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CHAPTER 30: VILLAGE BOARD OF TRUSTEES

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GENERAL PROVISIONS**§ 30.01 COMPOSITION.**

The Board of Trustees shall consist of the President and Trustees.
(ILCS Ch. 65, Act 5, § 3.1-45-5)

§ 30.02 TRUSTEES; ELECTION, TERM, AND VACANCIES.

(A) Except as provided in ILCS Ch. 65, Act 5, § 3.1-25-10, the electors of the village shall elect six Trustees. The term of office of the Trustees shall be four years and until their successors are elected and have qualified. Three Trustees shall be elected at the village election in each odd numbered year for a term of four years. (ILCS Ch. 65, Act 5, § 3.1-25-5)

(B) Whenever a vacancy in the office of a Trustee occurs during his/her term, the vacancy shall be filled for the remainder of the term at the next general village election as provided in ILCS Ch. 65, Act 5, § 3.1-10-50.

(C) The terms of elected municipal officers shall commence and the newly elected officers shall be inaugurated at the first regular or special meetings of the corporate authorities in the month of May, following the proclamation of the results of the regular municipal election at which the officers were elected. ('79 Code, § 31.02)

Statutory reference:

Elections and primary elections to be conducted pursuant to state law, see Illinois Election Code,

ILCS Ch. 10, Act 5, §§ 1-1 et seq.

Cross-reference:

Oath requirement, see § 31.02(A) and (B)

Qualifications for officers, see § 31.01

§ 30.03 POWERS AND DUTIES.

(A) The Board of Trustees shall have the powers and shall perform the same duties as the city council in cities. It shall pass ordinances, resolutions, and motions in the same manner as a city council. The President of the Board of Trustees may exercise the same veto power and powers in ILCS Ch. 65, Act 5, § 3.1-40-30, and with like effect, as the Mayor of a city. The Trustees may pass motions, resolutions, and ordinances over the President's veto in like manner as the aldermen of a city council. (ILCS Ch. 65, Act 5, § 3.1-45-5)

(B) The Board of Trustees shall consist of the President and six Trustees. It shall meet in accordance with the state Open Meetings Act, ILCS Ch. 5, Act 120, §§ 1 *et seq.* It shall keep a journal of its own proceedings. (ILCS Ch. 65, Act 5, § 3.1-40-5)

(C) The Board shall be the sole judge of the election to office of the Trustees. It shall also be the sole judge of whether, under ILCS Ch. 65, Act 5, § 3.1-10-5, Trustees are eligible to their offices. A court, however, shall not be prohibited from hearing and determining a proceeding in quo warranto. (ILCS Ch. 65, Act 5, § 3.1-40-10)

(D) The Board shall determine its own rules of proceeding and punish its members for disorderly conduct. With the concurrence of two-thirds of the Trustees then holding office, it may expel a Trustee from a meeting, but not a second time for the same incident. (ILCS Ch. 65, Act 5, § 3.1-40-15)

(E) The Board may prescribe, by ordinance, the times and places of the Board meetings, and the manner in which special Board meetings may be called. The President or any three Trustees may call special meetings of the Board. In addition to any notice requirement prescribed by the Board, public notice of meetings must be given as prescribed in ILCS Ch. 5, Act 120, §§ 2.02 and 2.03 of the Open Meeting Act. (ILCS Ch. 65, Act 5, § 3.1-40-25)

(F) In the absence of the President, acting President, or President Pro Tem, the Board may elect a Trustee to act as a temporary chairman. He/she shall have only the powers of a presiding officer and a right to vote in his/her capacity as Trustee on any ordinance, resolution, or motion. (ILCS Ch. 65, Act 5, § 3.1-35-35(b))

§ 30.04 COMPENSATION.

(A) The compensation received by each member of the Municipal Board of Trustees is hereby fixed at the sum of \$8,000 per fiscal year or such sum as is appropriate for any partial year served, paid on a bi-weekly basis.

(B) Each Trustee may receive reimbursement from the village for expenses incurred by the member in attending committee meetings of the Board of Trustees or for other expenses incurred by the Trustee in the course of performing official duties, as approved by the Board of Trustees. (Ord. 1837, passed 3-18-2002; Am. Ord. 2004, passed 10-4-2004)

RULES OF PROCEDURE

§ 30.20 PROCEEDINGS BEFORE BOARD OF TRUSTEES.

(A) *Rules of Order.* The current edition of Robert's Rules of Order shall govern the proceedings of the Board of Trustees where applicable and when not in conflict with statutes or ordinances; provided, however, that the Board may adopt rules of order revising, repealing, amending, supplementing or

supplanting, in whole or in part, Robert's Rules of Order. Each new Board, upon inauguration of the village officers newly elected at any consolidated election, shall have the right by a majority vote of the Board of Trustees to repeal, amend, or replace any rules of order adopted by a previous Board.

(B) *Addressing meetings.* It shall be unlawful for any person to address or attempt to address any regular or special meeting of the Board except upon the consent of the President or with the consent of a majority of the members present.

(C) *Disturbing meetings.* It shall be unlawful to disturb or interrupt any regular or special meeting of the Board. Any person violating any provision of this division (C) shall be fined as provided for in § 10.99, and may be summarily ejected from the meeting and the Village Hall.

(D) *Agenda items.* The Village President shall have the final authority concerning the preparing, placing or removal of all items from the agenda for all meetings of the Board of Trustees. (Am. Ord. 2062, passed 12-19-2005; Am. Ord. 3097, passed 5-11-2009)

§ 30.21 PRESIDING OFFICER.

The President shall preside at all meetings of the Board of Trustees. Except as provided in ILCS Ch. 65, Act 5, §§ 4-1-1 *et seq.* and 5-1-1 *et seq.*, he/she shall not vote on any ordinance, resolution, or motion except where the vote of the Board of Trustees has resulted in a tie; or where one half of the Board of Trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or where a vote greater than a majority of the Board of Trustees is required to adopt an ordinance, resolution, or motion. In each instance specified, the President shall vote. Nothing in this section shall deprive an Acting President or President Pro Tem from voting in his/her capacity as Trustee, but he/she shall not be entitled to another vote in his/her capacity as Acting President or President Pro Tem. (ILCS Ch. 65, Act 5, § 3.1-40-30)

§ 30.22 MEETINGS OF THE BOARD OF TRUSTEES; HOLIDAYS.

(A) The President and Board of Trustees shall meet in regular session for the purpose of conducting the business of the village on the first and third Monday of each and every month, at the hour of 7:30 p.m. at the Village Hall.

(B) In every case where the regular meeting, as scheduled in division (A) above, falls on a legal holiday, the regular meeting shall be held on the day following such holiday.

(C) The Board of Trustees shall hold its regular meetings as set forth by ordinance, as may be amended from time to time. The President or any three Trustees may call special meetings of the Board of Trustees. In addition to any notice requirement prescribed by the Board of Trustees, public notice

of meetings must be given as prescribed in ILCS Ch. 65, Act 120, §§ 2.02 and 2.03 of the Open Meetings Act.

(Ord. 3056, passed 5-5-2008)

§ 30.23 QUORUM.

A majority of the Board of Trustees shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time and may compel the attendance of absentees, under penalties (including a fine for a failure to attend) as set forth by ordinance as may be amended from time to time.

(ILCS Ch. 65, Act 5, § 3.1-40-20)

§ 30.24 DEFERRAL OF COMMITTEE REPORTS.

Upon the request of any two Trustees present, any report of a committee of the Board shall be deferred, for final action thereon, to the next regular meeting of the Board after the report is made.

(ILCS Ch. 65, Act 5, § 3.1-40-35)

ORDINANCES

§ 30.40 ORDINANCES AND RULES TO EXECUTE POWERS.

(A) The Board of Trustees may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper. No fine or penalty, however, except civil penalties provided for failure to make returns or to pay any taxes levied by the village shall exceed \$750 and no imprisonment authorized in ILCS Ch. 65, Act 5, § 1-2-9 for failure to pay any fine, penalty or cost shall exceed six months for one offense.

(B) A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant do one or both of the following:

(1) Complete an education program, except that a holder of a valid commercial driver's license who commits a vehicle weight or size restriction violation shall not be required to complete an education program under this section.

(2) Perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities.

(C) A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The municipal attorney of

the municipality in which the fine or penalty was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the municipality with respect to attorneys or private collection agents retained by the Village Attorney under this section shall be charged to the offender.

(D) A low-income individual required to complete an education program under this section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required education program. (ILCS Ch. 65, Act 5, § 1-2-1)

§ 30.41 ORDAINING CLAUSE.

The ordaining clause of ordinances shall be: “Be it ordained by the President and Board of Trustees of the Village of _____.” (ILCS Ch. 65, Act 5, § 1-2-2)

§ 30.42 VOTE REQUIRED; METHOD OF VOTING.

(A) The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against the village or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Board of Trustees, including the President, unless otherwise expressly provided by this code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Board consists of an odd number of Trustees, the vote of the majority of the Trustees shall be sufficient to pass an ordinance. The passage of an ordinance, resolution, or motion to sell any school property shall require the concurrence of three-fourths of all Trustees then holding office.

(B) The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the Board. In addition, the Board of Trustees at any meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any two or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group, which single vote shall be entered separately in the journal under the designation “omnibus vote,” and in such event the Clerk may enter the words “omnibus vote” or “consent agenda” in the journal in each case in lieu of entering the names of the members of the Board voting “yea” and of those voting “nay” on the passage of each of the designated ordinances, orders, resolutions, and motions included in such omnibus group or consent agenda. The taking of such single or omnibus vote and such entries of the words “omnibus vote” or “consent agenda” in the journal shall be a sufficient compliance with the requirements of this section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in such omnibus group, and separately recorded in the journal.

(C) Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Trustee and shall be recorded in the journal. (ILCS Ch. 65, Act 5, § 3.1-40-40)

§ 30.43 APPROVAL AND DISAPPROVAL BY PRESIDENT.

All resolutions and motions which create any liability against the village or which provide for the expenditure or appropriation of its money, or to sell any village or school property, and all ordinances passed by the Board of Trustees, shall be deposited with the Clerk. Except as provided in ILCS Ch. 65, Act 5, §§ 4-1-1 *et seq.* and 5-1-1 *et seq.*, if the President approves of an ordinance or resolution, the President shall sign it. Those ordinances, resolutions, and motions which he/she disapproves shall be returned to the Board of Trustees, with his/her written objections, at the next regular meeting of the Board occurring not less than five days after their passage. The President may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the President fails to return any ordinance or any specified resolution or motion with his/her written objections within the designated time, it shall become effective despite the absence of his/she signature. (ILCS Ch. 65, Act 5, § 3.1-40-45)

§ 30.44 RECONSIDERATION.

(A) Every resolution and motion specified in § 30.43 and every ordinance returned to the Board of Trustees by the President shall be reconsidered by the Board of Trustees at the next regular meeting following the regular meeting at which the City Council receives the Mayor's written objection. If, after such reconsideration, two-thirds of all the Trustees then holding office on the Board shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the President's refusal to approve it, then it shall be effective. The vote on the question of passage over the President's veto shall be by yeas and nays and shall be recorded in the journal. (ILCS Ch. 65, Act 5, § 3.1-40-50)

(B) No vote of the Board of Trustees shall be reconsidered or rescinded at a special meeting, unless there are present at the special meeting as many Trustees as were present when the vote was taken. (ILCS Ch. 65, Act 5, § 3.1-40-55)

§ 30.45 PUBLICATION REQUIREMENTS; EFFECTIVE DATE.

(A) All ordinances imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, shall be printed or published in book or pamphlet form, published by authority of the Board of Trustees, or be published at least once, within 30 days after passage, in one or more newspapers published in the village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the village. If there is an error in printing, the publishing requirement of this section shall be satisfied if those portions of the ordinance that were erroneously printed are republished, correctly, within 30 days after the original publication that contained the error. The fact that an error occurred in publication shall not affect the effective date of the ordinance so published. If the error in printing is not corrected within 30 days after the date of the original publication that contained the error, as provided in the preceding sentence, the corporate authorities may by ordinance declare the ordinance that was erroneously published to be nevertheless valid and in effect no sooner than the tenth day after the date of the original publication, notwithstanding the error in publication, and shall order the original ordinance to be published once more within 30 days after the passage of the validating ordinance.

(B) Except as provided in ILCS Ch. 65, Act 5, § 1-2-4, no such ordinance shall take effect until ten days after it is so published. However, ordinances establishing rules and regulations for the construction of buildings or any part thereof, or for the development or operation of camps accommodating persons in house trailers, house cars, cabins, or tents, where such rules and regulations have been previously printed in book or pamphlet form, may by their terms provide for the adoption of such rules and regulations or portions thereof by reference thereto without further printing, or publication, if not less than one copy of such rules and regulations in book or pamphlet form has been filed in the office of the Clerk for use and examination by the public at least thirty days prior to the adoption thereof.

(C) All other ordinances, resolutions, and motions shall take effect upon their passage unless they otherwise provide.

(D) Anything in this section to the contrary notwithstanding, any ordinance which contains a statement of its urgency in the preamble or body thereof, other than an ordinance relating to finance, appropriations, or taxes, adopted under ILCS Ch. 65, Act 5, §§ 8-1-1 *et seq.* may take effect immediately upon its passage provided that the Board of Trustees, by a vote of two-thirds of all the members then holding office, so direct. The decision of the Board of Trustees as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion. (ILCS Ch. 65, Act 5, § 1-2-4)

§ 30.46 RECORDATION.

The Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Board of Trustees. Immediately following each ordinance the Clerk shall make a memorandum of the date of the passage and of the publication or posting, where required, of the ordinance. This record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinances. (ILCS Ch. 65, Act 5, § 1-2-5)

§ 30.47 REVISION.

The President may appoint, by and with the advice and consent of the Board of Trustees, one or more competent persons to prepare and submit to the Board of Trustees for adoption or rejection, an ordinance to revise the village ordinances. The compensation for this revision shall be fixed by the Board of Trustees and paid out of the village treasury. (ILCS Ch. 65, Act 5, § 1-2-3)

§ 30.48 ADOPTION OF CODES AND PUBLIC RECORDS BY REFERENCE.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC RECORD. Any village, state, or federal statute, rule, or regulation and any ordinance or resolution of the county in which the village is located, adopted prior to the exercise by any village of the authority to incorporate by reference herein granted; however, this definition shall not include the village ordinances, rules, or regulations of any village except those of the village which is exercising the right to incorporate by reference, nor shall this definition include the state laws, rules, or regulations of any state other than the state of Illinois.

PUBLISHED. Printed, lithographed, multigraphed, mimeographed, or otherwise reproduced.

REGULATIONS. Any published compilation of rules and regulations which have been prepared by nationally recognized technical trade or service associations and shall include specifically building codes; plumbing codes; electrical wiring codes; fire prevention codes; codes for the slaughtering, processing, and selling of meats and meat products for human consumption; and codes for the production, pasteurizing, and sale of milk and milk products.
(ILCS Ch. 65, Act 5, § 1-3-1)

(B) The village may adopt by reference, as criteria for the issuance of construction, reconstruction, alteration, or installation permits, all or part of the provisions of regulations, without setting forth those provisions in full, if at least one copy of those regulations is filed in the office of the Clerk and is kept available for public use, inspection, and examination. The village may likewise adopt by reference the provisions of public records, if at least three copies of the public record are filed with and kept on file in the office of the Clerk as provided for regulations. The filing requirement is not deemed to be complied with unless the required copy of regulations or copies of the public record are filed with the Clerk for a period of 30 days before the adoption of the ordinance that incorporates the regulations or public record by reference. Regulations or a public record of a jurisdiction other than the state may not be adopted by reference covering any subject matter for which standards are available in any public record of the state.
(ILCS Ch. 65, Act 5, § 1-3-2)

(C) The codes which have been adopted by the village pursuant to division (B) are set forth by ordinance as may be amended from time to time.

Statutory reference:

Incorporation by reference of technical codes and public records, see ILCS Ch. 50, Act 220, §§ 1 through 7

STANDING COMMITTEES

§ 30.60 AUTHORITY TO ESTABLISH.

The Board of Trustees may have one or more standing committees with the powers, functions, and duties established by ordinance. The standing committees which have been established and their duties are set forth in § 30.62 of this code.

§ 30.61 MEMBERS.

The members of each standing committee shall be appointed from time to time by the President with the advice and consent of the Board of Trustees.

§ 30.62 STANDING COMMITTEES.

(A) Standing committees shall be appointed by the President from the members of the Board of Trustees, by and with the advice and consent of the Board, at or before the second regular meeting in each fiscal year, or as soon thereafter as may be practicable. Should the Board of Trustees reject appointments for the standing committees as presented by the President, he/she shall resubmit a second recommendation at the next regular meeting of the Board of Trustees. Should the Board of Trustees reject the second recommendation of the President, the Board of Trustees may at that time propose from its own members names of those who will serve on the committees by a majority vote of the membership of the Board. In the event of a tie, the Village President shall vote to break the tie. The Board of Trustees may add a third member from its membership to any committee as it deems necessary. Vacancies, if any occur, shall be filled in the same way.

(B) Standing committees shall investigate, study, report, and recommend to the full Board of Trustees on matters pertaining to legislative action and executive policy at the request of the President or Village Administrator and shall have no executive or administrative authority. All actions of the standing committees shall be limited to the matters or activities with which the particular committee may be concerned, as established herein under division (C) of this section.

