electrical
  - e. Storm water detention
  - f. Environmental controls (wells, litter, weeds, garbage).
6. Finance and Administration
  - a. Entire village budget
  - b. Contracts
  - c. Appropriation and levy
  - d. License fees

E. Standing Committee Rules:

The chairperson will preside at the meetings and have final authority to rule on disputes in procedure. Three members of the committee are required to establish a quorum. A favorable vote of a majority of those present at a committee meeting, but not less than three votes, is required to refer a matter to the village board and out of the standing committee. Notice of meetings shall be as required by the Open Meetings Act. All meetings will be open to the public and minutes shall be prepared of each meeting. The standing committee will provide the village board with a brief written overview of each item discussed and a public comment section shall be provided for on the committee agenda.

**1-6-6 PERMISSION OF BOARD FOR ANY ACTION OR DECISION**

- A. Any person desiring permission for any actions or decisions of the board of trustees which are not now included in the village ordinances must file a written application or letter of intent. Such application or letter of intent must be in full detail as to the nature of the request and the action of the petitioner in the event the request is granted.
- B. In the event the board of trustees deem such action, if granted and not fulfilled, would place in jeopardy the health and welfare of the village, a cash bond, determined by the board of trustees, will be demanded to ensure such fulfillment.

**1-6-7 DISTURBING MEETINGS**

It shall be unlawful for any person to disturb any meeting of the board of trustees or of any committee thereof. Any person violating the provisions of this section shall be subject to the penalty provisions of chapter 4 of title 1 of this code for each offense.

**1-6-8 TAPING OF CLOSED SESSION MEETINGS**

It shall be unlawful for any person other than the village clerk or other person specifically designated by the village board at that specific meeting which is closed to the public to tape, film or record by other means any portion of a meeting which has been closed to the public pursuant to the Illinois open meetings act, 5 ILCS 120/1 et seq., as may be amended from time to time. Any tapes made by the village clerk or such other person shall be kept as required by the Illinois open meetings act and the ordinances of the village. Any person who violates the provisions of this section shall be subject to the penalty provisions of chapter 4 of title 1 of this code for each offense.

**1-6-9 ELECTRONIC ATTENDANCE AT MEETINGS**

- A. Policy. It is the policy of the Village of Island Lake that any member of the village board may attend any open meeting of the village board via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws. For purposes of the village code, "meeting" shall be as defined in 5 ILCS 120/1.02 of the Open Meetings Act (as may be amended from time to time) and shall mean any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business.
- B. Prerequisites. A member of the village board may attend a meeting electronically if the member meets the following conditions:
  - 1. The member should notify the village clerk at least 48 hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Such notice shall be in writing, if possible.

2. The member must assert one of the following three reasons why he or she is unable to physically attend the meeting.
  - a. The member cannot attend because of personal illness or disability;  
or
  - b. The member cannot attend because of employment purposes or the business of the village; or
  - c. The member cannot attend because of a family or other emergency.

C. Authorization to Participate.

1. The clerk or his or her designee, after receiving the electronic attendance request, shall inform the village board of the request for electronic attendance.
2. After establishing that there is a quorum physically present at a meeting where a member of the village board desires to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the village board in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the village board physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the village board, physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the village board and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

D. Adequate Equipment Required. The member participating electronically and other members of the village board must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the village board shall provide equipment adequate to accomplish this objective at the meeting site.

E. Minutes. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

F. Rights of Remote Member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any

member, provided the member attending electronically shall announce his or her leaving and returning

- G. Executive Session. No member shall be permitted to attend an executive session electronically.
- H. Committees, Boards and Commissions. These rules shall apply to all committees, boards and commissions established by authority of the village board.

**1-6-10 INDEMNIFICATION**

In the event a lawsuit is filed against any current elected Village Mayor or Trustee or currently appointed member of any Board or Commission established pursuant to Title 2 of the Village Code ("Officer") for acts relating to Village business affairs while in office, the Village Board may, in its sole discretion, upon review and approval of the Corporate Authorities of the Village, retain and pay counsel of its choice to defend and/or indemnify the Officer. The protection afforded to Officer in this Section shall apply where defense and indemnity is not adequately provided for by the Village's liability insurance carrier.

## CHAPTER 7

### VILLAGE CLERK

#### **1-7-1 ELECTION; TERM; OATH; BOND**

The village clerk shall be elected and serve for a four (4) year term and until the clerk's successor is elected and qualified, as provided by statute. The clerk shall take an oath or affirmation of office and shall execute and deliver to the village a bond in accordance with section 1-8A-7 of this code.

#### **1-7-2 POWERS AND DUTIES**

- A. Signatures: The village clerk shall seal and attest all contracts of the village and all licenses, permits and such other documents as shall require this formality.
- B. Money Collected: The clerk shall turn over all money received by the clerk on behalf of the village to the collector promptly upon receipt of the same, and with such money he shall give a statement as to the source thereof.
- C. Minutes. The clerk shall be responsible for taking and keeping all minutes of the meetings of the corporate authorities.
- D. Records: In addition to the record of ordinances and other records which the clerk is required by statute to keep, the clerk shall keep a register of all licenses and permits issued, the payment thereon, a record showing all of the officers and regular employees of the village and such other records as may be required by the board of trustees.
- E. Custodian of Seal: The clerk shall be the custodian of the village seal and shall affix its impression on documents whenever this is required.
- F. Documents: The clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.
- G. Indices: The clerk shall keep and maintain a proper index to all documents and records kept by the clerk, so that ready access thereto and use thereof may be had.
- H. 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.

#### **1-7-3 SALARY**

The clerk shall receive the sum of seventy five-dollars (\$75.00) for each board and special meeting of the village board attended by the clerk. Meetings that are concurrent on the same date will be deemed to be one meeting, and the clerk will receive the total sum of \$75.00 for the date regardless of how many meetings or what type of meetings are held and attended by the clerk. The clerk shall also receive a salary in the amount of \$200.00 per month for performance of the duties set forth in this chapter 7, including the preparation of minutes of the meetings of the village board.

**1-7-4**

**DEPUTY VILLAGE CLERK**

The mayor, with the advice and consent of the village board, may appoint one or more deputy village clerks. The powers and duties of such deputy village clerks shall be as delegated by the village clerk.



## CHAPTER 8

### OFFICERS AND EMPLOYEES

#### ARTICLE A. GENERALLY

##### **1-8A-1 EFFECT**

The provisions of this Article shall apply alike to all officers and employees of the village, regardless of the time of creation of the office or position or the time of appointment of the officer or employee.

##### **1-8A-2 APPOINTMENT OF OFFICERS AND HIRING, REVIEW, DISCIPLINE AND TERMINATION OF EMPLOYEES:**

- A. Village Officers. All officers other than elective officers shall be appointed by the mayor with the advice and consent of the board of trustees. Removal of village officers shall follow the procedure set forth in 65 ILCS 5/3.1-35-10, unless otherwise provided by statute.
- B. Village Employees. Except for (1) department heads; (2) matters covered within any applicable collective bargaining agreement; and (3) matters under the jurisdiction of the Island Lake Fire and Police Commission, the department heads shall have responsibility for hiring and termination decisions for part-time employees, as well as disciplinary actions such as warnings and suspensions with or without pay, for all employees in their respective departments; provided, however, that department heads shall report to the corporate authorities any hiring, termination, or suspension decision within three days of that decision. The corporate authorities shall retain authority over (i) salary, bonus, and other compensation decisions for all employees; (ii) the creation of any new positions; and (iii) except as covered by an applicable collective bargaining agreement or the Fire and Police Commission's jurisdiction, the hiring and termination of full-time employees.
- C. Department Heads. The heads of the finance department and public works department, and the director of the parks and recreation department shall be hired and terminated by the mayor with the advice and consent of the board of trustees. The department heads are not appointed village officers.

##### **1-8A-3 TERMS OF OFFICE; VACANCIES**

Every appointed officer of the village shall hold office until May 1 following the officer's appointment or until the officer's successor is appointed and qualified, unless it is otherwise provided by ordinance or statute. Vacancies in an appointed office shall be filled in the same manner in which appointments or selections are made, in the absence of provisions in this ordinance or state law to the contrary.

**1-8A-4 MONIES RECEIVED**

Every officer of the village shall, at least once each month or more often if so required, turn over all money received by him in his official capacity, to the clerk or Collector with a statement showing the source from which the same was received.

**1-8A-5 OATHS**

Every officer of the village shall, before entering upon his duties, take the oath of office prescribed by Statute.

**1-8A-6 SALARIES**

All officers and employees of the village shall receive such salaries as may be from time to time provided by ordinance or resolution.