(C) There shall be six standing committees having responsibilities as follows:

(1) The Community Affairs and Economic Development Committee shall be responsible for matters pertaining to public relations, information, community relations, intercommunity relations, and other public and service agencies. It shall be the liaison with the Community Relations Commission, the Library Board, Historical Society, school districts, and civic organizations.

(2) The Finance and Administration Committee shall be responsible for matters pertaining to village financial policy, accounting practices, investments, auditing, insurance, personnel administration, budget preparation, and business licenses.

(3) The Public Services - Public Works and Parks & Recreation Committee shall be responsible for matters pertaining to streets, sewers, street lights, sidewalks, water system, storm drainage, public buildings, cable television system, municipal waste management, and miscellaneous village property, as well as matters pertaining to park site development, recreation programming, and community beautification concerns. It shall be the liaison with the Citizens' Advisory Board.

(4) The Regulatory Services - Building, Planning, and Engineering Committee shall be responsible for matters pertaining to community development, land use, comprehensive planning, development regulations, and building. It shall be the liaison with the Plan Commission, the Zoning Board and regional agencies.

(5) The Public Safety - Police, Fire Committee shall be responsible for matters pertaining to the police and fire protection, paramedic service, traffic control, construction codes, and emergency preparedness. It shall be the liaison with the Fire and Police Commission.

(6) The Health, Environmental and Capital Planning Committee shall be responsible for matters of general health concerns and environmental issues to provide, maintain and ensure an healthful living environment in the village, and also for the consideration, preparation and implementation of long-range capital planning.

(D) Each committee shall consist of two Trustees, unless otherwise deemed necessary, one of whom shall be designated by the President as Chairman, with the advice and consent of the Board of Trustees, and the President who shall, ex officio, be a member of each committee. Should the Board of Trustees reject the designated Chairman for each standing committee as presented by the President, he/she shall resubmit a second recommendation at the next regular meeting of the Board of Trustees. Should the Board of Trustees reject the second recommendation of the President, the Board of Trustees may at that time propose from its own membership a Chairman by a majority vote of the Board. In the event of a tie vote, the Village President shall vote to break the tie. ('79 Code, § 30.30) (Am. Ord. 1102, passed 5-18-81; Am. Ord. 1167, passed 1-17-83; Am. Ord. 1452, passed 10-1-90; Am. Ord. 2033, passed 5-16-2005)

§ 30.63 SPECIAL COMMITTEES.

(A) Special committees shall be created by the Board of Trustees for such purposes as they may deem necessary.

(B) Members of any special committee shall be appointed by the President from the membership of the Board of Trustees, with the advice and consent of the Board of Trustees. Should the Board of Trustees reject recommendations for special committees as presented by the President, he/she shall resubmit a second recommendation at the next regular meeting of the Board of Trustees. Should the Board of Trustees reject the second recommendation of the President, the Board of Trustees may at that time propose from its own membership names of those who will serve on the special committees by a majority vote of the Board. In the event of a tie vote, the Village President will vote to break the tie. The Board of Trustees may add a third member from its membership to any special committee as it deems necessary.

(C) Special committees, on the acceptance of their final reports, shall, unless otherwise ordered by the Board of Trustees, be discharged without formal vote of the Board. ('79 Code, § 30.31) (Am. Ord. 967, passed 5-15-78)

CHAPTER 31: VILLAGE OFFICIALS

Section

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Matteson - Administration*Deputy Village Administrator*

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GENERAL PROVISIONS**§ 31.01 QUALIFICATIONS.**

(A) A person is not eligible for an elective village office unless that person is a qualified elector of the village and has resided in the village at least one year next preceding the election or appointment, except as provided in ILCS Ch. 65, Act 5, §§ 3.1-20-25(c), 3.1-25-75(b), 5-2-2, or 5-2-11. A person is not eligible for an elective village office if that person is in arrears in the payment of a tax or other indebtedness due to the village or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony. (ILCS Ch. 65, Act 5, § 3.1-10-5(a),(b))

(B) No person shall be eligible for any appointive village office unless that person is a qualified elector of the village or otherwise provided by law. The residency requirements do not apply, however, to village engineers, health officers, attorneys, or other officers who require technical training or knowledge, to an appointed village treasurer, or to an appointed village collector (unless the village has designated by ordinance that the village clerk shall hold the office of collector). The village may adopt ordinances that allow their firefighters and police officers to reside outside the corporate limits of the

village both at the time of employment and while serving as a firefighters or police officer. (ILCS Ch. 65, Act 5, § 3.1-10-6)

Statutory reference:

Appointment of President or Trustees to other offices prohibited, see ILCS Ch. 50, Act 105, § 2

§ 31.02 OATH; BOND.

(A) Before entering upon the duties of their respective offices, all village officers, whether elected or appointed, shall take and subscribe the following oath:

I do solemnly swear that I will support the constitution of the United States, and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

(B) This oath, so subscribed, shall be filed in the office of the Clerk.

(C) Before entering upon the duties of their respective offices, all village officers, except Trustees, shall execute a bond with security, to be approved by the Board of Trustees. The bond shall be payable to the village in the penal sums set forth by ordinance as may be amended from time to time, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and also the ordinances of the village. Such bond may provide that the obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank or savings and loan association organized and operating either under the laws of the state or the United States wherein such officer has placed funds in his/her custody, if the bank or savings and loan association has been approved by the Board of Trustees as a depository for these funds. The Treasurer's bond shall be an amount of money that is not less than three times the latest federal census population or any subsequent census figure used for Motor Fuel Tax purposes. These bonds shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the Treasurer.

(ILCS Ch. 65, Act 5, § 3.1-10-25, 3.1-10-30)

§ 31.03 FURTHER DUTIES.

Every officer shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Board of Trustees may provide by ordinance.

(ILCS Ch. 65, Act 5, § 3.1-10-40)

§ 31.04 COMPENSATION.

(A) All village officers, except as otherwise provided, shall receive the salary or other compensation that is fixed by ordinance. Salaries or other compensation shall not be increased or diminished, so as to take effect during the term of any elected village officer. The salaries, fees, or other compensation

of any appointed village officer, not including those appointed to fill vacancies in elective offices, may be increased but not diminished so as to take effect during the term for which the officer was appointed. (ILCS Ch. 65, Act 5, § 3.1-50-5)

(B) The Board of Trustees may fix the salary of all village officers and employees, in the annual appropriation ordinance or budget ordinance. They may fix the salary of all officers who are elected for a definite term in an ordinance other than the appropriation or budget ordinance. Salaries which are fixed in the annual appropriation ordinance shall neither be increased nor diminished during the fiscal year for which the appropriation is made. Salaries which are fixed by ordinance for those officers who are elected for a definite term shall neither be increased nor diminished during that term, and shall be fixed 180 days before the beginning of the terms of the officers whose compensation is to be fixed.

(ILCS Ch. 65, Act 5, § 3.1-50-10)

(C) In addition, every elected officer shall be able to receive the same health and life insurance benefits received by regular, full-time management and unrepresented village employees, as that may be changed from time to time. Elected officials opting to receive this benefit must contribute toward the payment of insurance premiums at the same rate as regular, full-time management and unrepresented village employees covered by the village health and life insurance plan(s).

(Ord. 2005, passed 10-4-2004; Am. Ord. 2021, passed 3-21-2005)

Cross-reference:

Compensation of President, see § 31.22

Compensation of Trustees, see § 30.04

§ 31.05 REMOVAL FROM OFFICE.

Except where otherwise provided by statute, the President may remove any officer appointed by him/her under ILCS Ch. 65, Act 5 and this chapter, on any written charge, whenever he/she is of the opinion that the interests of the village demand removal, but he/she shall report the reasons for the removal to the Board of Trustees at a meeting to be held not less than five nor more than ten days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal, or if the Board of Trustees by a two-thirds vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he/she was removed. The vote shall be by yeas and nays, which shall be entered upon the Board's journal. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

(ILCS Ch. 65, Act 5, § 3.1-35-10)

§ 31.06 RESIGNATION.

Any appointed officer of the village may resign from his or her office. If an appointed officer resigns he/she shall continue in office until a successor has been chosen and has qualified.

(ILCS Ch. 65, Act 5, § 3.1-30-5(d))

§ 31.07 DATE OF INAUGURATION OF NEWLY ELECTED OFFICIALS.

The term of all elected municipal officers shall commence, and the newly elected officers shall be inaugurated, at the first regular or special meeting of May following the proclamation of the results of the regular municipal election at which the officers were elected.

(Ord. 1813, passed 6-4-2001)

PRESIDENT

§ 31.20 ELECTION; TERM; VACANCY.

(A) As set forth in ILCS Ch. 65, Act 5, § 3.1-15-5, the President shall be elected by the electors of the village at a general village election held therein.

(B) As set forth in ILCS Ch. 65, Act 5, § 3.1-15-10, the President shall hold his/her office for a term of four years and until his/her successor is elected and has qualified. The four-year term for President may be changed to two years pursuant to ILCS Ch. 65, Act 5, § 3.1-10-65.

(C) Whenever a vacancy in the office of President occurs during his/her term, the vacancy shall be filled for the remainder of the term in the manner provided in ILCS Ch. 65, Act 5, §§ 3.1-10-50 and 3.1-10-55. During the period from the time that the vacancy occurs until a President is elected, and has qualified, the vacancy may be filled by the appointment of an Acting President by the Board of Trustees.

Cross-reference:

Commence of term, see § 30.02(C)

§ 31.21 POWERS AND DUTIES.

(A) As set forth in ILCS Ch. 65, Act 5, § 3.1-45-5, the President of the village shall be President of the Board of Trustees thereof and shall preside at all meetings of the Board. He/she shall devote to the duties of his/her office whatever time the faithful discharge thereof may require.

(B) The President shall perform all the duties which are prescribed by law, including the Municipal Code and village ordinances, and shall take care that the laws and ordinances are faithfully executed. The President from time to time may, and annually shall, give the Board of Trustees information relative to the affairs of the village, and may recommend for their consideration measures as he/she believes expedient. (ILCS Ch. 65, Act 5, § 3.1-35-5)

(C) The President shall have the power to administer oaths and affirmations upon all lawful occasions. (ILCS Ch. 65, Act 5, § 3.1-15-20)

(D) The President at all times may examine and inspect the books, records, and papers of any agent, employee, or officer of the village. (ILCS Ch. 65, Act 5, § 3.1-35-20)

(E) The President may designate in writing another person to affix the signature of the President to any written instrument or instruments required to be signed by the President. The President shall send written notice of this designation to the Board of Trustees, stating the name of the person whom he/she has selected and what instrument or instruments the person will have authority to sign. A written signature of the President executed by the person so designated, with the signature of the person so designated underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the Board and then filed with the Village Clerk. When the signature of the President is placed on a written instrument at the direction of the President in the specified manner, the instrument or instruments, in all respects, shall be as binding on the village as if signed by the President in person. (ILCS Ch. 65, Act 5, § 3.1-35-30)

(F) If the President is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the Board of Trustees shall elect one of their members to act as President Pro Tem. The President Pro Tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the President but shall not be entitled to vote both as President Pro Tem and as Trustee. In the absence of the President, Acting President, and President Pro Tem, the Board of Trustees may elect one of their members to act as temporary chairperson. The temporary chairperson shall have only the powers of a presiding officer and a right to vote only in the capacity as Trustee on any ordinance, resolution or motion. (ILCS Ch. 65, Act 5, § 3.1-35-35)

Statutory reference:

Duties as conservator of the peace, see ILCS Ch. 65, Act 5, § 3.1-15-25

§ 31.22 COMPENSATION.

The salary of the Village President is hereby fixed at the sum of \$10,500 per fiscal year or such sum as is appropriate for any partial year served, paid on a bi-weekly basis. (Ord. 1837, passed 3-18-2002; Am. Ord. 2004, passed 10-4-2004)

CLERK**§ 31.35 ELECTION; TERM; VACANCY.**

At every other election for Trustees, a Clerk shall also be elected who shall hold office for a four-year term. Whenever a vacancy in the office of a Clerk elected under this section occurs during the term, the vacancy shall be filled for the remainder of the term at the next general village election as provided by ILCS Ch. 65, Act 5, § 3.1-10-50. During the period from the time that the vacancy occurs until a Clerk is elected, as provided in this section, and has qualified, the vacancy may be filled by the appointment of an Acting Clerk by the President with the advice and consent of the Board of Trustees.

(ILCS Ch. 65, Act 5, § 3.1-25-90)

Cross-reference:

Commence of term, see § 30.02(C)

§ 31.36 DUTIES.

(A) The Clerk shall keep the corporate seal, to be provided by the Board of Trustees, and all papers belonging to the village the custody and control of which are not given to other officers. The Clerk shall attend all meetings of the Board of Trustees, and keep a full record of its proceedings in the journal. The record of those proceedings shall be made available for public inspection within ten days after being approved or accepted by the Board of Trustees as the official minutes of their proceedings. Copies of all papers duly filed in the Clerk's office, and transcripts from the journals and other records and files of the Clerk's office, certified by the Clerk under the corporate seal, shall be evidence in all courts in the same manner as if the originals were produced. (ILCS Ch. 65, Act 5, § 3.1-35-90)

(B) The Clerk shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Board of Trustees may provide by ordinance. (ILCS Ch. 65, Act 5, § 3.1-10-40)

(C) The Clerk shall appoint the various clerks and subordinates in hisher office which the Board of Trustees may authorize, and shall be held responsible, severally, for the fidelity of all persons so appointed by him. This power, however, is subject to the provisions of ILCS Ch. 65, Act 5, §§ 10-1-1 *et seq.* The power of the Clerk is also subject to the provisions of ILCS Ch. 65, Act 5, § 3.1-30-10. (ILCS Ch. 65, Act 5, § 3.1-10-45)

(D) The Clerk shall have power to administer oaths and affirmations upon all lawful occasions. (ILCS Ch. 65, Act 5, § 3.1-15-20)

Statutory reference:

Clerk authorized to hold office of Comptroller or of Collector, see ILCS Ch. 65, Act 5, §§ 3.1-35-115, 3.1-35-130, and 3.1-35-135

§ 31.37 COMPENSATION.

The salary of the Municipal Clerk is hereby fixed at the sum of \$11,000 per fiscal year or such sum as is appropriate for any partial year served, paid on a bi-weekly basis. (Ord. 1837, passed 3-18-2002; Am. Ord. 2004, passed 10-4-2004)

TREASURER**§ 31.40 APPOINTMENT; TERM; VACANCY.**

(A) The President, by and with the advice and consent of the Board of Trustees, shall appoint a Village Treasurer. (ILCS Ch. 65, Act 5, § 3.1-30-5)

(B) *Vacancy by resignation.* A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(1) Unconditional resignation. An unconditional resignation by a person holding the elective office may specify a future date, not later than 60 days after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(2) Conditional resignation. A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(3) Vacancy upon the effective date. For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the 60-day time period referred to in ILCS Ch. 65, Act 5, § 3.1-10-50(e), the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(4) Duty of the Village Clerk. If a resignation is delivered to the Village Clerk, the Village Clerk shall forward a certified copy of the written resignation to the official who is authorized to fill the vacancy within seven business days after receipt of the resignation. (ILCS Ch. 65, Act 5, § 3.1-10-50(a))

(C) The term of office of the Treasurer shall not exceed that of the President.

§ 31.41 DUTIES.

(A) (1) The Treasurer shall receive all money belonging to the village and shall keep his/her books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of any member of the Board of Trustees, provided, however, that the village may by ordinance designate a person or institution which, as bond trustee, shall receive from the County Collector amounts payable to the village as taxes levied pursuant to a bond issuance.

(2) The Treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto.

(3) The Treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The Treasurer shall file copies of these receipts with the Clerk, with the Treasurer's monthly reports. If the Treasurer has in his/her possession money properly appropriated to the payment of any warrant lawfully drawn upon him, the Treasurer shall pay the money specified in this warrant to the person designated by the warrant. (ILCS Ch. 65, Act 5, § 3.1-35-40)

(B) At the end of every month, and more often if required by the Board of Trustees, the Treasurer shall render an account under oath to the Board of Trustees, or to an officer designated by ordinance, showing the state of the treasury at the date of the account and the balance of money in the treasury. The Treasurer shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by him. On the day he/she renders an account, these warrants, with all vouchers held by him, shall be delivered to the Clerk and filed, together with the account, in the Clerk's office. All paid warrants shall be marked "paid." The Treasurer shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid. (ILCS Ch. 65, Act 5, § 3.1-35-45)

(C) (1) The Treasurer may be required to keep all funds and money in his/her custody belonging to the village in such places of deposit designated by ordinance. When requested by the Treasurer, the Board of Trustees shall designate one or more banks or savings and loan associations in which may be kept the funds and money of the village in the custody of the Treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as a depository until ten days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this section. When a new depository is designated, the Board of Trustees shall notify the sureties of the Treasurer of that fact in writing at least five days before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money which he/she deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(2) The Treasurer may require any bank or savings and loan association to deposit with the Treasurer securities or mortgages which have a market value at least equal to the amount of the funds or moneys of the village deposited with the bank or savings and loan association that exceeds the

insurance limitation provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(3) The Treasurer is authorized to enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of village funds.

(4) (a) Notwithstanding any other provision of law, each official custodian of municipal funds, including without limitation each municipal treasurer or finance director, or each person properly designated as the official custodian for municipal funds, including without limitation each person properly designated as official custodian for funds held by an intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities, is permitted to:

1. Combine moneys from more than one fund of a single municipality, risk management entity, self-insurance pool, or other intergovernmental entity composed solely of participating municipalities for the purpose of investing such moneys;

2. Join with any other official custodians or treasurers of municipal, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities for the purpose of jointly investing the funds of which the official custodians or treasurers have custody; and

3. Enter into agreements of any definite or indefinite term regarding the redeposit, investment, or withdrawal of municipal, risk management entity, self-insurance agency, waste management agency, or other intergovernmental entity funds.

(b) When funds are combined for investment purposes as authorized in this division, moneys combined for those purposes shall be accounted for separately in all respects, and the earnings from such investment shall be separately and individually computed, recorded, and credited to the fund, municipality, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity, as the case may be, for which the investment was acquired.

(c) Joint investments shall be made only in investments authorized by law for investment of municipal funds. The grant of authority contained in this division is cumulative, supplemental, and in addition to all other power or authority granted by any other law and shall not be construed as a limitation of any power and authority otherwise granted.

(5) No bank or savings and loan association shall receive public funds as permitted by this section unless it has complied with the requirements established by ILCS Ch. 30, Act 235, § 6. (ILCS Ch. 65, Act 5, § 3.1-35-50)

(D) The Treasurer shall keep all money belonging to the village and in his/her custody separate and distinct from his/her own money and shall not use, either directly or indirectly, the village's money or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this

provision shall subject him/her to immediate removal from office by the Board of Trustees, who may declare the Treasurer's office vacant. (ILCS Ch. 65, Act 5, § 3.1-35-55)

(E) (1) The Treasurer shall report to the Board of Trustees, as often as they require, a full and detailed account of all receipts and expenditures of the village, as shown by his/her books, up to the time of the report. (ILCS Ch. 65, Act 5, § 3.1-35-60)

(2) Any Treasurer who fails, neglects, or refuses to discharge any duty imposed on him, or who violates any provisions of ILCS Ch. 65, Act 5, §§ 3.1-35-65 through 3.1-35-80, is guilty of a petty offense, and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100 in addition to any other penalties prescribed by law. (ILCS Ch. 65, Act 5, § 3.1-35-80)

(F) All money received on any special assessment shall be held by the Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the village for money expended for such improvement. (ILCS Ch. 65, Act 5, § 3.1-35-85)

(G) Deposits.

(1) The Treasurer may deposit funds in a savings and loan association, savings bank, or state or national bank in this state. When deposits become collected funds and are not needed for immediate disbursement, they shall be invested within two working days at prevailing rates or better. The Treasurer may require the bank, savings bank, or savings and loan association to deposit with him/her securities guaranteed by agencies and instrumentalities of the federal government equal in market value to the amount by which the funds deposited exceed the federally insured amount. The Treasurer may accept as security for public funds deposited in such bank, savings bank, or savings and loan association any securities or other eligible collateral authorized by ILCS Ch. 520, §§ 11 and 11.1 or ILCS Ch. 30, Act 235, § 6. The Treasurer is authorized to enter into an agreement with any bank, savings bank, or savings and loan association, with any federally insured financial institution or trust company, or with any agency of the U.S. government relating to the deposit of securities.

(2) The Treasurer shall be discharged from responsibility for any funds for which securities are so deposited with him or her, and the funds for which securities are so deposited shall not be subject to any otherwise applicable limitation as to amount.

(3) No bank, savings bank, or savings and loan association shall receive public funds as permitted by this section, unless it has complied with the requirements established pursuant to ILCS Ch. 30, Act 235, § 6.
(ILCS Ch. 30, Act 225, § 1)

VILLAGE ADMINISTRATOR**§ 31.50 CREATION OF OFFICE; TENURE.**

(A) There is hereby created the office of Village Administrator, an administrative office of the village.

(B) The Village Administrator shall be appointed by the President with the advice and consent of the Board of Trustees.

('79 Code, § 31.95) (Ord. 1132, passed 3-15-82; Am. Ord. 4000, passed 5-11-2009; Am. Ord. 4001, passed 5-11-2009)

§ 31.51 APPOINTMENT; ABSENCE OR DISABILITY.

(A) The Village President shall appoint the Village Administrator with the advice and consent of the Board of Trustees. In making the appointment, the President shall consider the executive and administrative qualifications and experience of each applicant. At the time of appointment, the person so appointed shall not be required to be a resident of the village.

(B) During the absence or disability of the Village Administrator, the President may appoint a qualified person to act as Village Administrator Pro Tempore to perform the duties of this office or may direct the Deputy Village Administrator to act as Village Administrator Pro Tempore to perform the duties of this office.

('79 Code, § 31.96) (Ord. 1132, passed 3-15-82; Am. Ord. 4000, passed 5-11-2009; Am. Ord. 4001, passed 5-11-2009)

§ 31.52 BOND AND OATH.

(A) Before entering on the duties of his/her office, the Village Administrator shall furnish a surety bond in the amount of \$75,000 approved by the Board of Trustees, this bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the village.

(B) Before entering on the duties of his/her office, the Village Administrator shall take and subscribe the oath prescribed by ILCS Ch. 65, Act 5, § 3.1-10-25.

('79 Code, § 31.97) (Ord. 1132, passed 3-15-82)

§ 31.53 POWERS AND DUTIES OF THE VILLAGE ADMINISTRATOR.

(A) The Village Administrator shall be the chief administrative officer of the village and shall be responsible to the President and Board of Trustees for the administration and operation of the affairs and all of the departments of the village.

(B) The Village Administrator shall be authorized to make expenditures up to \$1,000 without prior authorization by the Board of Trustees; provided, however, all expenditures and payments, regardless of amount, shall be subject to the confirmation or approval of the Board of Trustees and to the limitations imposed by the adoption of the annual budget and the annual appropriation.

(C) He or she shall attend all meetings of the Board of Trustees unless excused therefrom by the Board of Trustees. He or she shall have the privilege of taking part in the discussion of all matters coming before the Board of Trustees and shall be entitled to notice of all meetings, regular and special, of the Board of Trustees.

(D) He or she shall make investigations into the affairs of the village or any department or division thereof and shall investigate all complaints in relation to matters concerning village services and village administration.

(E) He or she shall devote his or her entire time to the discharge of official duties.

(F) He or she shall be responsible to respond to and advise the Village President and Board of Trustees on issues affecting any and all aspects of the village to the best of his or her ability and competence.

(G) To the extent required by ordinance, he or she shall advise and consult with the Village President regarding hiring, assignment, promotion and firing of employees in all departments except police and fire.

(H) He or she shall perform all other duties required of him or her by the Board of Trustees, consistent with the village ordinances or state law.
('79 Code, § 31.98) (Ord. 1132, passed 3-15-82; Am. Ord. 4001, passed 5-11-2009)

§ 31.54 POWERS AND DUTIES AS TO VILLAGE ADMINISTRATION.

In addition to the duties outlined in § 31.53 above, the Village Administrator shall perform the duties herein provided:

(A) The Village Administrator shall be the chief administrative officer of the village and shall be responsible to the President and to the Board of Trustees for the administration and operation of all the affairs and the departments of the village. As the administrative officer, he/she shall have the administration and control of all matters and things pertaining to the operation and maintenance of the properties of the village and all of the departments of the village, including, but not limited to the Department of Public Works, the Fire Department, the Police Department, the Water Department, the Health Department, the Community Development Department, and the general offices of the village. He/she shall also have supervision of those administrative agencies, departments, and officers as may be hereafter created by the Board of Trustees, unless the administration and control of these departments and officers is expressly delegated elsewhere. He/she shall perform his/her duties in conformity with the rules of the Police and Fire Commission.

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(B) Specifically, but not in limitation of the above, he/she shall have the following additional powers and duties:

(1) The Village Administrator shall make all necessary purchases of supplies and equipment for all departments of the village. For that purpose, he/she is authorized to make expenditures to \$2,500 or less without preliminary authorization by the Board of Trustees; however, all expenditures and payments, regardless of amount, shall be subject to the confirmation or approval of the Board of Trustees and to the limitations imposed by the adoption of a budget or special appropriation.

(2) He/she shall attend all meetings of the Board of Trustees unless excused therefrom by the Board of Trustees, except when his/her removal is under consideration by the Board of Trustees. He/she shall have the privilege of taking part in the discussion of all matters coming before the Board of Trustees and shall be entitled to notice of all meetings, regular and special, of the Board of Trustees.

(3) He/she shall make investigations into the affairs of the village or any department or division thereof and shall investigate all complaints in relation to matters concerning village services and village administration.

(4) He/she shall have the power to appoint and to discharge any employee of the village exclusive of employees and officers of the Police Department and exclusive of regular Firemen employed on a full-time basis, and as to said excluded employees he/she shall make his/her recommendations to the Police and Fire Commission. Upon discharging any employee he/she shall submit to the Board of Trustees at the next meeting following such removal a statement concerning said removal and the reasons therefor.

(5) He/she shall devote his/her entire time to the discharge of official duties.

(6) He/she shall perform all other duties required of him/her by the Board of Trustees, consistent with the village ordinances or state law.
('79 Code, § 31.99) (Ord. 1132, passed 3-15-82; Am. Ord. 4000, passed 5-11-2009)

DEPUTY VILLAGE ADMINISTRATOR**§ 31.65 CREATION OF OFFICE; TENURE.**

(A) There is hereby created the office of Deputy Village Administrator, an administrative office of the village.

(B) The Deputy Village Administrator shall be appointed by the President with the advice and consent of the Board of Trustees.
('79 Code, § 31.110) (Ord. 1476, passed 8-19-91; Am. Ord. 4000, passed 5-11-2009; Am. Ord. 4001, passed 5-11-2009)

§ 31.66 POWERS AND DUTIES.

(A) In the absence of the Village Administrator, the Deputy Village Administrator shall be the Village Administrator Pro Tempore and shall assume all of the powers and duties of the Village Administrator, as and when directed by the Village President.

(B) He or she shall report to the Village Administrator and perform all other duties and management assignments required of him or her by the Village President and the Board of Trustees consistent with village ordinances or state law.

(C) The Village Administrator and Deputy Village Administrator shall communicate on an on-going basis regarding the status of projects, operational matters, budgetary, personnel and other major management issues or ordination-wide concern in order to insure effective overall continuity and management control.

(D) He or she shall attend all meetings of the Board of Trustees, unless excused therefrom by the Village Administrator or the Board of Trustees. He or she shall have the privilege of taking part of the discussion of all matters coming before the Board of Trustees, and shall be entitled to notice of all meetings, regular and special, of the Board of Trustees.

('79 Code, § 31.111) (Ord. 1476, passed 8-19-91; Am. Ord. 4001, passed 5-11-2009)

DIRECTOR OF COMMUNITY DEVELOPMENT

§ 31.75 OFFICE CREATED; APPOINTMENT.

The Office of Director of Community Development is established in the municipality. This office shall be filled by appointment by the President with the approval of the Board of Trustees. ('79 Code, § 31.77) (Ord. 1147, passed 6-7-82)

§ 31.76 DUTIES.

The Director of Community Development shall be responsible for administrative and professional work in directing the operation of the Village Community Development Program, which responsibilities shall include but not be limited to the Departments of Planning, Zoning, Building, and Economic Development.

('79 Code, § 31.78) (Ord. 1147, passed 6-7-82)

§ 31.77 COMPENSATION.

The Director of Community Development shall receive from the municipality for his/her services a salary as may be established by the President and Board of Trustees. ('79 Code, § 31.79) (Ord. 1147, passed 6-7-82)

HUMAN RESOURCE DIRECTOR**§ 31.80 OFFICE CREATED.**

There shall be established within the municipality the Office of Human Resource Director, which position shall be filled by an appointee of the President, by and with the advice and consent of the Board of Trustees. (Ord. 3098, passed 5-11-2009)

§ 31.81 DUTIES.

The Human Resource Director is responsible for recruitment, collective bargaining and union relations, compliance with legal employment practices, affirmative action, implementation of comprehensive personnel policies and procedures, compensation and classification, employee benefit programs, organizational development and training, and risk management. (Ord. 3098, passed 5-11-2009)

OTHER OFFICIALS

§ 31.85 APPOINTMENT OF OTHER VILLAGE OFFICIALS.

The President, with the advice and consent of the Board of Trustees, shall appoint such other officers and commissioners as are set forth by ordinance as may be amended from time to time. (ILCS Ch. 65, Act 5, § 3.1-30-5)

§ 31.86 DUTIES AND FEES; BOND.

The President and Board of Trustees may prescribe the duties of the officers appointed pursuant to § 31.85 and the amount to be charged for services rendered by those officers, and may require them to execute whatever bonds are prescribed by statute or ordinance. (ILCS Ch. 65, Act 5, § 3.1-45-10)

§ 31.87 CERTIFICATE OF APPOINTMENT.

Whenever a person has been appointed or elected to office, the President shall issue a certificate of appointment or election, under the corporate seal, to the Clerk. All officers elected or appointed under ILCS Ch. 65, Act 5 and this chapter, except the Clerk, Trustees, and President, shall be commissioned by warrant, under the corporate seal, signed by the Clerk and the presiding officer of the Board of Trustees. (ILCS Ch. 65, Act 5, § 3.1-55-5)

§ 31.88 DUTY TO SUCCESSOR.

Within five days after written notification and request, a person who has been an officer of the village shall deliver to the successor in office all property, books, and effects in the former officer's possession, belonging to the village. A former officer who violates this section is liable for all the damages caused by the violation and is subject to the penalty prescribed by ordinance. (ILCS Ch. 65, Act 5, § 3.1-10-35)

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

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GENERAL PROVISIONS

§ 32.001 REPLACEMENT OF COMMISSION MEMBERS.

Whenever a member of any commission designated in this chapter shall either resign, cease to be a legal voter in the village, neglect to perform required duties, be absent without just cause from three consecutive regular meetings in any quarter, or be absent without just cause from 50% of regularly scheduled meetings in any quarter, the chairperson of the said commission shall so advise the President and Board of Trustees and may recommend that the person be removed from the commission. The replacement shall be made in the same manner as the original appointment to fill the unexpired term as provided herein.

('79 Code, § 32.200) (Ord. 1327, passed 7-20-87)

§ 32.002 COMPENSATION OF LIQUOR CONTROL COMMISSIONERS.

The compensation of the Municipal Liquor Control Commissioner is hereby fixed at the sum of \$5,000 per fiscal year or such sum as is appropriate for any partial year served, paid on a bi-weekly basis.

('79 Code, § 32.40) (Ord. 820, passed 4-16-73; Am. Ord. 1089, passed 2-17-81; Am. Ord. 1458, passed 1-28-91; Am. Ord. 1837, passed 3-18-2002; Am. Ord. 2004, passed 10-4-2004)

EMERGENCY TELEPHONE SYSTEM BOARD**§ 32.025 ESTABLISHMENT.**

There is established a municipal board to be known as the Emergency Telephone System Board for the purpose of performing duties with regard to the establishment and operation of the village's 911

Emergency Telephone Number System as required by the “Illinois Emergency Telephone Number Act,” as provided in ILCS Ch. 50, Act 750, § 15.4.
(’79 Code, § 32.155) (Ord. 1401, passed 6-5-89)

§ 32.026 MEMBERSHIP.

(A) All appointments to the Emergency Telephone System Board shall be made by the Village President with the advice and consent of the Board of Trustees. All of the said appointments shall be made on the basis of their ability or experience.

(B) The Board shall consist of five members, which shall include one member from the Police Department, and one member from the Fire Department. At all times, at least three members of the Board shall be residents of the village.

(C) The original appointments to the Board shall consist of two members to be appointed for terms of one year, two members to be appointed for terms of two years, and one member to be appointed for a term of three years. Such terms shall commence on the date of the original appointments. At the expiration of the initial term, all successor members shall be appointed in the same manner. All successors shall hold office for a period of three years from the date of appointment, except in the case of an appointment to fill a vacancy, or until his/her successor is duly appointed and qualified.

(D) The chairperson of the Board shall be designated by the Village President.
(’79 Code, § 32.156) (Ord. 1401, passed 6-5-89)

§ 32.027 COMPENSATION OF MEMBERS.

The Emergency Telephone System Board shall serve without compensation, however, they shall be entitled to reimbursement for all of their actual and necessary expenses.
(’79 Code, § 32.157) (Ord. 1401, passed 6-5-89)

§ 32.028 POWERS AND DUTIES.

The Emergency Telephone System Board shall have the following powers and duties:

(A) Planning a 911 system.

(B) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems.

(C) Receiving monies from the surcharge imposed under the “Illinois Emergency Telephone Number Act,” as provided in ILCS Ch. 50, Act 750, § 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.

(D) Authorizing all disbursements from the fund.

(E) Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system.

('79 Code, § 32.158) (Ord. 1401, passed 6-5-89)

§ 32.029 CREATION OF FUND AND EXPENDITURES.

(A) All monies received by the Board pursuant to a surcharge imposed under the “Illinois Emergency Telephone Number Act,” as provided in ILCS Ch. 50, Act 750, § 15.3, shall be deposited into an Emergency Telephone System Fund. The Treasurer of the village shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the Board.

(B) Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(2) The coding of an initial master street address guide data base, and update and maintenance thereof.

(3) The repayment of any monies advanced for the implementation of the system.

(4) The charges for automatic number identification and automatic location identification equipment, and maintenance, replacement and update thereof.

(5) The non-recurring charges related to the installation of the emergency telephone system and the ongoing network charges.

(6) Other products and services necessary for the implementation, upgrade and maintenance of the system. However, such costs shall not include personnel or facilities, nor shall such costs include equipment which is not directly associated with the 911 Emergency Telephone System.