**1-8A-7 BOND**

Every officer and employee shall, if required by the board of trustees or state statute, upon entering upon the duties of office, give a bond in such amount and with such sureties as may be determined by the board or statute, conditioned upon the faithful performance of the duties of the office or position.

**1-8A-8 ASSIGNMENT OF DUTIES**

The mayor and board of trustees shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer and shall determine disputes or questions relating to the respective powers or duties of officers.

**1-8A-9 POWERS AND DUTIES**

- A. Records: All records and books kept by any officer of the village shall be open to inspection by the mayor, or any member of the Board of Trustees at all reasonable times, whether or not such records or books are required to be kept by statute or ordinance.
- B. Arrests: The mayor, members of the board of trustees, as well as every member of the police department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statute; provided, however, that to qualify as a conservator of the peace, an individual must first have received a certificate attesting to the successful completion of a training course as required by 65 ILCS 5/3.1-15-25.

**1-8A-10 TERMINATION OF OFFICE; DELIVERY OF BOOKS AND RECORDS**

Every officer and employee of the village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the village, and if no successor has been appointed within one week after the termination of office, such property shall be delivered to the village clerk or village treasurer.

**1-8A-11 PROHIBITED ACTS**

- A. Impersonation: It shall be unlawful for any person to impersonate, without lawful authority, any village officer or employee.
- B. Interference with Officers: It shall be unlawful to interfere with or hinder any officer or employee of the village while engaged in the duties of his office or employment.
- C. Penalty: Any person violating any provision of this section shall be subject to the penalty provisions of chapter 4 of title 1 of this code for each offense.

**1-8A-12 PREVAILING WAGE RATE**

- A. To the extent and as required by the state 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 current prevailing rate of 7/24/14 wages for construction work in Lake and McHenry Counties as determined by the department of labor of the state of Illinois (the "department") from time-to-time, and as established on an annual basis by ordinance adopted by the board of trustees.
- B. Nothing herein is intended to apply or shall be construed to apply said prevailing rate of wages as herein ascertained to any work or employment performed on behalf of this village except public works construction to the extent required by the act.
- C. The village clerk shall publicly post or keep available for inspection by any interested party in the village hall this determination of prevailing rate of wages. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.
- D. By July 15 of each year, the village clerk shall file a certified copy of the ordinance codified herein with the secretary of state of Illinois in Springfield and with the Illinois department of labor.
- E. Within thirty (30) days after filing a certified copy of the ordinance codified herein with the secretary of state, the village clerk shall cause to be published in a newspaper of general circulation within the area a notice that this determination is effective and constitutes the determination of this public body.
- F. The village clerk shall mail a copy of the ordinance codified herein to any employer, 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.

## ARTICLE B. VILLAGE TREASURER

### SECTION:

- 1-8B-1: Creation; Appointment
- 1-8B-2: Bond
- 1-8B-3: Salary
- 1-8B-4: Powers and Duties

#### 1-8B-1: **CREATION; APPOINTMENT:**

There is hereby created the office of Village Treasurer, who shall annually be appointed by the Mayor, by and with the advice and consent of the Board of Trustees as prescribed by 65 ILCS 5/3.1-30-5.

#### 1-8B-2: **BOND:**

The Village Treasurer shall bond in such sum as may be required by the Board of Trustees, with sureties to be approved by the Board of Trustees. This bond shall be conditioned upon the faithful performance of the Treasurer of his duties of office and to indemnify the Village of any loss due to neglect of duty or wrongful act on the part of the Treasurer; provided that such bond shall be in an amount determined by the Board of Trustees at the time of appointment but in no event less than \$50,000.

#### 1-8B-3: **SALARY:**

The compensation for the Village Treasurer shall be determined from time to time by the Board of Trustees at the time of appointment.

#### 1-8B-4: **POWERS AND DUTIES:**

- A. Generally: The Village Treasurer shall perform such duties as may be prescribed by applicable statutes (65 ILCS 5/3.1 et. seq.), ordinance or by motion of the Corporate Authorities. The Village Treasurer shall pay out money only on vouchers or orders properly signed by the Mayor and Village Clerk.
- B. Deposit of Funds: The Village Treasurer shall deposit the Village funds in such depositories as may be selected from time to time as provided by law.
- C. Records: The Village Treasurer shall keep records showing all monies received, the source from which it was received, and the purpose for which it was paid out, and keep a record showing at all times the financial status of the Village. The Village Treasurer shall keep such books and accounts as may be required by the Board of Trustees and in a manner as required by the Board of Trustees, and shall make monthly reports showing the state of finance together with records substantiating same.
- D. Accounting: The Village Treasurer shall keep a register of all warrants, bonds, or orders filed with him or paid, and all vouchers and purchase orders, as is required by statute.

## **ARTICLE C. VILLAGE ATTORNEY**

### **1-8C-1 CREATION; APPOINTMENT**

There is hereby created the office of village attorney, an executive office of the village. The village attorney shall be appointed by the mayor, by and with the advice and consent of the board of trustees.

### **1-8C-2 SPECIAL COUNSEL**

The mayor, with the consent of the board of trustees may, from time to time, retain an attorney to represent or advise the village on legal matters if no village attorney has been appointed. The mayor may likewise retain special counsel to advise or represent the village on special matters or to assist the village attorney.

### **1-8C-3 POWERS AND DUTIES**

- A. Suits and Actions: The village 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 such person as an officer of the village.
- B. Judgments: It shall be the duty of the village attorney to see to the full enforcement of all judgments or decrees entered in favor of the village, and of all similar interlocutory orders.
- C. Advice: The village attorney shall be the legal advisor of the village and shall render advice on all legal questions affecting it, whenever requested to do so by any village official. Upon request by the mayor or a majority of the board of trustees, the Attorney shall reduce any such opinion to writing.

## **ARTICLE D. BUILDING COMMISSIONER AND CODE ENFORCEMENT OFFICIAL**

### **1-8D-1 CREATION; APPOINTMENT**

There is hereby created the Department of Building and Code Compliance. The duties of the building inspector, zoning and code enforcement officer shall be combined to create the position of *Building Commissioner and Code Enforcement Official* ("Commissioner") who shall be appointed by the mayor with the advice and consent of the board of trustees.

**1-8D-2****POWERS AND DUTIES**

- A. The Commissioner shall be the head of the Department of Building and Code Compliance under the direction of the mayor. The Commissioner is hereby authorized and directed to enforce the provisions of the Island Lake Village Code as it relates to building, zoning and code compliance. The Commissioner shall review permit applications and construction documents for the erection and/or alteration of buildings and structures. The Commissioner shall inspect all construction for which permits have been approved and document the progress of the project. When necessary, the Commissioner shall work in coordination with other departments and agencies before approving Certificates of Occupancy. The Commissioner shall also ensure compliance as it relates to property management and residential rental inspections. The Commissioner shall require current Certificates of Insurance from contractors who work within the village.
- B. The Commissioner shall supervise the consulting Plumbing and Electrical Inspectors.
- C. The Commissioner shall act in the capacity of Zoning Enforcement Officer who shall work with the Planning and Zoning Commission on relative ordinances as Referenced in Titles 9 and 10 of the Village Code.
- D. The Commissioner shall act as the Code Enforcement Official and in that capacity insure compliance as it relates to nuisances within the village. When vehicles are in violation, the Commissioner shall work with the police department to insure compliance. The Commissioner shall also conduct periodic boat patrols to monitor the condition of piers, docks, and shoreline on Island Lake.
- E. The Commissioner shall interact with residents, elected officials, other Department heads and employees as well as contractors and business owners In a courteous, professional and effective manner.

**1-8D-3****MINIMUM QUALIFICATIONS OF THE COMMISSIONER**

- A. International Code Council certification as a residential building inspector
- B. Demonstrated experience and knowledge in code enforcement and interpretation
- C. Knowledge of water safety regulations and boat operations by Coast Guard or similar agency. (certification within six months of hire)
- D. Possess a valid Illinois Driver's License.
- E. Knowledge of computer programs and functions and ability to understand office policies and procedures.
- F. Possess oral and written communication skills and perform multiple tasks.
- G. Ability to function effectively under stress, walk, climb flights of stairs and to maneuver around construction areas when required. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions. While performing the duties of this job, the employee frequently works in outside weather conditions and is occasionally exposed to wet and slippery surfaces, humid conditions and extreme cold and heat.

**1-8D-4 SALARY** determined by the Village Board

**1-8D-5 STOP ORDER**

- A. The Commissioner shall have the power to order all work stopped on Construction, alteration or repair of buildings in the village when such work is Being done in violation of any applicable zoning law. Work shall not be resumed After the issuance of such order except on the written permission of the Commissioner, provided, however, that if the stop order is verbal, it shall be Followed by a written stop order within an hour.
- B. Such stop order may be served by the Commissioner or by police officer.
- C. Penalty: any person who shall continue to work in violation of a stop order of the Building Inspector shall be subject to the penalty provisions of Chapter 4 of Title 1 of this code for each offense.