('79 Code, § 32.159) (Ord. 1401, passed 6-5-89)

BOARD OF FIRE AND POLICE COMMISSIONERS**§ 32.040 CREATED; COMPOSITION.**

There is created a Board of Fire and Police Commissioners consisting of three members, as provided by statute.

(ILCS Ch. 65, Act 5, §§ 10-2.1-1 *et seq.*) ('79 Code, § 32.01) (Ord. 533, passed 5-1-61)

§ 32.041 APPOINTMENT; TERMS.

The Board of Fire and Police Commissioners shall be appointed by the President of the municipality by and with the consent of the Board of Trustees. The terms of office of the members of the Board of Fire and Police Commissioners shall be three years and until their respective successors shall be appointed and qualified; provided that no such appointments shall be made by any President within 30 days before the expiration of his/her term of office; and provided further that the President shall appoint the first members of such Board, one of whom is appointed to serve until the end of the current municipal year in which such appointment is made, another shall serve until the end of the municipal year next ensuing, and the third shall serve until the end of the municipal year second next ensuing. Each of the first members of the Board shall serve until his/her successor is appointed and qualified.

('79 Code, § 32.02) (Ord. 533, passed 5-1-61)

§ 32.042 QUALIFICATIONS; OATH; BOND; REMOVAL.

The members of the Board of Fire and Police Commissioners shall have such qualifications as are now, or may hereafter be, required of them by law. Each member of the Board of Fire and Police Commissioners shall take oath or affirmation of office and shall execute and deliver to the Village Clerk a bond in the sum of such sureties as the President and Board of Trustees shall require, conditioned for the faithful performance of the duties of his/her office. The members of the Board of Fire and Police Commissioners shall be subject to removal from office in the same manner as other officers of the municipality.

('79 Code, § 32.03) (Ord. 533, passed 5-6-61)

§ 32.043 POWERS AND DUTIES.

The Board of Fire and Police Commissioners shall have such powers and duties as are now, or as may hereafter be, given to it by law.

('79 Code, § 32.04) (Ord. 533, passed 5-1-61)

§ 32.044 COMPENSATION OF SECRETARY AND MEMBERS.

The compensation of the Secretary of the Board of Fire and Police Commissioners and the members of such Board shall be as established by the President and Board of Trustees in the annual budget ordinance, or such sum as is appropriate for any partial year served, paid on a semi-annual basis at the end of the months of April and October.

('79 Code, § 32.05) (Ord. 533, passed 5-1-61; Am. Ord. 1710, passed 10-19-98)

BOARD OF LOCAL IMPROVEMENTS**§ 32.055 CREATED; COMPOSITION.**

(A) There is created a Board of Local Improvements.

(B) The Village President is designated as the President of the Board of Local Improvements; the Village Clerk is designated as the Secretary of the Board of Local Improvements; and the Trustees of the municipality are designated as members of the Board of Local Improvements. (ILCS Ch. 65, Act 5, § 9-2-7) ('79 Code, § 32.30) (Ord. 732, passed 6-15-70)

§ 32.056 COMPENSATION OF PRESIDENT.

The compensation of the President of the Board of Local Improvements shall be in the sum fixed from time to time by the Board of Trustees.

('79 Code, § 32.31) (Ord. 820, passed 4-16-73; Am. Ord. 1029, passed 2-17-81)

MUSEUM ADVISORY BOARD**§ 32.065 ESTABLISHMENT.**

The Board of Trustees does hereby establish a Museum Advisory Board for the purpose of advising the Board of Trustees regarding matters related to the operation of the museum by the village pursuant to an agreement entered into between the village and the Matteson Historical Society to create and operate a Historical Museum.

(Ord. 1671, passed 6-16-97)

§ 32.066 MEMBERSHIP.

The membership of the Board shall consist of seven members, with each member having knowledge or needed skills to contribute. Members will be sought who have background or expertise in one or more of the following fields: business, public relations, marketing, personnel and volunteer administration, teaching, village cultural life, archiving, history – particularly local and agricultural, and museum operation. Since the desired talent and expertise may not always be available among residents of Matteson, residency in Matteson, although desirable, is not a requirement for appointment. The members shall consist of the following:

(A) One member of the Village Board of Trustees and five at-large members, all six of which shall be appointed by the Village President with the advice and consent of the Village Board of Trustees.

(B) An officer or board member of the Matteson Historical Society, as appointed by the Matteson Historical Society.

(C) Of the seven members appointed pursuant to divisions (A) and (B) above, two shall serve for a period of one year, two for a period of two years, two for a period of three years and one for a period of four years, or until a successor has been appointed and has qualified. Vacancies shall be appointed for unexpired terms only. The successors to each member originally appointed shall serve for a period of three years.

(D) The acting Museum Director shall serve as an ex-officio non-voting member of the Board.

(E) The Chairperson of the Board shall be named by a majority vote of its members each year before June 1.

(Ord. 1671, passed 6-16-97; Am. Ord. 1853, passed 6-17-2002)

§ 32.067 PURPOSE AND SCOPE.

The purpose of the Museum Advisory Board shall include, but not be limited to recommendations to the Board of Trustees for the operation, funding and other matters related to the operation of the Historical Museum. However, the Advisory Board shall have no authority to make any expenditures on behalf of the village without the express consent of the Village Board of Trustees. Members of the Board will commit to regular attendance at monthly meetings of the Board, to be held at a mutually acceptable time. Members will address various issues, concerns, and problems relating to the operation of the museum. Working as an advisory group, they will seek creative ways in which the museum can better fulfill its mission in the community. They will recommend ways in which the museum can become an attractive destination for village residents, as well as for persons outside the community; attract and effectively use volunteers in the museum operation; enhance the collection and the way it is presented; and attract additional funding from other than tax moneys.

(Ord. 1671, passed 6-16-97; Am. Ord. 1853, passed 6-17-2002)

ZONING BOARD OF APPEALS**§ 32.080 CREATED; MEMBERS.**

There shall be a Zoning Board of Appeals consisting of seven members.
(’79 Code, § 32.20) (Ord. 422, passed 4-5-54)

Statutory reference:

Zoning Board of Appeals, see ILCS Ch. 65, Act 5, § 11-13-3

§ 32.081 TERM OF OFFICE.

The members of the Zoning Board of Appeals shall be appointed by the Board of Trustees and shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed shall serve for a term of five years. All appointed members shall serve until a successor is duly appointed and has qualified.
(’79 Code, § 32.21) (Ord. 422, passed 4-5-54)

ECONOMIC DEVELOPMENT COMMISSION**§ 32.090 ESTABLISHMENT.**

There is established a citizens' commission that shall be known as the Economic Development Commission for the purpose of structuring sound economic development programs, and of conducting the research and inventory of resources necessary to the preparation of industrial fact profiles for distribution to prospective employers considering expansion or location in the Matteson area. The Commission will make its findings and recommendations, as appropriate, to the President and Board of Trustees, as well as other governmental agencies, upon direction.
(’79 Code, § 32.130) (Ord. 1261, passed 7-15-85)

§ 32.091 COMMISSION TO FUND SURVEYS AND STUDIES.

The Commission shall, from time to time, either by itself or in cooperation with other governmental entities or private concerns, fund or assist in funding surveys or other studies, as required.
(’79 Code, § 32.131) (Ord. 1261, passed 7-15-85)

§ 32.092 EXPENDITURES.

The Economic Development Commission shall be authorized to expend funds as appropriated and approved by the President and Board of Trustees, but limited to their annual appropriation. However, the Commission is authorized to encourage the creation of a nonprofit Economic Development Corporation, subject to prior approval by the Village Board of Trustees, as a legal entity to raise funds, as needed, and handle other financial responsibility in the performance of their duties.

('79 Code, § 32.132) (Ord. 1261, passed 7-15-85)

§ 32.093 VOLUNTEER SERVICES; STANDING COMMITTEES.

Recognizing that community involvement will help to assure community support, the Economic Development Commission is authorized to enlist the volunteer services of other members of the community who shall assist in achieving the goal of sound economic growth. Further, the Commission is authorized to establish standing committees chaired by any of the several commissioners that will assist in coordinating activities between other municipal commissions or organizations, or that may prove beneficial in guaranteeing that specific interests are recognized.

('79 Code, § 32.133) (Ord. 1261, passed 7-15-85)

§ 32.094 MEMBERSHIP.

(A) The membership of the Economic development Commission shall be composed of 12 members. The commissioners will be appointed by the President of the Village with the advice and consent of the Board of Trustees. The members of the Commission shall serve for a two-year period, or until a successor has been duly appointed and qualified, and shall represent the community as follows:

- (1) At least one commissioner appointed from the commercial retail sector of the village;
- (2) At least one commissioner appointed from the financial institutions in the village;
- (3) At least one commissioner who is active in real estate sales, leasing or development in the village;
- (4) At least one commissioner appointed from the hospitality sector (such as hotels/motels, restaurants) of the village;
- (5) At least one commissioner appointed from the education sector of the village;
- (6) At least one commissioner who is active in the Matteson Area Chamber of Commerce;
- (7) The Village President or his/her representative;
- (8) The balance of the commissioners (five) will be appointed at large but may include representatives of major utilities or transportation entities, the industrial sector of the village, the small business sector of the village, the Plan Commission, and/or community organizations that support the village.

(B) The terms of office for the commissioners will be on a rotating basis; however, the first members appointed shall have the following terms of office:

- (1) Six commissioners shall serve for a two-year term;
 - (2) Six commissioners shall serve for a one-year term.
- ('79 Code, § 32.134) (Ord. 1261, passed 7-15-85; Am. Ord. 1389, passed 4-3-89; Am. Ord. 1767, passed 6-5-2000)

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§ 32.095 COMPENSATION.

The commissioners of the Economic Development Commission shall receive such compensation, if any, as shall from time to time be determined by the Village Board of Trustees.
('79 Code, § 32.135) (Ord. 1261, passed 7-15-85)

HOUSING ADVISORY COMMISSION**§ 32.105 ESTABLISHMENT.**

The Board of Trustees of the village does hereby establish a Housing Advisory Commission, to pursue an ongoing study of the community's housing needs.
('79 Code, § 32.150) (Ord. 1388, passed 4-3-89)

§ 32.106 APPOINTMENT SUBCOMMITTEE.

This Housing Advisory Commission shall take the form of an appointed subcommittee consisting of the Community Relations Commission and the Plan Commission, including the Directors of Community Relations and Community Development and any Trustee liaisons to those commissions.
('79 Code, § 32.151) (Ord. 1388, passed 4-3-89)

§ 32.107 ADDITIONAL MEMBERS.

The Board of Trustees may vote to designate additional members for the Housing Advisory Commission from within the Village Board or the community at large.
('79 Code, § 32.152) (Ord. 1388, passed 4-3-89)

§ 32.108 PURPOSE AND SCOPE.

The purpose of the Housing Advisory Commission shall include, but not be limited to, study and evaluation of the community's housing needs and recommendations to the Board of Trustees for policies and programs to address those needs.
('79 Code, § 32.153) (Ord. 1388, passed 4-3-89)

PARKS AND RECREATION COMMISSION

§ 32.120 PURPOSE.

The purpose of this commission shall be to act as a liaison between the citizens of the village and the Parks and Recreation Department, in order to communicate citizen opinions, needs, desires, and interests, thereby making the actions and decisions of the Park and Recreation Commission and the Village Board of Trustees responsive to the citizenry. The Parks and Recreation Advisory Commission created herein shall be known as the “Park and Recreation Commission.” Any and all references in this code of ordinances to the Parks and Recreation Advisory Commission, shall be and the same is hereby amended to read “the Park and Recreation Commission.”
(’79 Code, § 32.140) (Ord. 1287, passed 3-17-86; Am. Ord. 1440, passed 8-6-90)

§ 32.121 MEMBERSHIP.

(A) All appointments to the Park and Recreation Commission shall be made by the Village President with the advice and consent of the Village Trustees.

(B) The membership of the Commission shall consist of nine members as follows:

(1) Seven members, preferably and to the extent practical one member from each of the following geographic areas:

- (a) Original Matteson (Memorial Park).
- (b) Lincoln Terrace/Matteson Farms (New Park site).
- (c) Oakwood/Applewood (Oakwood Park).
- (d) Glenridge/Cricket Hills (Notre Dame Park).
- (e) Woodgate (Woodgate Park).
- (f) Allemong (Creekside Park) and one member serving at large for special projects.

(2) Also two members who shall be between the ages of 16 and 21 years, who shall be residents of the village.

(C) All members shall serve for a period of two years, or until a successor has been approved and has qualified.

(D) Whenever a Commission member shall either resign, cease to be a legal voter in the village, neglect to perform required duties, be absent without just cause from three consecutive regular meetings in any quarter, or be absent without just cause from 50% of regularly scheduled meeting in any quarter, the Chairperson of the Commission shall so advise the President and Board of Trustees and may recommend that the person be removed from the Commission. The replacement shall be made in the same manner as original appointments to fill the unexpired term as provided herein.

(E) The Chairperson of the Commission shall be named by a majority vote of its members each year before June 1.

(F) The members of the Commission shall also elect the Vice-Chairperson at the same time as the Chairperson.

(G) The Commission shall have the authority to establish its own rules of procedure as long as they are not inconsistent with this subchapter.
('79 Code, § 32.141) (Ord. 1287, passed 3-17-86; Am. Ord. 1322, passed 7-6-87; Am. Ord. 1894, passed 2-18-2003)

§ 32.122 GUIDELINES FOR OPERATION.

(A) All Commission meetings shall be open to the public.

(B) Regular meetings shall be monthly on a day determined by the majority vote of the members of the Commission.

(C) The Commission shall have the authority to appoint ad hoc committees consisting of non-Commission members, to study and recommend solutions where specialized areas of interest can best be served.

(D) No member of any ad hoc committee will have a vote in the Commission.

(E) Neither the Commission, nor any member thereof, nor any ad hoc committee, shall incur any expense without prior written approval of the Director of Parks and Recreation.

(F) Each member of the Commission shall receive such compensation as may be stipulated in the village budget and adopted in the village appropriation ordinance, for each fiscal year.
('79 Code, § 32.142) (Ord. 1287, passed 3-17-86)

§ 32.123 DUTIES.

(A) The Commission's duties shall include studying assignments given to it by the Village Board of Trustees or the Director of Parks and Recreation. It shall then recommend action which reflects the best interests of the citizens of the village. It shall attempt to determine citizen interests, opinions, needs, and desires as they concern parks and recreation, and shall communicate the same to the Director of Parks and Recreation.

(B) In order to properly represent their geographic areas, each Commission member is encouraged to attend meetings and communicate with their area residents regarding parks and recreation. This information should be brought back and presented to the Commission.

(C) The Commission shall have the duty to:

(1) Review, discuss, and recommend appropriate action on:

(a) Programs;

(b) Facilities;

(c) Parks and landscaping;

(d) Participant discipline;

(e) Park and facility rules;

(f) Citizen communication;

(g) Park and Recreation Commission budget;

(h) Park and Recreation Department budget (excluding salaries and personnel);

(i) Updates for capital improvements;

(j) Program structure changes;

(k) Vandalism or damage; and

(l) Upgrading or changes in facilities or structures.

(2) Call for special meetings as determined by the Chairperson or Vice-Chairperson.

('79 Code, § 32.143) (Ord. 1287, passed 3-17-86)

PLAN COMMISSION**§ 32.135 PURPOSE.**

In order that adequate provisions be made for the preparation of a comprehensive municipal plan for the guidance, direction, and control of the growth and development of the municipality, a Plan Commission, which shall be a department of the municipal government, is created under authority of ILCS Ch. 65, Act 5, § 11-12-4.

('79 Code, § 32.10) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

§ 32.136 MEMBERSHIP.

The Plan Commission shall consist of ten members to include the following: The President of the Board of Trustees and the President of the Board of Local Improvements shall be ex officio members of the Plan Commission, one member of the Board of Trustees appointed by the President of the Board of Trustees, subject to the approval of the Board of Trustees, who shall also be an ex officio member of the Plan Commission but without power to vote; and seven other members, citizens of the municipality, appointed by the President of the Board of Trustees on the basis of their particular fitness for their duty on the Plan Commission, and subject to the approval of the Board of Trustees.

('79 Code, § 32.11) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

§ 32.137 TERM OF OFFICE.

Ex officio members shall serve for the term of their elected office. Of the seven appointed citizen members, two shall serve for a period of one year, two for a period of two years and three for a period of three years, or until a successor has been appointed and has qualified. Vacancies shall be filled by appointments for unexpired terms only. The successor to each member so appointed shall serve for a term of five years. All members and the Secretary of the Plan Commission may receive such compensation as may be fixed from time to time by the Board of Trustees and provided for in the appropriation ordinance.

('79 Code, § 32.12) (Am. Ord. 1685, passed 9-15-97)

§ 32.138 PROCEDURE.

Immediately following their appointment, the members of the Plan Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with municipal ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public

inspection. The Plan Commission shall also file with the President of the Board of Trustees and with the Board an annual report setting forth its transactions and recommendations.

('79 Code, § 32.13) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

Statutory reference:

General power of the Plan Commission, ILCS Ch. 65, Act 5, § 11-12-5

§ 32.139 POWERS AND DUTIES.

The Plan Commission shall have all the general powers as prescribed by the municipal ordinances and the Illinois Compiled Statutes.

('79 Code, § 32.14) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

Statutory reference:

Plan Commission, see ILCS Ch. 65, Act 5, §§ 11-12-4 et seq.