#### **ARTICLE E. VILLAGE COLLECTOR**

**1-8E-1 CREATION AND APPOINTMENT**

There is hereby created the office of village collector. The mayor, with the advice and consent of the village board, may appoint the clerk or some other person to perform all of the duties of the collector at such a salary as shall be established from time to time by the village board. The collector shall keep accounts showing all money received by the clerk, the source and disposition thereof and such other accounts as may be required by statute or ordinance.

#### **ARTICLE F. LEGISLATIVE COUNSEL**

**1-8F-1 LEGISLATIVE COUNSEL**

The village trustees are authorized to retain legislative counsel to advise the trustees on matters relating to their legislative duties such as the drafting of ordinances, opinions on the powers of the legislative branch, and providing other advice on matters within the purview of the legislative branch of municipal government. Trustees may seek legal counsel regarding any matters within the range of items specified above. The legislative counsel will indicate on their invoices the trustee who initiated the contact with them and will also provide a general description of the services provided. The legislative counsel shall be retained as an independent contractor at a rate authorized by the village board for a term in excess of one year but not exceeding the term of the mayor. No department or office of legislative counsel is hereby created.

## CHAPTER 9

### MISCELLANEOUS PROVISIONS

#### **1-9-1 ELECTIONS**

Elections for Municipal offices shall be held as provided by Statute and at the time prescribed by Statute.

#### **1-9-2 SURETY BONDS**

- A. In the absence of any provision by ordinance to the contrary, whenever a 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 for the exercise of any special privilege, the surety on such a bond shall be a corporation licensed and authorized to do business in the State.
- B. Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the village against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the village may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the board shall declare the bond to be void and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

#### **1-9-3 CORPORATE SEAL**

The Corporate Seal of the village shall be as follows:

A circular disc, so designed as to impress the words "Village of Island Lake, Lake-McHenry County, Illinois" on the periphery thereof and "Village Seal" in the center.

#### **1-9-4 FISCAL YEAR**

The fiscal year for the village shall begin on May 1 of each year and end on April 30 of the following year.



## **CHAPTER 10**

### **MUNICIPAL FINANCES**

(Reserved)

## **CHAPTER 11**

### **FREEDOM OF INFORMATION**

#### **1-11-1            REQUESTS FOR ACCESS TO RECORDS**

Requests for access to the records of the Village are to be referred to the Village's Freedom of Information Act officer. The village board may designate one or more officials or employees to act as its Freedom of Information Act officer. All requests for inspection or copies of public records must be submitted in writing in accordance with the Village of Island Lake freedom of information act policy, which policy is available for inspection at the office of the Village.

## CHAPTER 12

### OFFICIAL COMPREHENSIVE PLAN

#### 1-12-1 OFFICIAL COMPREHENSIVE PLAN ADOPTED

The document attached to ordinance 1218-04, hereinafter referred to as the official comprehensive plan of the Village of Island Lake, is hereby adopted as the official comprehensive plan of the Village.

## CHAPTER 13

### ETHICAL CONDUCT

#### 1-13-1 DEFINITIONS

For purposes of this chapter, 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: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) 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.

**COLLECTIVE BARGAINING:** Has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

**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 chapter, 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:** 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>3</sup>.

**EMPLOYEE:** A person employed by the Village of Island Lake, 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 Island Lake.

**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: a) compensation for employment, b) service credit towards pension benefits, and c) 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: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) 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, but only with regard to those activities that require filing with the state board of elections or a county clerk.

**PROHIBITED POLITICAL ACTIVITY:**

- A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- B. 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.
- C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- J. Preparing or reviewing responses to candidate questionnaires.
- K. 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.
- L. Campaigning for any elective office or for or against any referendum question.
- M. Managing or working on a campaign for elective office or for or against any referendum question.
- N. Serving as a delegate, alternate, or proxy to a political party convention.

- O. Participating in any recount or challenge to the outcome of any election. PROHIBITED SOURCE: Any person or entity who:
  - A. Is seeking official action: 1) by an officer or 2) by an employee, or by the officer or another employee directing that employee;
  - B. Does business or seeks to do business: 1) with the officer or 2) with an employee, or with the officer or another employee directing that employee;
  - C. Conducts activities regulated: 1) by the officer or 2) by an employee, or by the officer or another employee directing that employee; or
  - D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

**1-13-2 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 Island Lake 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 chapter.
- 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.

**1-13-3 GIFT BAN**

- A. Solicitation And 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 section.

- B. Exceptions: Subsection A of this section is not applicable to the following:
1. Opportunities, Benefits and Services: Opportunities, benefits, and services that are available on the same conditions as for the general public.
  2. Fair Market Value: Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
  3. Fundraising: 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. Education: Educational materials and missions.
  5. Travel Expenses: Travel expenses for a meeting to discuss business.
  6. Gifts From Relatives: 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 fiancé or fiancée.
  7. Gifts of Friendship: 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: 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. Benefits From Outside Business Activities: 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 section, "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. Inheritances: Bequests, inheritances, and other transfers at death.
12. Items Less Than One Hundred Dollars: 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 section 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 chapter 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

**1-13-4****ETHICS ADVISOR AND ADVISORY OPINIONS**

- A. The mayor, with the advice and consent of the board of trustees, shall designate an ethics advisor for the Village of Island Lake. The ethics advisor will be a member of the ethics commission.
- B. Upon the concurring vote of a majority of the corporate authorities of the village, after a complaint is filed by any party, or upon their own motion, the corporate authorities may request an advisory opinion of the ethics commission. The purpose of such advisory opinion shall be to provide guidance to the officers and employees of the Village of Island Lake concerning the interpretation of or compliance with the provisions of this chapter, state ethics laws, village ordinances, and any other matters deemed appropriate by the corporate authorities, including all duties as may be delegated by the corporate authorities.
- C. An advisory opinion requested pursuant to this section shall be rendered in writing by the ethics commission and returned to the corporate authorities. A recommendation by the ethics commission shall require the concurrence of at least two (2) members of the commission. The ethics commission shall not have any power to enforce the recommendations of an advisory opinion or to refer the matter to anybody other than the corporate authorities for further action. If the ethics commission determines, after being referred a matter for an advisory opinion, that there are no disputed issues of material fact that would prevent the advisor or the commission from rendering an advisory opinion in a summary matter, then upon such determination, no evidentiary hearing shall be held and the ethics commission shall forthwith render its summary opinion on the issue presented. Advisory opinions of the ethics commission are unenforceable and may be accepted or rejected or have no action taken thereon as the corporate authorities, in their discretion, may determine.

**1-13-5****ETHICS COMMISSION**

- A. Commission Created: There is hereby created a commission to be known as the ethics commission of Village of Island Lake. The commission shall be comprised of three (3) members appointed by the mayor 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 Island Lake.
- B. Terms: 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. **Removal From Office:** The mayor, with the advice and consent of the board of trustees, may remove a commissioner in case of incompetency, 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. **Powers and Duties:** 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 1-13-6C of this chapter and refer violations of section 1-13-2 or 1-13-3 of this chapter to the appropriate attorney for prosecution. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this chapter 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 chapter.
  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 Island Lake 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 chapter.
- E. **Complaints:**
1. Complaints alleging a violation of this chapter 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 chapter, 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 1-13-3 of this chapter 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 board of trustees 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 1-13-2 of this chapter, then the commission shall notify in writing the attorney designated by the mayor and board of trustees 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 mayor, 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 of 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 mayor 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 E5 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. A complaint alleging the violation of this chapter must be filed within one year after the alleged violation.

#### **1-13-6 PENALTIES**

- A. A person who intentionally violates any provision of section 1-13-2 of this chapter 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 the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.
- B. A person who intentionally violates any provision of section 1-13-3 of this chapter is subject to a fine in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.
- C. The commission may fine any person who knowingly files a frivolous complaint alleging a violation of this chapter in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. The commission may recommend any appropriate discipline up to and including discharge.
- D. Any person who intentionally makes a false report alleging a violation of any provision of this chapter 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 the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.
- E. A violation of section 1-13-2 of this chapter shall be prosecuted as a criminal offense by an attorney for the Village of Island Lake 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.
- F. A violation of section 1-13-3 of this chapter may be prosecuted as a quasi-criminal offense by an attorney for the Village of Island Lake, or, if an ethics commission has been created, by the commission through the designated administrative procedure.
- G. 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 1-13-2 or 1-13-3 of this chapter is subject to discipline or discharge to the extent permitted by law.