§ 32.140 LAND DIVISION AND RESUBDIVISION.

Following the adoption of an official plan or part thereof in the manner prescribed by law, no map or plat of any subdivision or resubdivision presented for record, affecting land within the corporate limits of the municipality or in contiguous territory outside of and distant for not more than one and one-half miles from such limits shall be entitled to record, or shall be valid unless the subdivision thereon shall provide for streets, alleys, public ways, ways for public service facilities, storm and flood water run-off channels and basins, and public grounds, in conformity with any requirements applicable thereto of such official plan or map or part thereof, provided that a certificate of approval by the Board of Trustees, certified by the Village Clerk or a certified copy of an order of the circuit court directing the recording as provided in ILCS Ch. 64, Act 5, § 11-12-8 shall be sufficient evidence of compliance with this section upon which the recorder may accept the plat for recording.

(ILCS Ch. 65, Act 5, § 11-12-12) ('79 Code, § 32.15) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

§ 32.141 IMPROVEMENTS.

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

('79 Code, § 32.16) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

§ 32.142 EXPENDITURES.

The Commission may, at the discretion of the Board of Trustees, employ necessary help whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriations made by the Board of Trustees from the public funds. If the Plan Commission shall deem it advisable to secure technical advice or services, it may be done on authority from the Board of Trustees and appropriations by the Board of Trustees therefor.

('79 Code, § 32.17) (Ord. 484, passed 12-17-58; Am. Ord. 502, passed 3-7-60)

EMERGENCY SERVICES AND DISASTER AGENCY**§ 32.155 ESTABLISHMENT.**

There is created the Matteson ESDA to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with the Illinois Emergency Services and Disaster Act of 1975. This ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

('79 Code, § 32.60)

Statutory reference:

*Illinois Emergency Management Agency Act of 1988, see ILCS Ch. 20, Act 3305, §§ 1 et seq.
Emergency Telephone System Act, see ILCS Ch. 50, Act 750, §§ 0.01 et seq.*

§ 32.156 COORDINATOR.

(A) The Coordinator of the Matteson ESDA shall be appointed by the President and shall serve until removed by same.

(B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the President as provided by statute.

(C) In the event of the absence, resignation, death, or inability to serve as the Coordinator, the President or any person designated by him/her shall be and act as Coordinator until a new appointment is made as provided in this subchapter.

('79 Code, § 32.61)

§ 32.157 FUNCTIONS.

The Matteson ESDA shall perform such ESDA functions within the municipality as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules, and regulations as may be promulgated by the Governor. In addition, he/she shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the State ESDA Act.

('79 Code, § 32.62)

§ 32.158 SERVICE AS MOBILE SUPPORT TEAM.

(A) All or any of the Matteson ESDA organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law. The leader of such mobile support team shall be designated by the Coordinator of the Matteson ESDA organization.

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

('79 Code, § 32.63)

§ 32.159 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.

The Coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the President and by the State Director of ESDA.

('79 Code, § 32.64)

§ 32.160 EMERGENCY ACTION.

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack on the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the Matteson ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

('79 Code, § 32.65)

§ 32.161 EMERGENCY POWERS AND DUTIES.

(A) The Village President may exercise the emergency power and authority necessary to fulfill his/her general powers and duties. The judgment of the Village President shall be the sole criteria necessary to invoke emergency powers provided by ordinance and other appropriate authorities. The Board of Trustees may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to civil defense activities. Nothing in this section shall be construed as abridging or curtailing the powers or restrictions of the Board of Trustees.

(B) During any period when disaster threatens or when the village has been struck by disaster, within the definition of this section, the Village President may promulgate such regulations as he/she deems necessary to protect life and property and preserve critical resources. The regulations may include, but shall not be limited to, the following:

(1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces, or to facilitate the mass movement of persons from critical areas within or without the village.

(2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

(3) Other regulations necessary to preserve public peace, health and safety.

(4) Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. ('79 Code, § 32.66) (Ord. 1385, passed 3-20-89)

§ 32.162 CIVIL DEFENSE AND DISASTER BASIC PLAN.

(A) A comprehensive civil defense and disaster basic plan shall be adopted and maintained by resolution of the Board of Trustees upon the recommendations of the Village President. In the preparation of this plan as it pertains to village organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The basic plan shall be considered supplementary to this section and have the effect of law whenever a disaster has been proclaimed.

(B) The Village President shall prescribe in the basic plan those positions within the disaster organization, in addition to his/her own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the village a current list of three persons as

successors to his/her position. The list will be in order of succession and will as near as possible designate persons best capable of carrying out all assigned duties and functions.

(C) Each department head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned. Duties will include the organization and training of assigned village employees and volunteers. Each department head shall formulate the operational plan for his/her department which, when approved, shall be an annex to and a part of the basic plan.

(D) Amendments to the basic plan shall be submitted to the Village President. If approved, the Village President will submit the amendments to the Board of Trustees with his/her recommendations for their approval. The amendments shall take effect ten days from the date of approval unless action is taken by the Board of Trustees disapproving the Village President's submission. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this section, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the Board of Trustees.

(E) When a required competency or skill for a disaster function is not available within the village government, the Village President is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. The services from persons outside of government may be accepted by the village on a volunteer basis. The persons shall be enrolled as civil defense volunteers in cooperation with the heads of departments affected.

(F) Some of the duties ascribed to the Village President in this section will ordinarily be handled as a matter of routine by the Civil Defense Director, but the responsibility and authority stem from and remain with the Village President.
('79 Code, § 32.67) (Ord. 1385, passed 3-20-89)

§ 32.163 COMPENSATION.

Members of the ESDA who are paid employees or officers of the municipality, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not municipal employees or officers shall receive for such training time compensation as may be established by the President.
('79 Code, § 32.68)

§ 32.164 REIMBURSEMENT BY STATE.

The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the municipality for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a mobile support team while

serving outside the municipality in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.
(‘79 Code, § 32.69)

§ 32.165 PURCHASES AND EXPENDITURES.

(A) The President may, on recommendation of the Municipal Coordinator of ESDA, authorize any purchase of contracts necessary to any place of the municipality in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

(B) In the event of enemy-caused or other disaster, the Municipal Coordinator of ESDA is authorized, on behalf of the municipality, to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by the State ESDA Act. However, if the President meets with the Village Board at such time, he/she shall act subject to the directions and restrictions imposed by that body.
(‘79 Code, § 32.70)

§ 32.166 OATH.

Every person appointed to serve in any capacity in the Matteson ESDA organization shall, before entering on his/her duties, subscribe to the following oath, which shall be filed with the Coordinator:

“I, _____, solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Matteson ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

(‘79 Code, § 32.71)

§ 32.167 OFFICE.

The President is authorized to designate space in a municipal building, or elsewhere, for the Matteson ESDA as its office.
(‘79 Code, § 32.72)

§ 32.168 APPROPRIATION; LEVY OF TAXES.

The President may make an appropriation for ESDA purposes in the manner provided by law, and may levy, in addition, for ESDA purposes only, a tax not to exceed \$.05 per \$100 of the assessed value of all taxable property in addition to all other taxes, as provided by the State ESDA Act. However, the amount collectible under such levy shall in no event exceed \$.25 per capita.
(‘79 Code, § 32.73)

CHAPTER 33: FIRE DEPARTMENT

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GENERAL PROVISIONS**§ 33.01 CREATION; COMPOSITION.**

There is created a Municipal Fire Department for the village which shall consist of a Fire Chief, classified service personnel and such other personnel as may be authorized from time to time by the President and Board of Trustees.

('79 Code, § 33.01) (Ord. 1413, passed 11-20-89)

§ 33.02 PURPOSE.

Fire protection and emergency medical services are the primary responsibilities of the Fire Department. Actions to provide these services must be proactive as well as reactive in order to properly protect life and property within the village and other service areas of the department. The enforcement of fire prevention codes, education of the public on fire prevention methods, pre-planning of fire-fighting strategies and routes for commercial, industrial and public facilities, training of personnel in the safest most up-to-date procedures, constant maintenance of equipment and vehicles, inspection of all buildings open to the public and continual recertification of emergency medical personnel are some of the proactive activities that occur within the department regularly, before a fire or emergency call even occurs. These actions help to provide a water community and the most skilled personnel available to react to emergency situations that may arise.

('79 Code, § 33.02) (Ord. 1413, passed 11-20-89)

§ 33.03 DUTIES OF FIRE CHIEF.

(A) Fire Chief is the chief executive officer of the department and the final department authority in all matters of policy, operations and discipline consistent with state law, village code, village personnel policies and practices and departmental rules and regulations. He/she exercises all lawful powers of his/her office and issues lawful orders as are necessary to assure the effective performance of the department.

(B) Through the Fire Chief, the department is responsible for the protection of life and property within its legal jurisdiction. The Chief is responsible for planning, directing, coordinating, controlling and staffing all activities of the department, for continuous and efficient operations, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority, and for the department's relations with the citizens of the village, village government and other agencies.

('79 Code, § 33.03) (Ord. 1413, passed 11-20-89)

§ 33.04 ABSENCE OF FIRE CHIEF.

In the absence of the Fire Chief, the authority to command shall be as designated in the rules and regulations of the Matteson Fire Department.

('79 Code, § 33.04) (Ord. 1413, passed 11-20-89)

§ 33.05 MEMBERS OF THE DEPARTMENT CONSIDERED CLASSIFIED SERVICE.

All full-time, paid members of the department, with the exception of the Chief and Deputy Chief shall be considered to be members of the classified service and shall be appointed, promoted and removed by the Board of Fire and Police Commissioners of the municipality.

('79 Code, § 33.05) (Ord. 1413, passed 11-20-89)

§ 33.06 MEMBERS OF THE DEPARTMENT NOT CONSIDERED CLASSIFIED SERVICE.

All part-time, volunteer members of the department including the officers, shall be appointed by the Chief and shall be able-bodied and have attained their 18th birthday. Qualifications of candidates shall be as determined by the Chief and outlined in departmental regulations.

('79 Code, § 33.06) (Ord. 1413, passed 11-20-89)

§ 33.07 DUTIES OF MEMBERS OF THE DEPARTMENT.

(A) *General responsibilities.* Within the village jurisdiction and other areas covered by contractual or mutual aid agreements, members shall at all times take appropriate action to:

(1) Protect life and property.

(2) Enforce all federal, state and local laws and ordinances coming under the jurisdiction of the department.

(B) *Duty responsibilities.* Firefighters shall perform delegated to them, in the manner prescribed by law or ordinance, or by rules and regulations, practices and procedures contained herein. Firefighters shall acquire and utilize the knowledge of operation of all the various types of apparatus, tools, and equipment in use in the department and under the direction of their superior officers maintain such apparatus, tools and equipment (in their care and possession) in a clean condition and in readiness for operation at all times. Firefighters shall observe and study the principles of modern firefighting, fire prevention, rescue work, resuscitation, first aid, ventilation, and salvage operations. Firefighters shall constantly promote their physical and mental welfare.

('79 Code, § 33.07) (Ord. 1413, passed 11-20-89)

§ 33.08 PROPERTY OUTSIDE OF CORPORATE LIMITS.

(A) The members of the Fire Department are not authorized to go beyond the corporate limits of the municipality for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering ambulance service; however, the Fire Department shall render such service outside the corporate limits only when the municipality has agreed to provide such services by an existing written contract, or by a mutual aid agreement contract, or by a mutual aid agreement with another municipality to render service to property located beyond the corporate limits of the municipality, and on orders of the Chief of the Fire Department, or his/her representative or the Village President, and in such cases, the Fire Department may leave the corporate limits of the municipality.

(B) The municipality may enter into a written contract for providing emergency ambulance and other fire emergency services to individuals residing in single-family residences, multiple-family residential dwellings, commercial establishments, and industrial establishments on private property not within the corporate limits of the municipality shall be in such sums as may be determined and approved by the Board of Trustees.

(C) (1) In the event that emergency ambulance and other fire emergency services are rendered to individuals on private property not located within the corporate limits of the municipality, and no other contract is in effect, then in such case, the fee is established as outlined in § 33.10 of this chapter for each call.

(2) When fire emergency services are rendered, the charge for such services shall be computed at the rate of \$75 per hour per vehicle and \$20 per hour per firefighter responding to a call for assistance. An additional charge may be levied to reimburse the village for extraordinary expenses of materials used in rendering such services. No charge shall be made for services for which the total charge would be less than \$50.

(D) The Fire Department shall respond to such calls so long as the residents within the corporate limits of the municipality will not be denied reasonable availability of the Fire Department's personnel or equipment.

(E) In the event there is not a valid existing contract between the individual and the municipality for such services rendered, then within five days after such services have been provided by the Fire Department, the Chief, or his/her appointed representative, shall prepare a statement of costs, and shall forward the same by certified mail to the owner of the subject property or to the individual receiving the services of the department. In the event that the statement is not paid in full within 90 days, the Village Attorney is empowered to take such legal steps as may be necessary to secure payment, including, but not limited to, the filing of a civil action, as well as the perfecting of any and all liens relative to collecting such sums as may be due and payable for the rendering of said services.

('79 Code, § 33.08) (Ord. 1413, passed 11-20-89; Am. Ord. 1622, passed 2-7-96)

§ 33.09 PARAMEDIC AND FIREFIGHTER II CERTIFICATION REQUIRED.

(A) All candidates that become firemen on the Fire Department must become a State Certified Firefighter II within 12 months and a certified paramedic within 18 months after they are appointed to the Fire Department, and in the event that they fail to obtain either certification, or if they are not paramedic certified within the 18 months, then they shall be deemed to have failed the probation, and may be subject to dismissal by the Fire Chief.

(B) However, an extension of up to 12 months may be granted by the Fire Chief in order to accomplish Paramedic or Firefighter II Certification if it is felt that a reasonable effort has been made by the individual toward certification. In no event shall the probation be extended past the date on which the individual has failed to obtain certification after two examinations.

(C) Each and every fireman and lieutenant who is a member of the Fire Department, having been appointed after August 6, 1979, must remain a certified paramedic during the entire period that he/she is serving as a member of the Fire Department. The failure to remain certified as a paramedic may be a basis for immediate removal and discharge from the Fire Department by the Fire Chief.

(‘79 Code, § 33.09) (Ord. 1413, passed 11-20-89)

§ 33.10 CHARGES FOR AMBULANCE SERVICES.

(A) There is hereby established the following rate schedule per call for any ambulance service rendered by the Village Municipal Fire Department to any resident of the village, including services rendered to any resident employee of resident business establishments as follows:

..... (1) Cat

(2) Category 2: Advanced life support ambulance service

..... Lev
..... Lev

(3) Category 3: Charges in addition to the rate schedule established in Category 1 and Category 2 for specialized services rendered:

..... Mi

(B) There is hereby established the following rate schedule per call for any ambulance service rendered by the Village Municipal Fire Department to any non-resident of the village, including services rendered to any non-resident employee of resident business establishments as follows:

..... (1)

(2) Category 2: Advanced life support ambulance service

.....
.....

(3) Category 3: Charges in addition to the rate schedule established in Category 1 and Category 2 for specialized services rendered:

.....

(C) Any ambulance service provided pursuant to divisions (A) and (B) of this section shall be charged the sum of \$100 if said ambulance service call does not involve any transporting of a party. All of the funds collected pursuant to this non-transport ambulance service fee shall be placed in a special fund to apply to the costs of the purchase of a new ambulance when needed by the village.

(D) The charges provided in this section, however, shall not be assessed against any residents, non-residents, individuals, or corporations, residents of other villages, or the employees of any of the parties, who heretofore have entered into a written contract for fire department services to be rendered by the village's Municipal Fire Department, and which contract is in force and effect at the time that the ambulance service is rendered.

(E) All charges shall be billed as soon as practicable after services are rendered.

(F) All charges unpaid 60 days after being billed, will be subject to an administrative review, for the purpose of determining if it would be practicable to forward such charges to a collection agency designated by the village as a representative of the village.
(‘79 Code, § 33.10) (Ord. 1413, passed 11-20-89; Am. Ord. 1622, passed 2-7-96; Am. Ord. 1702, passed 6-15-98; Am. Ord. 1816, passed 6-18-2001; Am. Ord. 1905, passed 4-21-2003; Am. Ord. 2020, passed 3-21-2005; Am. Ord. 3033, passed 11-19-2007)

§ 33.11 RETIREMENT.

If a part-time or volunteer member has served the Fire Department for 15 years or more, and personally wishes to retire, he/she may do so at a regular meeting in writing. He/she will then be eligible to receive one free vehicle sticker per year.
(‘79 Code, § 33.11) (Ord. 1413, passed 11-20-89)

§ 33.12 CHARGES FOR VEHICLE FIRES.

(A) There is hereby established a fee of \$125 per hour, per vehicle, and a rate not to exceed \$35 per hour, per firefighter responding, for any fire services rendered by the Village Municipal Fire Department as a result of a vehicular fire to any non-resident of the village.

(B) The charges provided in this section, however, shall not be assessed against any non-residents, individuals, or corporations resident of other villages or the employees of any of the parties who heretofore have entered into a written contract for Fire Department services to be rendered by the village's Municipal Fire Department, and which contract is in force and effect at the time that the fire engine service is rendered. The charges shall be billed as soon as practicable after services are rendered.

(Ord. 1821, passed 8-6-2001)

§ 33.13 CHARGES FOR SPECIALIZED RESCUE.