## CHAPTER 14

### CREDIT OR DEBIT CARD PAYMENT

#### 1-14-1 DEFINITIONS

**AUTHORIZED OBLIGATION:** In connection with the village, any fine (non-court related), fee, charge, tax, or cost imposed by, owing to, or collected by or on behalf of the village.

**CREDIT CARD:** Any instrument or device, whether known as a credit card, bank card, charge card, debit card, automated teller machine card, secured credit card, smart card, electronic purse, prepaid card, affinity card, or by any other name, issued with or without fee by an issuer for the use of the holder to obtain credit, money, goods, services, or anything else of value.

#### 1-14-2 ACCEPTANCE FOLLOWING ELECTION

- A. Following election of the village (by approval of this chapter) to accept credit card payments for authorized obligations, the village may enter into agreements with one or more financial institutions or other service providers to facilitate the acceptance and processing of credit card payments. Said agreements shall conform with the requirements of 50 ILCS 345/20(a) and are subject to cancellation by the village upon giving the proper notice of intent to cancel.
- B. The village may pay the amounts due a financial institution or other service provider by paying upon receipt of the invoice or by allowing the financial institution or other service provider to withhold the amount of the fees from the credit card payment.

#### 1-14-3 RELIEF FROM THE UNDERLYING OBLIGATION

Any person who makes a credit card payment to the village for an authorized obligation as provided herein shall not be relieved from liability of the authorized obligation except to the extent that the village realizes final payment of the authorized obligation in cash or the equivalent. If the credit card payment is made by some party other than the credit card issuer or guarantor of payment in the credit card transaction, then the authorized obligation shall survive and the village shall retain all remedies of law for enforcement of said authorized obligation.

#### 1-14-4 LIABILITY OF VILLAGE'S EMPLOYEES

No village employee who accepts payment by credit card in accordance with this chapter shall incur any personal liability for the final collection of the payment.

## CHAPTER 15

### DEPOSITS REQUIRED FOR RETAINED PERSONNEL EXPENSES

#### 1-15-1 PAYMENT AND REIMBURSEMENT

Unless excused by Village Board action, any person or entity seeking village approval of an annexation, subdivision, land development or zoning relief relating to any land ("applicant's application") shall pay to and reimburse the village for any and all expenses, including special meeting costs and all fees and costs incurred by the village by its retained consultants; e.g., engineers, attorneys, land planners, for work in connection with the applicant's application and shall enter into a written agreement which provides, in substance, as follows:

#### VILLAGE OF ISLAND LAKE

#### Retained Personnel Reimbursement Agreement

Date: \_\_\_\_\_ Village of Island Reference No. \_\_\_\_\_

#### OWNER:

Name/address of Property Owner \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### PETITIONER:

Name/address of Petitioner \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

General Location of Property in Question (attach legal description):

Total Acreage: \_\_\_\_\_ PIN(S): \_\_\_\_\_

1. Deposit: In the event that it is necessary for the Village to obtain professional services, including attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any Petitioner's request for the Village to consider or otherwise take action upon its Petition regarding any annexation, zoning change, subdivision development, PUD or other improvement or development upon real property, then the Petitioner and Owner of the property shall be jointly and severally be liable for the payment of such professional fees. Petitioner will be required to deposit an amount of \$5,000, or a lesser amount as determined exclusively by the Mayor, as an initial deposit to be credited against fees and costs incurred for the above-described services.
2. Invoices, Payment of Fees: Upon submission of bills by all professional staff and retained consultants deemed necessary by the Village, the Village shall pay said fees out of the deposit. At such time as the deposit balance is reduced, the Village may demand an additional sum of money that, in addition to the deposit balance, shall equal the amount originally required.
3. Default: Upon the failure of the Owner or Petitioner to reimburse the Village in accordance with this Agreement no action on any request made by the Owner or Petitioner will be processed until all outstanding fees are paid in full. The Owner and Petitioner agree that the Village may withhold any other action, legislative or ministerial, which may include the issuance of permits, licenses,

*approval, execution or recording of plats, approval of zoning actions, or any other Village action for, on or upon the subject property, until the default is cured.*

- 4. Assigning Authority: The Mayor is authorized to assign professional services to the Village staff or to consultants as he deems appropriate.*
- 5. Remedies: The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be construed to limit or waive the Village's right to proceed against any or all parties in a court of law of competent jurisdiction.*
- 6. Refund: Any surplus funds in the deposit account of the Petitioner or Owner shall be returned within sixty (60) days after receipt of a final statement by all professional staff and retained consultants, upon written request by the Petitioner and/or Owner.*

*Village of Island Lake:*

\_\_\_\_\_  
*Petitioner*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Owner*

\_\_\_\_\_  
*Print Name*

By: \_\_\_\_\_  
*Mayor*

**CHAPTER 16**

**ANNUAL FEE ORDINANCE**

**1-16-1 PURPOSE**

The purpose of this chapter is to conveniently locate within one chapter of the Island Lake Village Code all fees, fines, and penalties of the Village.

**1-16-2 CONFLICT**

The provisions of this chapter supersede any provision of this code or ordinance or resolution of the village board which is inconsistent with this chapter. To the extent fees or penalties are imposed by other provisions of this code or by ordinance or resolution of the village board and such fee or penalty is not also provided for in this chapter, then such other provisions apply notwithstanding this section.

**1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 1**

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>
<b>Title 1, Administrative</b>		
1-4-1	General Penalty	Not less than \$35.00 and not more than \$750.00, except as expressly provided otherwise in this code.
1-13-6A	Penalty for violation of Prohibited Political Activities Regulations (Sec. 1-13-2)	Not to exceed \$2,500.00
1-13-6B	Penalty for violation of Gift Ban Regulations (Sec. 1-13-3)	Not less than \$1,001.00 and not more than \$5,000.00
1-13-6C	Penalty for filing a frivolous ethics complaint	Not less than \$1,001.00 and not more than \$5,000.00
1-13-6D	Penalty for filing a false ethics complaint	Not to exceed \$2,500.00

Code Reference	Description	Amount														
<b>Title 3, Business Regulations</b>																
3-1-1F4F	Violation of Municipal Utility Tax Provisions	Not less than \$100.00 nor more than \$750.00														
3-2-4-4B	Annual Liquor License Fees	<table border="1"> <thead> <tr> <th>Class</th> <th>Initial Fee and Renewal Fee</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>\$2,500.00, annually</td> </tr> <tr> <td>A1</td> <td>\$250.00 annually</td> </tr> <tr> <td>AA</td> <td>\$2,500.00, annually</td> </tr> <tr> <td>B</td> <td>\$1,500.00, annually</td> </tr> <tr> <td>C</td> <td>\$2,000.00, annually</td> </tr> <tr> <td>SE</td> <td>\$25.00/event</td> </tr> </tbody> </table>	Class	Initial Fee and Renewal Fee	A	\$2,500.00, annually	A1	\$250.00 annually	AA	\$2,500.00, annually	B	\$1,500.00, annually	C	\$2,000.00, annually	SE	\$25.00/event
Class	Initial Fee and Renewal Fee															
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B	\$1,500.00, annually															
C	\$2,000.00, annually															
SE	\$25.00/event															
3-2-4B3	Liquor License Application Fee	Initial Fee: \$250.00 Reapplication Fee: \$100.00														
3-2-4B3	Background Check Fee	\$100.00 (each background check after the first check)														
3-2-8E	Penalty for Violation of Social Hosting Regulations	First offense: \$500.00 - \$750.00 Each subsequent offense: not less than \$750.00														
3-2-9	Penalty for Violation of Liquor Regulations	Not less than \$500.00 for each violation and not more than \$1,000.00														
3-3-9A & B	Sexually Oriented Business Application and Investigation Fee	Initial Fee: \$5,000.00 Renewal Fee: \$2500.00														
3-3-9C	Sexually Oriented Business License Fee	\$1,500.00														
3-3-9D & E	Sexually Oriented Business Employee Application, Investigation, and License Fee	Initial Fee: \$250.00 Renewal Fee: \$200.00														
3-3-16	Penalty for Violation of Sexually Oriented Business Regulations	\$750.00														
3-4-3F	Solicitation Fee	Basic fee (per 3 day permit): \$500.00 Additional fee for each solicitor (per 3 day permit): \$200.00. <i>Notwithstanding the above, no permit fee shall be required for a governmental entity or an organization that provides evidence to the village of registration with the State of Illinois as a non-profit organization.</i>														
	Penalty	\$250.00 per offense <a href="#">[revised 10/12/17]</a>														
3-5-4A	Coin Operated Amusement License Fee	Annual Fee: \$100.00 per device Temporary License Fee: \$200.00 per device														
3-6-3B6	Violation of Garage Sale Sign Limitations	\$35.00 per sign														
3-7-8	Violation of Raffle Regulations	Not to exceed \$750.00 for each offense.														
3-10B-3	Penalties for Violation of the Cable and Video Protection Law	Not to exceed \$750.00 for each day of a material breach, and not to exceed \$25,000.00 for each occurrence of a material breach per customer														
3-11-14	Contractor License Fee	<table border="1"> <thead> <tr> <th>Type Of License</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>General Contractor:</td> <td>\$75</td> </tr> <tr> <td>Other Contractors:</td> <td>\$50</td> </tr> </tbody> </table>	Type Of License	Fee	General Contractor:	\$75	Other Contractors:	\$50								
Type Of License	Fee															
General Contractor:	\$75															
Other Contractors:	\$50															
3-12-2	Business Registration Certificate	Annual Registration: \$50.00 Violations: Minimum \$100.00, Maximum \$500														



**1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 4**

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>																								
<b>Title 4, Public Ways and Property</b>																										
4-1-1B	Street Contractor Bond Permit Fee	\$25.00																								
4-1-2C	Excavation Contractor Permit Fee	\$50.00																								
4-1-2E	Street Opening Security Deposit (refundable at completion of project)	\$10.00 for each square foot of opening																								
4-4-8D	Meter Testing Fee	\$100.00																								
4-4-8E	Water Shutoff Fee	\$50.00																								
	Water Reinstatement Fee	\$50.00																								
4-4-9A1	Water Connection Fee (To be adjusted for CPI each September)	<table border="0"> <tr> <td>Size Of Pipe</td> <td>Fee as of 2018</td> </tr> <tr> <td>1" or smaller</td> <td>\$8,055.94</td> </tr> <tr> <td>1 1/4"</td> <td>\$12,083.90</td> </tr> <tr> <td>1 1/2"</td> <td>\$15,122.06</td> </tr> <tr> <td>2"</td> <td>\$25,207.66</td> </tr> <tr> <td>Larger than 2"</td> <td>plus \$2,210.00 per 1/4" increase in pipe diameter beyond 2"</td> </tr> <tr> <td></td> <td><small>[revised 12/14/17, 11/20/18]</small></td> </tr> </table>	Size Of Pipe	Fee as of 2018	1" or smaller	\$8,055.94	1 1/4"	\$12,083.90	1 1/2"	\$15,122.06	2"	\$25,207.66	Larger than 2"	plus \$2,210.00 per 1/4" increase in pipe diameter beyond 2"		<small>[revised 12/14/17, 11/20/18]</small>										
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	<small>[revised 12/14/17, 11/20/18]</small>																									
4-4-9A2	Additional Water Connection Charges for Multi-Family, Hotel, Motel, or Dormitory Buildings (To be adjusted for CPI each September)	\$8,055.94 (2018 CPI), plus applicable connection fee in section 4-4-9A1 <small>[revised 1/11/18, 11/20/18]</small>																								
4-4-9B1	Water Availability Charges	<table border="0"> <tr> <td>Size Of Pipe</td> <td>Fee (per quarter)</td> </tr> <tr> <td>Res – 1" or smaller</td> <td>\$34.00</td> </tr> <tr> <td>Comm. – 1 1/4"</td> <td>\$72.00</td> </tr> <tr> <td>Comm. – 1 1/2"</td> <td>\$110.00</td> </tr> <tr> <td>Comm. – 2"</td> <td>\$148.00</td> </tr> <tr> <td>Comm. – Larger than 2"</td> <td>\$205.00</td> </tr> </table>	Size Of Pipe	Fee (per quarter)	Res – 1" or smaller	\$34.00	Comm. – 1 1/4"	\$72.00	Comm. – 1 1/2"	\$110.00	Comm. – 2"	\$148.00	Comm. – Larger than 2"	\$205.00												
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4-4-9B4	Water Service Charges	<table border="0"> <tr> <td>Rate code</td> <td>Quarterly Min.</td> <td>Per 1,000 gal.</td> </tr> <tr> <td>R1</td> <td>\$34.00</td> <td>\$4.18</td> </tr> <tr> <td>C2</td> <td>\$72.00</td> <td>\$4.18</td> </tr> <tr> <td>C3</td> <td>\$110.00</td> <td>\$4.18</td> </tr> <tr> <td>C4</td> <td>\$148.00</td> <td>\$4.18</td> </tr> <tr> <td>C5</td> <td>\$205.00</td> <td>\$4.18</td> </tr> <tr> <td>C6</td> <td>\$148.00</td> <td>\$4.18</td> </tr> <tr> <td></td> <td><small>[revised 8/10/17]</small></td> <td></td> </tr> </table>	Rate code	Quarterly Min.	Per 1,000 gal.	R1	\$34.00	\$4.18	C2	\$72.00	\$4.18	C3	\$110.00	\$4.18	C4	\$148.00	\$4.18	C5	\$205.00	\$4.18	C6	\$148.00	\$4.18		<small>[revised 8/10/17]</small>	
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	<small>[revised 8/10/17]</small>																									
4-4-9D	Fee to Discontinue Water Service	\$50.00																								
4-4-9F	Service Call Charge	\$100.00 per hour																								
4-4-9G1	Temporary Water Meter Rental Charge	\$5.00 per day																								
4-4-9G2	Temporary Water Setup and Administrative Charge	\$40.00, plus \$4.18 per 1,000 gallons used <small>[revised 8/10/17]</small>																								
4-4-10C	Red Tag Notice Fee	\$35.00																								
4-4-10C	Water Shutoff Fee	\$50.00																								
4-4-10C	Water Reconnection Fee	\$50.00																								
4-4-10D	Additional Lien Fee	\$75.00																								
4-4-11K	Equipment Damage Fee	\$500.00 per violation																								
4-5-15	Contamination Reconnection Fee	\$500.00																								
4-5-17H	Penalty for Violation of Cross- Connection Regulations	Not less than \$100.00 nor more than \$750.00 for each offense																								
4-6-5	Penalty for Violation of Beach Regulations	<p>First Offense: Not less than \$10.00, nor more than \$100.00</p> <p>Each Subsequent Offense: Not less than \$25.00, nor more than \$200.00</p>																								
4-10-4F	Right of Way Utility Construction Application Fee	\$200.00																								

**1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 5**

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>
<b>Title 5, Health and Sanitation</b>		
5-1B-4	Penalty for Violation of Open Burning Regulations	First Offense: Not less than \$75.00 nor more than \$100.00 Each Subsequent Offense: Not less than \$10.00 nor more than \$500.00
5-2-6B	Garbage Collection Service Charge	\$54.00 per quarter, except for those eligible for 20% senior discount under section 5-2-6C <a href="#">[revised 8/10/17, 7/25/19]</a>
5-3-3	Penalty for Violation of Weed Control Regulations	Not less than \$200.00 after 7 day notice

**1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 6**

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>
<b>Title 6, Police and Public Safety Regulations</b>		
6-4-10B	Animal Impoundment Fee	\$25.00 per day.
6-5-28	Penalty for Violation of Criminal Offenses	Not less than \$50.00 nor more than \$750.00
6-6-1D	Penalty for Violation of Curfew Regulations	Not less than \$50.00 nor more than \$750.00
6-6-2E	Penalty for Violation of Parental Responsibility Regulations	Not less than \$50.00 nor more than \$750.00
6-7-5A	False Alarm Service Charge	Second and Third False Alarms: \$100.00 Subsequent Offenses within any 12 month period: \$250.00
6-7-5A2	Alarm Reconnection Charge	\$250.00