(A) There is hereby established a fee of \$125 per hour, per vehicle, and a rate not to exceed \$35 per hour, per firefighter responding, for any fire services rendered by the village Fire Department as a result of a specialized rescue to include tactical rescue, high angle rescue, confined space rescue, below grade rescue, trench rescue and/or water rescue or any other specialized rescue.

(B) The following persons shall be jointly and severally liable for all costs of a specialized rescue team as set forth in this section:

(1) The owner of the property on which the specialized emergency response occurs;

(2) Any person involved in any activity which caused or contributed to the causation of the emergency;

(3) In cases involving the rescue or recovery of property, the owner of the property and any one who had custody or control of the property at the time of the emergency;

(4) In cases involving the rescue or recovery of property, the owner of the property and any one who had custody or control of the property at the time of the emergency.

(Ord. 3052, passed 4-7-2008)

PENSION FUND

§ 33.20 ESTABLISHMENT.

There is established a Firemen's Pension Fund in and for the municipality, as provided by state law.

('79 Code, § 33.20) (Ord. 1413, passed 11-20-89)

§ 33.21 BOARD OF TRUSTEES OF FUND; ELECTION; MEETINGS.

(A) There is created a Board of Trustees of the Fireman's Pension Fund which shall consist of the members as provided by the applicable Illinois Compiled Statutes.

(B) The term of office of the members shall be as prescribed by the Illinois Compiled Statutes, and the election of the Trustees shall be held at those times and places as are required by law and in the manner required by law.

(C) The Board of Trustees shall be organized and shall hold meetings as provided by the Illinois Compiled Statutes.

('79 Code, § 33.21) (Ord. 1413, passed 11-20-89)

§ 33.22 SOURCES OF FUNDS.

The pension funds shall consist of the taxes, accumulations, assessments, and deductions as are provided by the Illinois Compiled Statutes, and shall include an assessment or deduction of 8¼ %, and any larger amount permitted by law, from the salary of each firefighter covered under the fund.

('79 Code, § 33.22) (Ord. 1413, passed 11-20-89)

§ 33.23 POWERS AND DUTIES OF BOARD OF TRUSTEES OF FUND.

The Board of Trustees of the fund shall have all of the powers, duties, and obligations conferred and imposed on it by applicable state law.

('79 Code, § 33.23) (Ord. 1413, passed 11-20-89)

FOREIGN FIRE INSURANCE BOARD

§ 33.35 CREATION.

There is hereby created a four-member Foreign Fire Insurance Board for the village, comprised of officers elected as set forth below, whose purpose is to establish rules and regulations with respect to the management of money to be received by the village as foreign fire insurance tax receipts as provided for by ILCS Ch. 65, Act 5, § 11-10-1.

('79 Code, § 33.40) (Ord. 1472, passed 7-15-91)

§ 33.36 ELECTION OF OFFICERS.

(A) The Board shall consist of four officers, one of whom shall be elected Treasurer. The Board shall elect from among its remaining three members a President, a Vice President, and a Secretary (none of whom shall be the Treasurer). The President, Vice President, and Secretary shall be elected at the first regular meeting of the Board, and annually thereafter at the first regular meeting held during the calendar year.

(B) (1) At least one of the three officers other than Treasurer will be elected from the regular full-time sworn members of the Village Fire Department holding the rank of lieutenant or above at the time of their election and during the entire time each may serve in that position. Persons eligible for election as the remaining two officers for the Board shall include all regular full-time sworn members of the Village Fire Department at the time of their election and during the entire time each may serve as an officer. However, no probationary member of the department may hold such office during the time of his/her probation.

(2) Elections for the three officers other than Treasurer shall be conducted by Australian ballot listing all persons then eligible for election as candidates for these positions (other than persons who have nominated themselves for the office of Treasurer as set forth below). All full-time active members of the Fire Department at the time of the election shall be eligible to vote. Eligible voters shall vote for three of the listed candidates, and the three receiving the most votes shall be elected as officers to the Board.

(C) Any person eligible for election as an officer of the Board may submit a written nomination to the Fire Chief requesting that he/she be placed on the ballot as a candidate for Treasurer of the Board. In such case, the person shall not be listed on the ballot for the other officer positions but only for Treasurer. Ballots and elections shall otherwise proceed for this position in the same manner as set forth in division (B) of this section.

(D) The original election to the Board shall consist of the Treasurer and one of the officers elected from all the regular full-time sworn members of the department having a term of three years and the remaining two officers shall be elected for a period of two years. In subsequent elections each officer (including the Treasurer) shall hold office on the Board for a term of three years and until his/her successor is chosen. Election shall take place within 30 days following the effective date of this subchapter, and thereafter, during the final quarter of the calendar year in which the term of office expires. The term of each officer (including the Treasurer) shall run from January 1 of the year immediately following the year in which an election is held, except that for the original election, the term of office shall begin immediately following the election and shall include the period of time from the election to January 1. Each officer shall hold office during the term unless he/she no longer holds a qualifying position in the Fire Department, in which case his/her term shall cease immediately and he/she is thereby removed from the Board. The remaining Board officers shall appoint temporary successors to complete the unexpired term of any Board officer (including Treasurer).

(E) All elections will be organized, conducted, and supervised by the Village Clerk. ('79 Code, § 33.41) (Ord. 1472, passed 7-15-91)

§ 33.37 DUTIES AND POWERS.

(A) *President.* The President shall preside at all meetings of the Foreign Fire Insurance Board. The President shall have such other powers as may be given from time-to-time by action of the Village Board of Trustees, consistent with ILCS Ch. 65, Act 5 (Illinois Municipal Code).

(B) *Vice President.* The Vice President shall carry out the duties of the President during the absence or inability of the president to perform such duties and shall carry out such other functions as are assigned from time-to-time by the Foreign Fire Insurance President or the Village Board of Trustees.

(C) *Secretary.* The Secretary shall take minutes at any and all meetings of the Foreign Fire Insurance Board. The Secretary shall keep these minutes in a manner identical to the manner in which Village Board minutes are kept. The Secretary shall also perform any other duties and functions as are assigned from time-to-time by the President of the Foreign Fire Insurance Board or the Village Board of Trustees.

(D) *Treasurer.* The Treasurer shall:

(1) Have charge and custody of and be responsible for all funds collected by the village from the Foreign Fire Insurance Company fees as described in ILCS Ch. 65, Act 5, § 11-10-1;

(2) Deposit all such monies in the name of the Village Fire Department in such banks, savings and loan associations, or other depositories as shall be selected by the Village Board of Trustees;

(3) Invest said funds as are not immediately required in such securities as the Village Board of Trustees shall specifically or generally select from time-to-time;

(4) Maintain the financial books and records of the department; provided, however, that all investments of the Foreign Fire Insurance Company's fees shall be made only in those securities which may be purchased by Illinois non-home rule municipalities under the provisions of the Illinois Compiled Statutes;

(5) In general, perform all duties incidental to the office of Treasurer and such other duties as from time-to-time may be assigned to him/her by the Foreign Fire Insurance Board President or the Village Board of Trustees;

(6) The Treasurer of the Foreign Fire Insurance board shall give a sufficient bond to the village. This bond shall be approved by the Village President, conditioned upon the faithful

performance by the Treasurer of his/her duties under this subchapter and the rules and regulations provided herein. This bond shall be paid for from the funds collected from the Foreign Fire Insurance Company fees;

(7) The Treasurer of the Foreign Fire Insurance Board shall receive the Foreign Fire Insurance Company fees so paid and shall pay out the money upon the order of the Foreign Fire Insurance Board for the maintenance, use, and benefit of the department.
(’79 Code, § 33.42) (Ord. 1472, passed 7-15-91)

§ 33.38 RULES AND REGULATIONS.

The Foreign Fire Insurance Board shall make all needful rules and regulations with respect to the management of the Foreign Fire Insurance Company fees to be paid to the Treasurer. All such rules and regulations promulgated by the Foreign Fire Insurance Board must be passed by the affirmative vote of at least three of the four presiding officers. All rules and regulations promulgated by the Foreign Fire Insurance Board must be approved by the Village Board of Trustees in the same manner as a village ordinance must be passed.
(’79 Code, § 33.43) (Ord. 1472, passed 7-15-91)

§ 33.39 PAYMENT OF FUNDS.

The Village Treasurer shall pay the sums received from the insurance company specified in ILCS Ch. 65, Act 5, § 11-10-1 to the Treasurer of the Foreign Fire Insurance Board of the village.
(’79 Code, § 33.44) (Ord. 1472, passed 7-15-91)

§ 33.40 BUDGET.

(A) *Preliminary budget.* The Foreign Fire Insurance Board shall approve a preliminary budget for the expenditure of the Foreign Fire Insurance Company fees collected by March of each year. Said budget shall prescribe the purposes for which foreign fire insurance fees will be expended for the maintenance, use, and benefit of the Village Fire Department for the upcoming fiscal year (May 1 - April 30). These purposes may include the following:

- (1) Purchase of safety equipment.
- (2) Training and materials and equipment.
- (3) Attendance at training schools subject to approval by the Fire Chief.

(4) Station furnishings and equipment.

(5) Emergency medical and fire suppression equipment.

(6) Membership assessments for the Community Firefighters Association Death Benefit Fund and Illinois Firefighters Indemnity Fund.

(7) Rescue dive equipment.

(8) Audit expense.

(B) *Final budget.* The Foreign Fire Insurance Board shall, by May of each year, prior to the start of the fiscal year, adopt a final budget for the collection and payment of the Foreign Fire Insurance Company fees. The final budget shall be approved by the Village Board of Trustees in the same fashion as any other regular village ordinance.

(C) *Budget amendments.* The Foreign Fire Insurance Board budget referred to in division (B) of this section may be amended at any time by the unanimous vote of the Foreign Fire Insurance Board and a majority vote of the Village Board of Trustees.
(‘79 Code, § 33.45) (Ord. 1472, passed 7-15-91)

§ 33.41 ANNUAL AUDIT.

The Foreign Fire Insurance Board shall provide to the Village Board an annual audit of the financial affairs of the Foreign Fire Insurance Board to be made by a certified public accountant at the end of each fiscal year in accordance with the generally accepted auditing principals. The annual report shall be delivered to the Village President, each Village Trustee and Village Administrator. Said audit shall be paid for from the funds collected from the Foreign Fire Insurance Company fees.
(‘79 Code, § 33.46) (Ord. 1472, passed 7-15-91)

CHAPTER 34: POLICE DEPARTMENT

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GENERAL PROVISIONS

§ 34.01 CREATION.

There is created for the municipality a Department of Police.
('79 Code, § 34.01) (Ord. 671, passed 7-1-68)

§ 34.02 PERSONNEL.

The Police Department shall consist of a Chief of Police, a Deputy Chief of Administrative Services Division, a Deputy Chief of Field Operations Division, police lieutenants, police sergeants, police patrol officers, and such other personnel as may be provided for from time to time by the President and Board of Trustees.

('79 Code, § 34.02) (Ord. 671, passed 7-1-68; Am. Ord. 1487, passed 12-16-91; Am. Ord. 1897, passed 4-7-2003)

§ 34.03 DUTIES OF CHIEF OF POLICE.

The Chief of Police shall have direct charge and control over the Police Department, and shall be responsible for the faithful and efficient conduct of the operation of the department. The Police Chief shall be qualified through training and experience to administer the Police Department and command men. He/she shall be responsible for the enforcement and maintenance of law and order. He/she shall have custody of all apparatus and property pertaining to the department, and shall be responsible for the maintenance thereof. He/she need not be a member of the Police Department nor a resident of the municipality at the time of his/her appointment.

('79 Code, § 34.03) (Ord. 671, passed 7-1-68)

§ 34.04 ABSENCE OF CHIEF OF POLICE.

In the absence of the Chief of Police, a Deputy Chief, as designated by the Chief of Police, shall be the Acting Chief of Police, and shall assume all of the powers and duties of the Chief of Police, and in the event of the absence of the designated Deputy Chief of Police, the remaining Deputy Chief of Police shall assume said powers and duties of the Chief of Police, and in the event of the absence of both Deputy Chiefs of Police, the authority and command shall be as designated in the rules and regulations of the Village Police Department.

('79 Code, § 34.04) (Ord. 671, passed 7-1-68; Am. Ord. 1163, passed 11-15-82; Am. Ord. 1487, passed 12-16-91; Am. Ord. 1897, passed 4-7-2003)

§ 34.05 APPOINTMENT OF MEMBERS OF THE DEPARTMENT.

(A) The Chief of Police shall be appointed by the Village President, by and with the advice and consent of the Board of Trustees.

(B) The Chief of Police shall have the authority to appoint two deputy police chiefs:

(1) *Exempt rank.* The deputy police chief position will be an exempt rank immediately below that of the Chief of Police.

(2) *Eligibility for appointment.* The deputy chief may be appointed among any rank of sworn, full-time officers of the Village Police Department provided that he or she has at least five years of full-time service as a police officer in the Village Police Department.

(3) *Term of service.* The deputy police chief shall serve at the discretion of the Chief of Police, and, if removed from said position, shall revert to the rank held immediately prior to the appointment to the deputy police chief position.

(C) Except as provided in divisions (A) and (B) of this section, all full-time paid members of the Village Police Department shall be considered to be members of the classified service, and shall be appointed, promoted, and removed by the Board of Fire and Police Commissioners of the village, as provided by applicable Illinois Compiled Statutes.

('79 Code, § 34.05) (Ord. 671, passed 7-1-68; Am. Ord. 1487, passed 12-16-91; Am. Ord. 1897, passed 4-7-2003)

§ 34.06 DUTY OF MEMBERS OF THE DEPARTMENT.

It shall be the duty of the members of the Police Department to enforce all the ordinances of the municipality and all statutes and laws effective in the municipality, to preserve order and prevent infractions of the law and to arrest violators thereof. Every member of the Police Department is declared to be a conservator of the peace.

('79 Code, § 34.06) (Ord. 671, passed 7-1-68)

§ 34.07 RECORDS TO BE PRESERVED.

The Chief shall see that all records and original reports shall be preserved and shall be accessible to any officer of the municipality, but not all records shall be open to public inspection.

('79 Code, § 34.07) (Ord. 671, passed 7-1-68)

AUXILIARY POLICE OFFICERS

§ 34.20 APPOINTMENT.

The President of the municipality is authorized to appoint ten auxiliary police officers as employees, subject to the advice and consent of the Board of Trustees. Prior to appointment, all proposed auxiliary police officers shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C., for any possible criminal record. No person shall be appointed as

an auxiliary police officers if he/she has been convicted of a felony or other crime involving moral turpitude. The appointment of any or all auxiliary police officers may be terminated by the President subject to the advice and consent of the Board of Trustees.
('79 Code, § 34.10) (Ord. 700, passed 4-7-69)

§ 34.21 AUXILIARY POLICE NOT TO BE MEMBERS OF REGULAR POLICE DEPARTMENT.

Auxiliary police officers shall not be members of the regular Police Department of the municipality. Auxiliary police officers need not be residents of the municipality. Identification symbols worn by such auxiliary police officers shall be different and distinct from those used by the regular Police Department, and shall be selected and chosen by the Chief of Police. Auxiliary police officers shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police.
('79 Code, § 34.11) (Ord. 700, passed 4-7-69)

§ 34.22 DUTIES OF AUXILIARY POLICE.

Auxiliary police officers shall have the following powers and duties, when properly assigned and on duty:

- (A) To aid or direct traffic in the municipality;
- (B) To aid in the control of natural or man-made disasters;
- (C) To aid in case of civil disorders;
- (D) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impracticable for members of the regular Police Department to perform normal and regular police duties;
- (E) To arrest or cause to be arrested, with or without process, all persons who break the peace, or are found violating any municipal ordinance or any criminal law of the state;
- (F) To commit arrested persons for examination;
- (G) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper magistrate;
- (H) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe;

(I) To serve and execute all warrants for the violation of municipal ordinances or the state criminal law within the limits of the municipality, and, for this purpose, to have all the common law and statutory power of sheriffs.
('79 Code, § 34.12) (Ord. 700, passed 4-7-69)

§ 34.23 AUXILIARY POLICE NOT TO CARRY FIREARMS.

Auxiliary police officers shall not carry firearms, except with the permission of the Chief of Police or, in his/her absence, of the ranking officer on duty, and then only when in uniform and in the performance of their duties.
('79 Code, § 34.13) (Ord. 700, passed 4-7-69)

§ 34.24 TRAINING COURSE.

Auxiliary police officers, prior to entering on any of their duties, shall receive a course of training in the use of weapons and other police procedures by the Chief of Police. Such course of training shall be not less than 90 hours in duration. On completion of the course of training, the Chief of Police shall file a certificate attesting to the auxiliary police officers's completion of said course with the Village Clerk.
('79 Code, § 34.14) (Ord. 700, passed 4-7-69)

§ 34.25 COMPENSATION.

Auxiliary police officers shall be paid at an hourly rate as established by the President and Board of Trustees for each hour of service performed, provided such service is performed at the direction of the Chief of Police.
('79 Code, § 34.15)

PENSION FUND

§ 34.35 ESTABLISHMENT.

There is established a Police Officer's Pension Fund in and for the municipality, as provided by state law.
('79 Code, § 34.20) (Ord. 865, passed 2-3-75)

Statutory reference:

Police Officer's Pension Fund, see ILCS Ch. 40, Act 5, §§ 3-101 et seq.

§ 34.36 BOARD OF TRUSTEES OF FUND; ELECTION; MEETINGS.

(A) There is created a Board of Trustees of the Police Officer's Pension Fund which shall consist of the members as provided by the applicable Illinois Compiled Statutes.

(B) The term of office of the member shall be as prescribed by the Illinois Compiled Statutes, and the election of the Trustees shall be held at those times and places as are required by law and in the manner required by law.

(C) The Board of Trustees shall be organized and shall hold meetings as provided by state law. ('79 Code, § 34.21) (Ord. 865, passed 2-3-75)

Statutory reference:

Board, see ILCS Ch. 40, Act 5, §§ 3-128 et seq.

§ 34.37 SOURCES OF FUND.

The Pension Funds shall consist of the taxes, accumulation, assessments, and deductions as are provided by the Illinois Compiled Statutes, and shall include an assessment or deduction of 7½%, or any larger amount permitted by law, from the salary of each police officer covered under the fund. ('79 Code, § 34.22) (Ord. 865, passed 2-3-75)

§ 34.38 POWERS AND DUTIES OF BOARD OF TRUSTEES OF FUND.

The Board of Trustees of the Fund shall have all the powers, duties, and obligations conferred and imposed on it by applicable state law. ('79 Code, § 34.23) (Ord. 865, passed 2-3-75)

CHAPTER 35: CIVIL EMERGENCIES

Section

35.01 Curfews and regulations of businesses during civil emergencies

35.99 Penalty

§ 35.01 CURFEWS AND REGULATIONS OF BUSINESSES DURING CIVIL EMERGENCIES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL EMERGENCY.

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together with authority of law; or

(2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

CURFEW. A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the village, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(B) (1) Whenever an emergency, as defined by division (A) of this section, exists the Village President shall proclaim its existence by means of a written declaration. The declaration shall be signed by him/her, under oath and contain the following:

(a) A statement to the effect that a civil emergency, as defined in this section, does exist.

(b) Set forth the facts supporting such findings.

(c) A declaration of the nature of the emergency and his/her reasons for his/her action.

(d) A declaration that an emergency does exist. The statement shall be promptly filed with the Village Clerk.

(2) After the proclaiming of a civil emergency by the Village President, he/she may order a general curfew applicable to such geographical areas of the village as a whole, as he/she deems advisable, and applicable during such hours of the day or night as he/she deems necessary in the interest of the public safety and welfare.

(C) After the proclamation of a civil emergency, the Village President of the village may also, in the interest of public safety and welfare, make any or all of the following orders:

(1) Order the closing of all liquor stores and establishments, including taverns and private clubs or portions where the consumption of intoxicating liquor and beer is permitted.

(2) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(5) Issue such other orders as are imminently necessary for the protection of life and property.

(D) The proclamation authorized shall be effective for a period of 48 hours unless sooner terminated by the Village President but, in no event, shall continue later than the adjournment of the first meeting of the President and Board of Trustees after the state of emergency is declared. The Village President shall have the power to reproclaim the existence of a civil emergency at the end of each 48-hour period during the time said civil emergency exists.

(E) Upon issuance of the proclamation authorized, the Chief of Police shall notify the news media of the village and shall cause three copies of the proclamation, declaring the existence of the emergency, to be posted in three prominent places.

(F) If any part of this section shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this section, which shall continue in full force and effect notwithstanding such holding.

(G) Nothing contained in this section shall be construed to impair the powers contained in the code of the village giving powers to the Police and Fire Departments, but shall be construed together with existing sections now in effect for the safety and welfare of the citizens of the village. ('79 Code, § 31.11A) (Ord. 1379, passed 2-21-89)

§ 35.99 PENALTY.

Any person violating the provisions of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the village and shall be punishable by a fine not to exceed \$750. ('79 Code, § 31.11A) (Ord. 1379, passed 2-21-89)

CHAPTER 36: FINANCE AND REVENUE

Section

Budget Management System

- 36.01 Passage of annual budget effect
- 36.02 Budget Officer appointment
- 36.03 Powers and duties of Budget Officer
- 36.04 Compilation and contents of annual budget
- 36.05 Capital Improvement, Repair or Replacement Fund
- 36.06 Revisions of annual budget
- 36.07 Funds for contingency purposes
- 36.08 Public inspection, notice and hearings on budget

Tax Increment Financing

- 36.20 Action of Village Clerk
- 36.21 Rules for registry

BUDGET MANAGEMENT SYSTEM

§ 36.01 PASSAGE OF ANNUAL BUDGET EFFECT.

The annual municipal budget shall be adopted by the corporate authorities before the beginning of the fiscal year to which it applies. Passage of the annual budget by the corporate authorities shall be in lieu of passage of the appropriation ordinance as required by ILCS Ch. 65, Act 5, § 8-2-9. The annual budget need not be published except in a manner provided in § 36.08. (ILCS Ch. 65, Act 5, § 8-2-9.4) ('79 Code, § 36.01) (Ord. 1344, passed 3-7-88)

§ 36.02 BUDGET OFFICER APPOINTMENT.

The position of Budget Officer is established. The Budget Officer shall be appointed by the President with the approval of the Board of Trustees. The Budget Officer shall take an oath and post a bond as provided in ILCS Ch. 65, Act 5, §§ 3.1-10-25 and 3.1-10-30. The Budget Officer may hold another municipal office, either elected or appointed, and may receive compensation for both offices.

(ILCS Ch. 65, Act 5, § 8-2-9.1) ('79 Code, § 36.02) (Ord. 1344, passed 3-7-88)

§ 36.03 POWERS AND DUTIES OF BUDGET OFFICER.

The appointed Budget Officer shall have the following powers and duties:

- (A) Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions, and boards.
- (B) Compile an annual budget in accordance with § 36.04.
- (C) Examine all books and records of all municipal departments, commissions, and boards which relate to monies received by the municipality, municipal departments, commissions, and boards, and paid out by the municipality, municipal departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the municipality, municipal departments, commissions, and boards.
- (D) Obtain such additional information from the municipality, municipal departments, commissions, and boards as may be useful to the Budget Officer for purposes of compiling a municipal budget, such information to be furnished by the municipality, municipal departments, commissions, and boards in the form required by the Budget Officer. Any department, commission or board which refuses to make such information as is requested of it available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the municipality until such municipal department, commission, or board shall comply in full with the request of the Budget Officer.
- (E) Establish and maintain such procedures as shall insure that no expenditures are made by the municipality, municipal departments, commissions, or board except as authorized by the budget.

(ILCS Ch. 65, Act 5, § 8-2-9.2) ('79 Code, § 36.03) (Ord. 1344, passed 3-7-88)

§ 36.04 COMPILATION AND CONTENTS OF ANNUAL BUDGET.

The Budget Officer shall compile a budget, such budget to contain estimates of revenues available to the municipality for the fiscal year for which the budget is drafted, together with recommended expenditures for the municipality and all of the municipality's departments, commissions, and boards. Revenue estimates and expenditure recommendations shall be presented in

a manner which is in

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conformity with good fiscal management practices. Substantial conformity to a chart of accounts, now or in the future, recommended by the National Committee on Governmental Accounting, or the Auditor of Public Accounts of the state, or the Division of Local Governmental Affairs and Property Taxes of the Department of Revenue of the State of Illinois or successor agencies shall be deemed proof of such conformity. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. So far as is possible, the fiscal data for such two preceding fiscal years shall be itemized in a manner which is in conformity with the chart of accounts approved above. Each budget shall show the specific fund from which each anticipated expenditure shall be made.

(ILCS Ch. 65, Act 5, § 8-2-9.3) ('79 Code, § 36.04) (Ord. 1344, passed 3-7-88)

§ 36.05 CAPITAL IMPROVEMENT, REPAIR OR REPLACEMENT FUND.

In the preparation of the annual budget, an amount not to exceed 3% of the equalized assessed value of property subject to taxation by the municipality may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs, or replacements of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the "Capital Improvement Repair or Replacement Fund." Expenditures from the fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. Upon the completion or abandonment of any object for which the fund, or should any surplus monies remain after the completion or abandonment of any object for which the fund was inaugurated, then such funds no longer necessary for capital improvement, repair or replacement shall be transferred into the general corporate fund of the municipality on the first day of the fiscal year following such abandonment, completion, or discovery of surplus funds.

(ILCS Ch. 65, Act 5, § 8-2-9.5) ('79 Code, § 36.05) (Ord. 1344, passed 3-7-88)

§ 36.06 REVISIONS OF ANNUAL BUDGET.

The corporate authorities may delegate authority to heads of municipal departments, boards, or commissions to delete, add to, change or create sub-classes within object classes budgeted previously to the department, board, or commission, subject to such limitation or requirement for prior approval by the Budget Officer of the municipality as the Village Board, upon a two-thirds vote of the corporate authorities then holding office, may establish. By a vote of two-thirds of the members of the corporate authorities then holding office, the annual budget for the municipality may be revised by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

(ILCS Ch. 65, Act 5, § 8-2-9.6) ('79 Code, § 36.06) (Ord. 1344, passed 3-7-88)

§ 36.07 FUNDS FOR CONTINGENCY PURPOSES.

The annual budget may contain money set aside for contingency purposes not to exceed 10% of the total budget, less the amount set aside for contingency purposes, which monies may be expended for contingencies upon a majority vote of the corporate authorities then holding office. (ILCS Ch. 65, Act 5, § 8-2-9.7) ('79 Code, § 36.07) (Ord. 1344, passed 3-7-88)

§ 36.08 PUBLIC INSPECTION, NOTICE AND HEARINGS ON BUDGET.

The corporate authorities shall make the tentative annual budget conveniently available to public inspection for at least ten days prior to the passage of the annual budget, by publication in the journal of proceedings of the corporate authorities or in such other form as the corporate authorities may prescribe. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the corporate authorities shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without any further inspection, notice or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of the hearing. (ILCS Ch. 65, Act 5, § 8-2-9.9) ('79 Code, § 36.08) (Ord. 1344, passed 3-7-88)

TAX INCREMENT FINANCING**§ 36.20 ACTION OF VILLAGE CLERK.**

The Village Clerk or his or her designee is hereby authorized and directed to create an "Interested Parties" Registry in accordance with ILCS Ch. 65, Act 5, § 11-74.4-4.2 for each Redevelopment Project Area created under the Act and not terminated by the village, whether now existing or created after the date of the adoption of this section. (Ord. 1796, passed 3-19-2001)

§ 36.21 RULES FOR REGISTRY.

In accordance with ILCS Ch. 65, Act 5, § 11-74.4-4.2, the village hereby adopts the rules attached to Ordinance 1796 as rules for each Registry. The Village Board of Trustees may amend such registration rules from time to time as may be necessary or desirable to comply with and carry out the purposes by the Act. (Ord. 1796, passed 3-19-2001)

CHAPTER 37: TAXATION

Section

Automobile Renting Occupation Tax

- 37.001 Imposition; rate
- 37.002 Report filed with State Department of Revenue
- 37.003 Tax paid at time of report

Automobile Renting Use Tax

- 37.015 Tax imposed; rate
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Hotel Accommodations Tax

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- 37.027 Tax imposed
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Municipal Retailers' Occupation Tax

- 37.045 Tax imposed; rate
- 37.046 Report filed with State Department of Revenue
- 37.047 Tax paid at time of report
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- 37.060 Tax imposed; rate
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Municipal Use Tax

- 37.075 Tax imposed; rate
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- 37.153 Repealer

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AUTOMOBILE RENTING OCCUPATION TAX

§ 37.001 IMPOSITION; RATE.

A tax is imposed on all persons engaged in the business of renting automobiles in this village at the rate of 1% of the gross receipts from the sales made in the course of the business while this subchapter is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-7. ('79 Code, § 95.15) (Ord. 1126, passed 1-4-82)

§ 37.002 REPORT FILED WITH STATE DEPARTMENT OF REVENUE.

Every person engaged in the business of renting automobiles in the village shall file all reports to the State Department of Revenue, as required by ILCS Ch. 35, Act 120, § 3. ('79 Code, § 95.16) (Ord. 1126, passed 1-4-82)

§ 37.003 TAX PAID AT TIME OF REPORT.

At the time the report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed on account of the renting of automobiles during the preceding month.
(‘79 Code, § 95.17) (Ord. 1126, passed 1-4-82)

AUTOMOBILE RENTING USE TAX**§ 37.015 TAX IMPOSED; RATE.**

A tax is imposed on the privilege of using in this village an automobile which is rented from a renter outside the state and which is titled or registered with an agency of this state's government in this village, at the rate of 1% of the rental price of the automobile while this subchapter is in effect in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-8.
(‘79 Code, § 95.20) (Ord. 1125, passed 1-4-82)

§ 37.016 COLLECTION AND PAYMENT.

The tax shall be collected from the persons whose state address for titling or registration purposes is given as being in this village and shall be paid to the State Department of Revenue.
(‘79 Code, § 95.21) (Ord. 1125, passed 1-4-82)

HOTEL ACCOMMODATIONS TAX**§ 37.025 TITLE.**

Pursuant to ILCS Ch. 65, Act 5, § 8-3-14, as amended, this subchapter shall be known and cited as the “Hotel Accommodation Tax Ordinance,” and the tax imposed shall be known and cited as the “Hotel Accommodations Tax.”
(‘79 Code, § 95.30) (Ord. 1310, passed 12-1-86)

§ 37.026 DEFINITIONS.

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

HOTEL ACCOMMODATIONS. A room or rooms in any building or structure kept, used, or maintained as, advertised, or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory, or place where sleeping, rooming, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals, in which ten or more such accommodations are used or maintained for guests, lodgers, or roomers. **HOTEL ACCOMMODATIONS** does not include an accommodation which a person occupies, or has the right to occupy, as his/her domicile and permanent residence.

PERSON. Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, for profit, nonprofit, or otherwise. Whenever the term **PERSON** is used in any clause prescribing and imposing a penalty, the term as applied to corporations shall include the officers thereof, and as applied to any other entity, the owners or part-owners thereof.

TREASURER. The Treasurer of the Village of Matteson, Cook County, Illinois. ('79 Code, § 95.31) (Ord. 1310, passed 12-1-86)

§ 37.027 TAX IMPOSED.

There is imposed and shall accrue and be collected a tax as herein provided, upon the rental or leasing of any hotel accommodations in the village at the rate of 5% of the gross rental or leasing charge. ('79 Code, § 95.32) (Ord. 1310, passed 12-1-86; Am. Ord. 1612, passed 11-20-95; Am. Ord. 1905, passed 4-21-2003)

§ 37.028 TAX TO BE BORNE BY LESSEE.

The ultimate incidence of and liability for payment of the tax shall be borne by the lessee or the tenant of any hotel accommodations. The tax levied by this subchapter shall be in addition to any and all other taxes. It shall be the duty of every owner, manager, or operator of hotel accommodations to secure the tax from the lessee or tenant of the hotel accommodations and pay the tax to the Treasurer, under rules and regulations prescribed by the Treasurer, and as otherwise provided by this subchapter. ('79 Code, § 95.33) (Ord. 1310, passed 12-1-86)

§ 37.029 COLLECTION.

The tax levied by this subchapter shall be secured by the hotel owner, manager, or operator from the lessee or tenant when collecting the price, charge, or rent to which it applies. Every lessee or tenant shall be given a bill, invoice, receipt, or other statement or memorandum of the price, charge, or rent

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payable upon which the hotel accommodations tax shall be stated, charged, and shown separately. The hotel accommodations tax shall be paid to the Treasurer or the authorized representative of his/her office on a monthly basis. The tax shall be due on or before the 15th day of the succeeding month.

('79 Code, § 95.34) (Ord. 1310, passed 12-1-86)

§ 37.030 PAYMENT; PENALTY FOR NONPAYMENT.

(A) Every owner, manager, or operator of hotel accommodations within the village shall file a sworn tax return on a monthly basis with the Treasurer showing tax receipts received with respect to hotel accommodation space rented or leased during the preceding monthly period, upon forms prescribed by the Treasurer. At the time of filing the tax return, the owner, manager, or operator of hotel accommodations shall pay to the Treasurer all taxes due for the period to which the tax return applies.

(B) If for any reason any tax is not paid when due, a penalty at the rate of 2% per month on the amount of tax which remains unpaid shall be added and collected. Whenever any person shall fail to pay any tax as herein provided upon the request of the Treasurer, the Corporation Counsel shall bring or cause to be brought an action to enforce the payment of the tax in behalf of the village in any court of competent jurisdiction. The cost of the enforcement shall be borne by the owner. ('79 Code, § 95.35) (Ord. 1310, passed 12-1-86) Penalty, see § 95.99

§ 37.031 RECORDS.

Every owner, manager, or operator of hotel accommodations in the village shall keep books and records showing the prices, rents, or charges made or charged, and occupancies taxable under this subchapter. The Treasurer or his/her designate, shall at all reasonable times have full access to all books and records.

('79 Code, § 95.36) (Ord. 1310, passed 12-1-86) Penalty, see § 37.999

§ 37.032 SUSPENSION OR REVOCATION OF LICENSES.

If the Village President, after a hearing held by or for him/her shall find that any person has willfully avoided payment of the tax imposed by this subchapter, he/she may suspend or revoke all village licenses held by the tax evader. The owner, manager, or operator of the hotel accommodations shall have an opportunity to be heard, and the hearing shall not be held less than five days after notice of the time and place of the hearing, addressed to the owner, manager, or operator at his/her last known place of business. The suspension or revocation of any license shall not release or discharge the owner, manager, or operator of hotel accommodations from his/her civil liability for the payment of the tax nor for prosecution of the offense.

('79 Code, § 95.37) (Ord. 1310, passed 12-1-86) Penalty, see § 37.999

§ 37.033 PROCEEDS.