**1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 7**

Code Reference	Description	Amount										
<b>Title 7, Motor Vehicles and Traffic</b>												
7-1-2A	Penalty for Driving Under the Influence and/or Driving While a License is Revoked or Suspended	Not less than \$1,250.00 and not more than \$2,500.00										
7-2-3A	Vehicle Sticker Fees	<table border="1"> <thead> <tr> <th>Type of Vehicle</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>Passenger vehicle for private use and trucks of less than 2 ton capacity</td> <td>\$25.00</td> </tr> <tr> <td>Freight or merchandise carrying vehicles or trucks 2 tons capacity and over</td> <td>\$27.50</td> </tr> <tr> <td>Motorcycles</td> <td>\$18.75</td> </tr> <tr> <td>Motor Scooters</td> <td>\$18.75</td> </tr> </tbody> </table>	Type of Vehicle	Fee	Passenger vehicle for private use and trucks of less than 2 ton capacity	\$25.00	Freight or merchandise carrying vehicles or trucks 2 tons capacity and over	\$27.50	Motorcycles	\$18.75	Motor Scooters	\$18.75
Type of Vehicle	Fee											
Passenger vehicle for private use and trucks of less than 2 ton capacity	\$25.00											
Freight or merchandise carrying vehicles or trucks 2 tons capacity and over	\$27.50											
Motorcycles	\$18.75											
Motor Scooters	\$18.75											
		Public passenger vehicles with capacity over 7 persons (motor buses) \$40.00 Public passenger vehicles having capacity of less than 7 persons \$21.25 Others vehicles \$33.75										
7-2-3B	Additional Fee for Failure to Purchase Vehicle Sticker, in addition to license fee	\$25.00										
7-2-3C	Senior Citizen Vehicle Sticker Fee	\$6.25										
7-3-20	Penalty for Violation of Abandoned or Inoperable Vehicle Regulations	First Offense: Not less than \$35.00 Second Offense: \$70.00 Subsequent Offenses: \$150.00										
7-4-2D	Penalty for Violation of Vehicle Size, Weight, and Load Restrictions	Not less than \$100.00 nor more than \$750.00										
7-5-1B1	Boating Sticker Fee, Resident	\$20.00 for the first boat \$15.00 for each additional boat										
7-5-1B1	Boating Sticker Fee: Nonresident	\$40.00 for each boat										
7-5-1B1	Penalty for Violation of Boat Sticker Fee Requirement, Resident and Nonresident	\$50.00 for each boat										
7-5-1B2	Senior Citizen Boating Sticker Fee	\$6.00										
7-5-5K	Penalty for Violation of Horsepower Restrictions	Not less than \$200.00 nor more than \$750.00										
7-7-4A	Penalty for Violation of Parking Regulations	Not less than \$35.00 nor more than \$100.00										
7-7-5B	Penalty for Violation of Disabled Parking Regulations	\$250.00										
7-12-6	Penalty for Driving without a Valid Safety Sticker	Not less than \$250.00										
7-13-3	Towing Bond	\$500.00										
7-13-4	Administrative Towing Fee	\$500.00										

**1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES, Title 8**

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>
<b>Title 8, Building Regulations</b>		
Title 8 Chapter 1-3	<b>Building Permit/Inspection Fees COMMERCIAL</b> Business, ORI or Industrial	
8-1-7 8-1-8	<b><u>New Commercial Construction</u></b> First 1,000 square feet Second 1,000 square feet Each square foot over 2,000 square feet Garage or Parking structure Accessory structure	<u>Permit fee</u> \$0.75 per square foot \$0.50 per square foot \$0.30 per square foot 1% of cost (\$100 minimum) 1% of cost (\$100 minimum)
9-9-4 9-9-4 8-1-13 8-2-1 4-5-10 9-11-21 8-12-1  9-11-20 9-11-20     9-9-3 8-1-3 8-1-4 8-1-4	<b><u>Other Commercial Building Fees</u></b> A permit and inspection fee is required for all commercial projects. <b><u>Projects</u></b> Parking lot repair, resurfacing, sealcoating, striping and signage Roof covering Fence or dumpster enclosure Underground Irrigation Exterior lighting Fire alarm or sprinkler/ Low voltage systems Demolition Permanent sign Each temporary sign Alarm and low voltage systems Permitted projects not listed Electrical new or addition 200 amp or under Each additional 100 amps Plumbing (one fixture) Plumbing (each additional fixture) Temp buildings and construction trailer fee Permit application deposit Certificate of occupancy (each unit) Temporary occupancy permit Projects under \$1,500	<u>Permit Fee</u> 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) \$25 1% of cost (\$100 minimum) 1% of cost (\$100 minimum) \$200 \$20 each \$100 plus required inspections \$20 each \$60 plus \$2,000 deposit each \$50 \$100 \$100 1% of cost (\$50 minimum)
	<b><u>Commercial Inspection fees</u></b> First building inspection Each additional, failed or after hour Each commercial plumbing inspection	<u>Inspection Fee</u> \$100 \$75 \$100

Code Reference	Description	Amount
<b>Title 8, Building Regulations</b>		
Title 8 Chapter 1-3	<b>Building Permit/Inspection Fees</b> <b>RESIDENTIAL</b> Single and Multiple Family	
8-1-7 8-1-8	<b><u>New Residential Construction</u></b> Habitable space Basement or crawl space Garage Accessory structure	<u>Permit fee</u> \$0.65 per square foot \$0.35 per square foot 1% of cost (\$50 minimum) 1% of cost (\$50 minimum)
8-1-3  8-2-2 8-2-2 5-1B 8-9-5  8-1-13/ 8-1-9/ 8-6-1 8-8-11 8-11-4/ 8-10-1 4-5-10 9-9-3D 9-9-3 8-1-3 8-1-4 8-1-4	<b><u>Other Residential Building Fees</u></b> Refer to Title 8-1-3 for residential projects that do not require a permit. <u>Projects</u> Heating unit/AC unit/ Water Heater Windows / Exterior Doors more than 2 Patio/Deck etc. <100sf and <\$1,500 cost Patio/Deck etc. >100sf and >\$1,500 cost Fascia, trim wrap/Soffit, Gutter/Downspout Fence <100 linear feet Fence >100 linear feet In ground Fire pit/ Chimney or Fireplace Antenna/ Pole lights/ Flagpole Plumbing (one fixture) Plumbing (each additional fixture) Roof Covering/ Paving/ Pool or Hot tub Ground fill/ Retaining Wall >30" Shoreline/ Dock & Pier Underground Irrigation Siding, Demolition, Electrical Permitted projects not listed Partial projects under \$1,500 Steel roll-of dumpster (30 days) Temp buildings and construction trailer fee Permit application deposit / Senior citizens Certificate of Occupancy (each unit) Temporary Occupancy Permit	<u>Permit Fee</u> Each \$25 plus \$30 inspection 1% of cost (\$50 minimum) \$25 plus \$30 inspection fee 1% of cost (\$50 minimum) \$25 plus \$30 inspection fee \$25 plus \$30 inspection fee 1% of cost (\$50 minimum) \$25 plus \$30 inspection fee \$25 plus \$30 inspection fee \$50 plus required inspections \$10 each 1% of cost (\$50 minimum) 1% of cost (\$50 minimum) 1% of cost (\$50 minimum) 1% of cost (\$50 minimum) 1% of cost (\$50 minimum) 1% of cost (\$50 minimum) \$25 plus \$30 inspection fee \$30 \$60 plus \$2,000 deposit each \$25 / \$5 \$100 \$50
	<b><u>Residential Inspection Fees</u></b> First building inspection Minimal projects listed above Each additional, failed or after hour Each residential plumbing inspection	<u>Inspection Fee</u> \$50 \$30 \$30 \$60

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>
<b>Title 8, Building Regulations</b>		
8-1-5	<b><u>Ownership Transfer Inspection OTI</u></b> Commercial and Residential	Smoke/CO detectors and safety \$50.00 Re-inspection/letter of intent \$30.00 Fire and Life Safety \$50.00 Re-inspection \$30.00
8-13-1	<b><u>Rental Registration/Inspection</u></b>	Inspection \$50.00* (*payable upon submission of application) Re-inspection \$30.00 Late Application Fee \$150.00 Penalty: up to \$750.00 each and every day the violation continues
8-1-3C	<b><u>Plan Review Deposit and Fees</u></b>	Deposit \$35.00 Garages (detached and attached) 120-200 s.f. \$65.00 plus Additional s.f. over 200 \$0.10 per s.f. Residential: \$0.10 per s.f. (Minimum fee \$50.00) Commercial, Industrial and Institutional \$0.25 per s.f. (Minimum fee for any structure \$150.00).
8-1-12D 8-1-12F	<b><u>Vacant Property Fees</u></b>	Inspection \$500.00 Registration, annually \$200.00 Not less than \$100.00 and not more than \$750.00 per day per violation
8-4-4C	<b><u>Landscaping Bond Deposit</u></b>	\$500.00
8-6-5	<b><u>Commercial Swimming Pool Fees</u></b>	License, annually \$100.00 Fill Permit \$25.00
8-12-12D	<b><u>Penalty for Violation of Fire Protection Regulations</u></b>	\$750.00
8-14-2G2e	Fee for failure to replace trees	\$100.00 per caliper inch
8-14-2G2f	Tree Replacement Fee	\$100.00 per caliper inch
8-14-2G2g	Fine for Tree Removal	\$100.00 per caliper inch

Code Reference	Description	Amount										
<b>Title 9, Zoning Regulations</b>												
9-9-3D.2m	Zoning Ordinance, annual fee for temporary use permit for temporary structure accessory to business	Size of Structure (square feet): <ul style="list-style-type: none"> <li>○ 200 to 1,000 -- \$125.00</li> <li>○ 1,001 to 4,000 -- \$175.00</li> <li>○ 4,001 and greater -- \$250.00</li> </ul>										
9-9-3D.1c	Steel roll off dumpsters (30days)	\$30.00 <small>Revised 3/22/18</small>										
9-11-8D	<b><u>Zoning Ordinance,</u></b> <b><u>Zoning Application Fees</u></b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Variation</td> <td style="text-align: right;">\$500.00</td> </tr> <tr> <td>Interpretation</td> <td style="text-align: right;">\$250.00</td> </tr> <tr> <td>Appeal</td> <td style="text-align: right;">\$250.00</td> </tr> <tr> <td>Text or Map Amendment</td> <td style="text-align: right;">\$250.00</td> </tr> <tr> <td colspan="2" style="padding-top: 10px;">Planned Unit Development or Special Use Permit \$500.00 for 10 acres or fraction thereof plus \$25.00 for each additional acre or fraction thereof above 10 acres</td> </tr> </table>	Variation	\$500.00	Interpretation	\$250.00	Appeal	\$250.00	Text or Map Amendment	\$250.00	Planned Unit Development or Special Use Permit \$500.00 for 10 acres or fraction thereof plus \$25.00 for each additional acre or fraction thereof above 10 acres	
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Text or Map Amendment	\$250.00											
Planned Unit Development or Special Use Permit \$500.00 for 10 acres or fraction thereof plus \$25.00 for each additional acre or fraction thereof above 10 acres												
9-11-24	Zoning Ordinance, violations	Not less than \$25.00, nor more than \$750.00, each day a violation exists shall be a separate and distinct offense; provided, however, that, if service of summons is made by certified mail pursuant to 65 ILCS 5/1-2-9.1, the maximum fine shall not exceed \$200 for each offense										

<b>Code Reference</b>	<b>Description</b>	<b>Amount</b>																																				
<b>Title 10, Subdivisions</b>																																						
10-1-3A	Administrative Fee	\$35.00 for the first lot or living unit and twenty dollars (\$20.00) for each additional lot or living unit																																				
10-1-3B	Engineering Review Fee	\$200.00, or two percent (2%) of the estimated construction cost, whichever is greater, for each development.																																				
Sec 10-1-3C	Utility Inspection Fee	\$200.00 per development or three percent (3%) of the estimated cost involved in the inspection procedure, whichever is greater																																				
10-3-10A2	<b><u>School Impact Fee</u></b>	<table border="1"> <thead> <tr> <th>Unit Size</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td colspan="2">Single Family (detached &amp; attached)</td> </tr> <tr> <td colspan="2">Apartments / Condominium</td> </tr> <tr> <td>2 bedroom</td> <td>\$1,066.00</td> </tr> <tr> <td>3 bedroom</td> <td>\$3,317.00</td> </tr> <tr> <td>4 bedroom</td> <td>\$5,687.00</td> </tr> </tbody> </table>	Unit Size	Fee	Single Family (detached & attached)		Apartments / Condominium		2 bedroom	\$1,066.00	3 bedroom	\$3,317.00	4 bedroom	\$5,687.00																								
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10-3-10B	Park Land and Open Space Impact Fee	\$1,000.00 per dwelling unit																																				
10-3-10C	Library Impact Fee	\$266.00 per dwelling unit																																				
10-3-10D	Municipal Impact Fee	\$2,500.00 per dwelling unit																																				
10-3-10E	Lake Management Fee	\$500.00 per dwelling unit																																				
10-4-1A	Annexation Fees	<p>For territory up to 5 acres: \$1,000.00</p> <p>For territory 5 acres or greater: \$1,000.00 plus \$100.00 per acre for each acre in excess of 5 acres</p>																																				



## CHAPTER 17

### **ADMINISTRATIVE HEARINGS**

#### **1-17-1 PURPOSE; RESERVATIONS OF RIGHTS; AUTHORITY**

The purpose of this article is to provide a fair and efficient method of enforcing the Village's regulations through administrative adjudication of charges of non-vehicular violations of the Village ordinances. All provisions of the Village ordinances may be enforced through the administrative adjudication system, provided the system shall have no authority to impose a penalty of incarceration or adjudicate an offense under the Illinois Motor Vehicle Code which is a traffic regulation governing moving vehicles. The Village reserves its right to employ all other means and methods available under the law to enforce its Village ordinances, including direct application to the courts.

#### **1-17-2 ADMINISTRATIVE ADJUDICATION DIVISION**

The system of administrative adjudication of non-vehicular regulations violations shall be composed of an Administrative Adjudication Division which shall be comprised of an Administrative Law Judge and may include any one or more of the following: an administrator, a computer operator/system coordinator and hearing room personnel (police officer), with the power, authority and limitations as are hereinafter set forth:

#### **1-17-3 POWERS OF THE ADMINISTRATIVE LAW JUDGE**

- A. The Administrative Law Judge shall have all of the powers granted to Administrative Law Judges under state law, set forth at 65 ILCS 5/1-2.2-5, the provisions of which are incorporated herein by this reference, including the power to:
1. Preside over all administrative hearings as the adjudicator.
  2. Administer oaths.
  3. Hear testimony and accept evidence that is relevant to the existence of the ordinance violation.
  4. Issue subpoenas to secure the attendance of witnesses and the production of relevant papers or documentation upon the request of the parties or their representative.
  5. Hold conferences for the simplification or settlement of issues.
  6. Rule upon objections and the admissibility of evidence.
  7. Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing.
  8. Issue a determination, based on the evidence presented at the hearing, of whether a Village ordinance violation exists. The determination shall be in writing and shall include a written finding of fact, decision, and order setting forth the fine, penalty, or action with which the person found liable must comply.

9. Impose penalties consistent with applicable Village ordinance provisions and assess costs upon finding a party liable for the charged violation. The Administrative Law Judge shall have the authority to impose fines and penalties in excess of the maximum authorized by the Illinois Compiled Statutes exclusive of costs of enforcement, costs imposed to secure compliance, costs of abatement and any other costs which may be provided for by the municipal ordinance of the Village. A fine or penalty may be assessed for each day an offense continues.
  10. Impose a term of community service.
- B. In no event shall an Administrative Law Judge have the authority to:
1. Impose a penalty of incarceration.
  2. Impose a fine in excess of the maximum authorized by the Illinois Compiled Statutes.

#### **1-17-4 POWERS OF THE ADMINISTRATOR**

The Mayor shall designate a person to serve as the administrator who shall be empowered and is authorized and directed to:

- A. Operate and manage this system of administrative adjudication of non-vehicular Village ordinance violations.
- B. Adopt, distribute and process Village ordinance violation notices and other notices as may be required to carry out the purpose of this article.
- C. Collect monies paid as fines and/or penalties assessed after a final determination of a Village ordinance violation.
- D. Promulgate rules and regulations reasonably required to operate and maintain this administrative adjudication system.
- E. Collect unpaid fines and penalties and otherwise pursue all post-judgment remedies available under law.
- F. Compromise or otherwise settle violation notices prior to a hearing date. However, any such compromise should be made of record by the administrator on the date the violation notice was scheduled to appear for hearing, with an explanation by the administrator as to the reasons for such compromise. The Administrative Law Judge is also required to approve any such compromise or settlement at the hearing

#### **1-17-5 POWERS OF THE SYSTEM COORDINATOR**

The system coordinator/computer operator shall operate and maintain computer programs for the administrative adjudication system created hereunder, on a day-to-day basis, including, but not limited to:

- A. Input of violation notice information.
- B. Input of hearing and notice dates.
- C. Input of fine and penalty assessments and payments.

- D. Issuance of receipts for payment.
- E. Issuance of succeeding notices of hearing dates or court dates and/or final determination of liability as directed by the administrator or by the Administrative Law Judge in accordance with the provisions hereinafter set forth.
- F. Maintenance of accurate records of hearing dispositions, fines and penalties assessed and paid.

**1-17-6 POWERS OF THE HEARING ROOM PERSONNEL**

The hearing room personnel shall be full-time, part-time or auxiliary police officers. The hearing room personnel shall:

- A. Maintain hearing room decorum.
- B. Have and carry out such authority as is granted by law.
- C. Perform such other duties or acts as may reasonably be required to maintain hearing room decorum.

**1-17-7 SELECTION AND APPOINTMENT OF PERSONNEL**

The persons who shall hold the positions of Administrative Law Judge, administrator, system coordinator and hearing room personnel under this article shall be selected and appointed according to the following procedures:

- A. The Mayor is hereby authorized to appoint a person(s) to hold the position of Administrative Law Judge.
- B. In making selections, the Mayor shall consider all pertinent information, including, at a minimum:
  - 1. The candidate's ability to comply with the job descriptions as set forth herein; and
  - 2. Background and performance data on file with the Village, or otherwise obtained by the Village; and
  - 3. The candidate meets the statutory criteria set forth in 65 ILCS 5/1-2-2-40 as an attorney licensed to practice law in the State of Illinois for at least three years.
- C. The Mayor shall assign the duties of administrator, system coordinator and hearing room personnel to Village employees.

## **1-17-8 COMPENSATION**

Compensation to be paid for any of the above-stated positions shall all be established annually by the Village Board through the annual budget and appropriation ordinance or by contract with the administrative law judge.

## **1-17-9 PROCEDURE**

The system of administrative adjudication of non-vehicular regulations violations shall be conducted in accordance with the following procedures to assure defendants are afforded due process of law:

- A. Issuance of violation notices. Village ordinance violation notices ("violation notices") may be issued by any authorized person and shall contain information and shall be served, certified and have evidentiary value as hereinafter stated. Certain violation notices may be issued in the form of a "VO" ticket (Village Ordinance ticket), which may allow the recipient to pay the stated fine prior to any hearing. If the recipient fails to pay the required fine within the allotted time under the ordinance violation ticket, the violation notice will be processed through the administrative adjudication system as otherwise provided for in this article.
- B. Authorization. All police officers and other specifically appointed individuals, including, but not limited to, the Village's Building Inspector and his/her designees, shall have the authority to issue violation notices.
- C. Detection of Violations. Any individual authorized to issue a violation notice, within his/her scope of responsibility, who detects a violation of any non-vehicular regulation may issue a notice of violation thereof and shall serve the violation notice as herein provided.
- D. Content. Violation notices shall contain, at a minimum:
  1. The date, time and place of the alleged violation occurrence;
  2. The particular Village ordinance section or regulation violated;
  3. The common address of the building or property alleged to be in violation (the "cited property"), if applicable;
  4. The name of the individual alleged to be liable for the violation (the "respondent"), including the respondent's date of birth, address, and telephone number, if applicable;
  5. The signature and identification number, if applicable, of the person issuing the violation notice;
  6. The date, time and place of the administrative hearing at which the charge may be contested on its merits. This date shall be no less than 15 days after the date of service of the violation notice. A hearing may be set at a date less than 15 days after the date of service of the violation in an emergency situation where the violation constitutes a threat to public interest, safety or welfare;

7. A statement of penalties for failure to appear at the hearing;
  8. If the violation notice is issued as an ordinance compliance ticket ("VO ticket"), the notice shall include the amount of the fine and, if applicable, the date required for payment of the fine in lieu of appearing for an administrative hearing, in which case the notice shall also state that failing to timely pay the stated fine shall operate to process the violation notice within the administrative adjudication system as otherwise provided for by this article; and
  9. The legal authority and jurisdiction under which the hearing will be held.
- E. Service of Violation Notices. Service of violation notices shall be made in a manner reasonably calculated to give the defendant actual notice by:
1. Handing a copy of the violation notice to the person charged; or
  2. Delivering a copy of the violation notice to the person charged by first class mail, certified mail, return receipt, or via commercial carrier. Such service shall be completed as of the date of deposit in the United States.
  3. Mail, or deposit with a commercial carrier. 3. If a building ordinance violation is alleged where the person charged is an owner or manager of the property, service may also be made by posting a copy on the cited property where service cannot be made by either method described immediately above in Subsection 1 and 2 above.
- F. Certification. The correctness of facts contained in the violation notice shall be certified by the issuing person by:
1. Signing his/her name to the violation notice at the time of issuance; or
  2. In the case of a violation notice produced by a computer device, by signing a single certificate, to be kept by the administrator, attesting to the correctness of all violation notices produced by the device while under his/her control.
- G. Business Records. The original or complete copy of the violation notice shall be retained and kept as a record in the ordinary course of Village business.
- H. Prima Facie Evidence. Any violation notice issued, signed and served in accordance herewith, or a complete copy of the notice, shall be deemed prima facie correct and shall be considered prima facie evidence of the facts alleged therein.
- I. Admissibility. The violation notices shall be admissible in any subsequent administrative or legal proceeding.

## 1-17-10 ADMINISTRATIVE HEARINGS

Hearings shall be held to adjudicate alleged violations of all Village ordinance sections, except those that are excluded by law from the Village's administrative adjudication system, pursuant to the following standards:

- A. Time and date. Hearings shall be on the date, time and place as set forth in the violation notice issued and served.
- B. Recording. Hearings shall be tape recorded.
- C. Default judgment. Respondents who do not appear on their scheduled hearing date may have a default judgment entered against them. A notice of judgment entered by default shall be forwarded to any respondent who fails to appear and shall contain the same information as a determination of liability, but shall also state that the judgment may be set aside by the Administrative Law Judge if, within 21 days of issuance of the judgment, a motion is filed and received by the administrator stating good cause for failure to appear or timely respond to the violation notice. The default judgment shall state that it shall constitute a final determination of liability if such motion is not timely received; a hearing on the motion shall be scheduled within 21 days of receipt of the filed motion. If at the hearing on the motion the Administrative Law Judge determines that good cause has been established by the respondent, the default judgment shall be set aside and a new hearing shall proceed on the merits of the violation notice. If the motion is denied or if the respondent fails to appear for a hearing on the motion, the default judgment shall constitute a final determination of liability.
- D. Rules of evidence. The formal and technical rules of evidence shall not apply in an administrative hearing conducted in compliance with this article. Evidence, including hearsay, may be admitted pursuant 65 ILCS 5/1-2.2-35.
- E. Hearing rights. Persons appearing to contest an alleged Village ordinance violation may be represented by counsel of their own choice at their own expense, may present witnesses, may present testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.
- F. Evidentiary Standard. No violation may be established except by proof by a preponderance of the evidence.
- G. Conclusion of Hearing. Upon the conclusion of a hearing, the Administrative Law Judge shall make a determination of liability or no liability. If a hearing results in a determination of liability, the Administrative Law Judge shall assess fines and penalties in accordance with this article and applicable fine provisions of the municipal ordinance of this Village. The Administrative Law Judge may also order the respondent to take corrective action. Further, in lieu of imposing a fine, the Administrative Law Judge may order a respondent to perform a term of community service.
- H. Finding, Decision and Order. The decision of the Administrative Law Judge regarding liability and any applicable penalties made at the conclusion of a hearing shall be written and serve as a final determination. The order shall also contain, at a minimum, the following information and warnings:

1. A statement that the unpaid fine and any penalty assessed is a debt due and owing the Village.
  2. A date by which the violation must be brought into compliance with the Village Ordinance, if applicable.
  3. A statement that the respondent may appeal the decision to the Circuit Court within 35 days, pursuant to the Illinois Administrative Review Act set forth in 735 ILCS 5/3-101 et seq.
- I. Final Determination. The determination of liability shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law as set forth in 735 ILCS 5/3-101, et seq.

**1-17-11 ADMINISTRATIVE REVIEW**

Administrative review of final determinations issued by the Administrative Law Judge under this article shall be subject to the provisions of the Administrative Review Law as set forth in 735 ILCS 5/3-101 et seq. of the Illinois Code of Civil Procedure, which sections are incorporated herein by reference. Any person seeking administrative review of a final decision shall be required to reimburse the Village for the costs of preparing and certifying the record of proceedings. The failure of the person seeking administrative review to reimburse the Village shall be grounds for the dismissal of a complaint for administrative review which is brought pursuant to 735 ILCS 5/3-101. In the event the reviewing court reverses the findings, decision or order of the hearing officer, the Village shall reimburse the respondent for the costs for preparing and certifying the record of proceedings.

**1-17-12 JUDGMENT AND COLLECTION**

- A. Enforcement. Upon expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of liability for a Village ordinance violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the Administrative Law Judge may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- B. Court costs, attorneys' fees and costs of collection. In any case in which a person has failed to comply with an Administrative Law Judge's judgment ordering the correction of a Village ordinance violation or imposing any fine or other sanction as a result of a Village ordinance violation, any expenses incurred by the Village to enforce the judgment, including, but not limited to, attorneys' fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or by the Administrative Law Judge, shall be a debt due and owing the Village and may be collected in accordance with applicable law.
1. Prior to any expenses being fixed by the Administrative Law Judge pursuant to this subsection, the Village shall provide notice to the person that states that the person shall appear at a hearing before the Administrative Law Judge to determine whether the person has failed to comply with the judgment. 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 on the date the notice was deposited in the mail.
  2. Upon being recorded in the manner required by Article 12 of the Code of Civil Procedure (735 ILCS 5/12-101 et seq.) or by the Uniform Commercial Code, a

lien shall be imposed on the real estate or personal estate, or both, of the person in the amount of any debt due and owing the Village under this section. The lien may be enforced in the same manner as a judgment lien would be enforced in a court of competent jurisdiction.

**1-17-13**

**ELECTION OF REMEDIES NONEXCLUSIVE.**

Nothing contained in this article shall prevent the Village from pursuing all available remedies, allowed by law, to collect money judgments.