All proceeds resulting from the imposition of the tax under this chapter shall be distributed and expended as directed by the village, solely to promote tourism and conventions within the village, or otherwise to attract nonresident overnight visitors to the village. No funds received pursuant to this chapter shall be used to advertise for or otherwise promote new competition in the hotel business. ('79 Code, § 95.38) (Ord. 1310, passed 12-1-86; Am. Ord. 1485, passed 11-18-91)

MUNICIPAL RETAILERS' OCCUPATION TAX**§ 37.045 TAX IMPOSED; RATE.**

A tax is imposed on all persons engaged in the business of selling tangible personal property at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this chapter is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-1. ('79 Code, § 95.05) (Ord. 708, passed 9-2-69)

§ 37.046 REPORT FILED WITH STATE DEPARTMENT OF REVENUE.

Every such person engaged in such business in the municipality shall file all reports to the State Department of Revenue, as required by ILCS Ch. 35, Act 120, § 3. ('79 Code, § 95.06) (Ord. 708, passed 9-2-69)

§ 37.047 TAX PAID AT TIME OF REPORT.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed on account of the receipts from sales of tangible personal property during the preceding month. ('79 Code, § 95.07) (Ord. 708, passed 9-2-69)

§ 37.048 EXCLUSION INAPPLICABLE.

The exclusion contained in ILCS Ch. 35, Act 120, §§ 2-5(11) and 2h shall not apply to property within the municipality. ('79 Code, § 95.08) (Ord. 992, passed 12-18-78)

MUNICIPAL SERVICE OCCUPATION TAX**§ 37.060 TAX IMPOSED; RATE.**

A tax is imposed on all persons engaged in this municipality in the business of making sales of service at the rate of 1% of the cost price of all tangible personal property transferred by servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with ILCS Ch. 65, Act 5, § 8-11-5. ('79 Code, § 95.01) (Ord. 709, passed 9-2-69)

§ 37.061 REPORT FILED WITH STATE DEPARTMENT OF REVENUE.

Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this municipality shall file all reports to the State Department of Revenue, as required by ILCS Ch. 35, Act 115, § 9. ('79 Code, § 95.02) (Ord. 709, passed 9-2-69)

§ 37.062 TAX PAID AT TIME OF REPORT.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed. ('79 Code, § 95.03) (Ord. 709, passed 9-2-69)

§ 37.063 EXEMPTION INAPPLICABLE.

The exemption contained in paragraph (e) of the definition of ***SALE OF SERVICE***, as set forth in ILCS Ch. 35, Act 115, § 2, shall not apply to property within the municipality. ('79 Code, § 95.04) (Ord. 992, passed 12-18-78)

MUNICIPAL USE TAX**§ 37.075 TAX IMPOSED; RATE.**

(A) A tax is imposed in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-6 on the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government.

(B) The tax shall be at a rate of 1% of the selling price of the tangible property, with *SELLING PRICE* to have the meaning as defined in ILCS Ch. 35, Act 105, § 2. ('79 Code, § 95.10) (Ord. 860, passed 11-18-74)

§ 37.076 COLLECTION AND PAYMENT.

The tax shall be collected by the State Department of Revenue for all municipalities imposing the tax, and shall be paid before the title or certificate of registration for the personal property is issued. ('79 Code, § 95.11) (Ord. 860, passed 11-18-74)

EMERGENCY 911 TELEPHONE SYSTEM SURCHARGE

§ 37.085 SURCHARGE IMPOSED.

A surcharge is imposed upon all telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the village, and terminating within the state for funding of a 911 emergency telephone system. ('79 Code, § 95.40) (Ord. 1375, passed 1-17-89)

§ 37.086 RATE.

A surcharge is imposed at a rate of \$0.80 per month per in-service network connection, as hereinafter defined. A network connection shall not be deemed to be in service where a subscriber's account is deemed uncollectible by the telecommunication carrier. ('79 Code, § 95.42) (Ord. 1375, passed 1-17-89)

§ 37.087 DEFINITIONS.

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

NETWORK CONNECTIONS. The number of voice grade communications channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers switched network which would be required to carry the subscribers inter premises traffic.

TELECOMMUNICATIONS CARRIER. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court engaged in the business of in transmitting messages by means of electricity.

TRANSMITTING MESSAGES. This term shall have the meaning ascribed to the term in ILCS Ch. 65, Act 5, § 8-11-2.
(‘79 Code, § 95.43) (Ord. 1375, passed 1-17-89)

§ 37.088 EXEMPTIONS.

The Village Clerk shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the municipality to be exempt from imposition of the surcharge. The certified list may be revised by the municipality on 60 days prior written notice provided to the telecommunication carriers.
(‘79 Code, § 95.44) (Ord. 1375, passed 1-17-89)

§ 37.089 IMPLEMENTATION.

The surcharge shall be imposed on the first day of the month following the expiration of 30 days from the date the Village Clerk certifies to any of the telecommunication carriers who are subject to the surcharge.
(‘79 Code, § 95.45) (Ord. 1375, passed 1-17-89)

§ 37.090 PAYMENT.

Every telecommunication carrier shall remit to the Village Treasurer the amount of surcharge due and owing for each calendar month within 30 days following expiration of any month to which the surcharge applies, net of any network or other 911 or sophisticated 911 system charge then due the particular telecommunication carrier as shown on an itemized bill.
(‘79 Code, § 95.46) (Ord. 1375, passed 1-17-89)

§ 37.091 REMITTANCE STATEMENT.

Simultaneously with the remittance subscribed in § 37.090 above, each telecommunication carrier shall make a return to the Village Treasurer for the period to which the remittance applies stating as follows:

- (A) The name of the telecommunication carrier.

(B) The telecommunication carrier's principal place of business.

(C) The number of network connections to which the surcharge applies.

(D) The amount of surcharge due.

(E) Such other reasonable and related information as the corporate authorities may require.
(‘79 Code, § 95.47) (Ord. 1375, passed 1-17-89)

§ 37.092 CREDIT.

If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this subchapter, whether as the result of a mistake of act or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this subchapter from the telecommunication carrier who made the erroneous payments; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.
(‘79 Code, § 95.48) (Ord. 1375, passed 1-17-89)

LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITY PROCEDURES

§ 37.105 TITLE.

This subchapter shall be known as and may be cited as the “Locally Imposed and Administered Tax Rights and Responsibility Subchapter.”
(Ord. 1787-A, passed 1-2-2001)

§ 37.106 SCOPE.

The provisions of this subchapter shall apply to the village’s procedures in connection with all of the village’s locally imposed and administered taxes.
(Ord. 1787-A, passed 1-2-2001)

§ 37.107 DEFINITIONS.

Certain words or terms herein shall have the meaning ascribed to them as follows:

ACT. The “Local Government Taxpayers’ Bill of Rights Act.”

CORPORATE AUTHORITIES. The village's President and Board of Trustees.

LOCAL TAX ADMINISTRATOR. The village's Administrator or his or her designee, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local Tax Administrator to act in the local Tax Administrator's stead. The local Tax Administrator shall have the authority to implement the terms of this subchapter to give full effect to this subchapter. The exercise of such authority by the local Tax Administrator shall not be inconsistent with this subchapter and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX. Each tax imposed by the village that is collected or administered by the village, not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the village other than infrastructure maintenance fees.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the village's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the village that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the village.

VILLAGE. The Village of Matteson, Cook County, Illinois.
(Ord. 1787-A, passed 1-2-2001)

§ 37.108 NOTICES.

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing, mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local Tax Administrator. The notice shall be sent by the local Tax Administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the person's last known address; or

(B) Personal service or delivery.
(Ord. 1787-A, passed 1-2-2001)

§ 37.109 LATE PAYMENT.

Any notice, payment, remittance or other filing required to be made to the village pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the village on or before the due date, or (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the village, with adequate posted prepaid.

(Ord. 1787-A, passed 1-2-2001)

§ 37.110 PAYMENT.

Any payment or remittance received for a tax period shall be applied in the following order:

- (A) First to the tax due for the applicable period;
- (B) Second to the interest due for the applicable period; and
- (C) Third to the penalty for the applicable period.

(Ord. 1787-A, passed 1-2-2001)

§ 37.111 CERTAIN CREDITS AND REFUNDS.

(A) The village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be four years after the end of the calendar year in which payment in error was made. The village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the village.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the local Tax Administrator in writing a claim for credit or refund together with a statement specifying:

- (a) The name of the locally imposed and administered tax subject to the claim;
- (b) The tax period for the locally imposed and administered tax subject to the claim;

(c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;

(d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the village.

(2) Within ten days of the receipt by the local Law Administrator of any claim for a refund or credit, the local Tax Administrator shall either:

(a) Grant the claim; or

(b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local Tax Administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 6% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.
(Ord. 1787-A, passed 1-2-2001)

§ 37.112 AUDIT PROCEDURE.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this subchapter.

(A) Each notice of audit shall contain the following information:

(1) The tax;

(2) The time period of the audit; and

(3) A brief description of the books and records to be made available for the auditor.

(B) Any auditor shall be conducted during normal business hours and if the date and time selected by the local Tax Administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days nor more than 30 days from the date the notice is given, unless the taxpayer and the local Tax Administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local Tax Administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the village.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local Tax Administrator may issue a tax determination and assessment based on the Tax Administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the village's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local Tax Administrator shall notify the local governmental entity imposing such tax.
(Ord. 1787-A, passed 1-2-2001)

§ 37.113 APPEAL.

(A) The local Tax Administrator shall send written notice to a taxpayer upon the local Tax Administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notices shall include the following information:

- (1) The reason for the assessment;
- (2) The amount of the tax liability proposed;
- (3) The procedure for appealing the assessment; and
- (4) The obligations of the village during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local Tax Administrator of a determination of tax due or assessment may file with the local Tax Administrator a written protest and petition for

hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local Tax Administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local Tax Administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the 45 day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local Tax Administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45 day period.

(Ord. 1787-A, passed 1-2-2001)

§ 37.114 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under § 37.113 of this subchapter, the local Tax Administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing the local Tax Administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local Tax Administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

(Ord. 1787-A, passed 1-2-2001)

§ 37.115 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 12% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.* If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if failure to file penalty is imposed by the controlling ordinance.
(Ord. 1787-A, passed 1-2-2001)

§ 37.116 ABATEMENT.

The local Tax Administrator shall have the authority to waive or abate any late filing payment, late payment penalty or failure to file penalty if the local Tax Administrator shall determine reasonable cause exists for delay or failure to make a filing.
(Ord. 1787-A, passed 1-2-2001)

§ 37.117 INSTALLMENT CONTRACTS.

The village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local Tax Administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local Tax Administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14 working day period or fails to demonstrate good faith in restructuring the installment contract with the local Administrator, the installment contract shall be canceled without further notice to the taxpayer.
(Ord. 1787-A, passed 1-2-2001)

§ 37.118 STATUTE OF LIMITATIONS.

The village, through the local Tax Administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer. (Ord. 1787-A, passed 1-2-2001)

§ 37.119 VOLUNTARY DISCLOSURE.

For any locally imposed and administered tax for which a taxpayer has not been received a written notice of an audit, investigation, or assessment from the local Tax Administrator, a taxpayer is entitled to file an application with the local Tax Administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local Tax Administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local Tax Administrator, whichever is longer. (Ord. 1787-A, passed 1-2-2001)

§ 37.120 PUBLICATION OF TAX ORDINANCES.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office (Ord. 1787-A, passed 1-2-2001)

§ 37.121 REVIEW PROCEDURES.

The local Tax Administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local Tax Administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local Tax Administrator shall:

(A) Timely remove the lien at the village's expense;

(B) Correct the taxpayer's credit record; and

(C) Correct any public disclosure of the improperly imposed lien.

(Ord. 1787-A, passed 1-2-2001)

§ 37.122 APPLICATION.

This subchapter shall be liberally construed and administered to supplement all of the village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this subchapter, this subchapter shall be controlling.

(Ord. 1787-A, passed 1-2-2001)

MUNICIPAL UTILITY TAX ON GAS**§ 37.125 TAX IMPOSED; RATE.**

A tax is imposed on all persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of 5% of the gross receipts therefrom.

(Ord. 1907, passed 4-28-2003)

§ 37.126 EXCEPTIONS.

No tax is imposed by this subchapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any

persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas be subject to taxation under the provisions of this subchapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by ILCS Ch. 65, Act 5, § 8-11-1.
(Ord. 1907, passed 4-28-2003)

§ 37.127 ADDITIONAL TAXES.

Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.
(Ord. 1907, passed 4-28-2003)

§ 37.128 DEFINITIONS.

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

GROSS RECEIPTS. The consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever; provided, however, that **GROSS RECEIPTS** shall not include any amounts specifically excluded from the definition of gross receipts in ILCS Ch. 65, Act 5, § 8-11-2(d).

PERSONS. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation, the state or any of its political subdivisions, any state university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.
(Ord. 1907, passed 4-28-2003)

§ 37.129 EFFECTIVE DATE.

This subchapter shall take effect after publication and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the first day of June, 2003.
(Ord. 1907, passed 4-28-2003)

§ 37.130 REPORTS TO MUNICIPALITY.

(A) On or before the last day of July, 2003 each taxpayer shall make a return to the Village Treasurer for the month of June, 2003, stating:

- (1) His name;
- (2) His principal place of business;
- (3) His gross receipts during those months upon the basis of which the tax is imposed;
- (4) Amount of tax;
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) On or before the last day of every month thereafter, each taxpayer shall make a like return to the Village Treasurer for a corresponding one-month period.

(C) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

(Ord. 1907, passed 4-28-2003)

§ 37.131 MISTAKE OR ERROR/CREDIT.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this subchapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this subchapter from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(Ord. 1907, passed 4-28-2003)

§ 37.132 RECOVERY LIMIT.

No action to recover any amount of tax due under the provisions of this subchapter shall be commenced more than three years after the due date of such amount.

(Ord. 1907, passed 4-28-2003)

§ 37.133 VIOLATION OR FRAUD.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this subchapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$750 and in addition shall be liable in a civil action for the amount of tax due.

(Ord. 1907, passed 4-28-2003)

§ 37.134 NOTICE TO UTILITY COMPANIES.

The Village Clerk is hereby directed to send a certified copy of this subchapter to each utility company affected by this subchapter.

(Ord. 1907, passed 4-28-2003)

MUNICIPAL UTILITY TAX ON ELECTRICITY**§ 37.135 DEFINITIONS.**

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

PERSON. Any natural, individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation, estate or any of its political subdivisions, any state university created by statute, or a receiver, trustee, conservator or other representative appointed by order of the court.

PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE. Any person having or maintaining within this state, directly or by a subsidiary or other affiliate, in office, generation, facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent or other representative, operating within the state under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this state permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in the state.

PURCHASE AT RETAIL. Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility, as defined in ILCS Ch. 65, Act 5, § 8-11-2, directly in generation, production, transmission, delivery or sale of electricity.

PURCHASER. Any person who uses or consumes within the corporate limits of the village electricity acquired in purchase at retail.

VILLAGE. The Village of Matteson.
(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.136 TAX IMPOSED.

A tax is imposed on all persons engaged in the following occupations or privileges:

(A) (1) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

- (a) For the first 2,000 kilowatt-hours used or consumed in a month; 0.547 cents per kilowatt-hour;
- (b) For the next 48,000 kilowatt-hours used or consumed in a month; 0.359 cents per kilowatt-hour;
- (c) For the next 50,000 kilowatt-hours used or consumed in a month; 0.323 cents per kilowatt-hour;
- (d) For the next 400,000 kilowatt-hours used or consumed in a month; 0.314 cents per kilowatt-hour;
- (e) For the next 500,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour;
- (f) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.287 cents per kilowatt-hour;
- (g) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.282 cents per kilowatt-hour;
- (h) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.278 cents per kilowatt-hour;
- (i) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.273 cents per kilowatt-hour;

(j) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.269 cents per kilowatt-hour.

(2) The tax is in addition to all taxes, fees and other revenue measures imposed by the village in the State of Illinois or any other political subdivision of the state.

(B) Notwithstanding any other provision of this chapter, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.

(C) The tax shall be imposed with respect to the use or consumption of electricity by residential and non-residential customers beginning with the first bill issued on or after August 1, 2003. (Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.137 EXCEPTIONS.

None of the taxes authorized by this subchapter may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this subchapter for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by ILCS Ch. 65, Act 5, § 8-11-1; nor shall any tax authorized by this subchapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in a like manner and at the same rate upon all persons engaged in the business of the same class in the municipality, whether privately or municipally owned or operate, or exercising the same privilege within the municipality.

(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.138 ADDITIONAL TAXES.

Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.139 COLLECTION.

The tax authorized by this subchapter shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. Any tax

required to be collected by this chapter, and any tax in fact collected, shall constitute a debt owed to the village by the person delivering the electricity, provided that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying date to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this subchapter.

(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.140 REPORTS TO MUNICIPALITY.

(A) On or before the last day of each month, each taxpayer shall make a return to the village for the preceding month stating:

- (1) His name.
- (2) His principal place of business.
- (3) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (4) Amount of tax.
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the village the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments for later payments based upon any differences between such billings, and the taxable gross receipts.

(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.141 MISTAKE OR ERROR/CREDIT.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this subchapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this subchapter from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.
(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.142 RECOVERY LIMIT.

No action to recover any amount of tax due under the provisions of this subchapter shall be commenced more than three years after the due date of such amount.
(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.143 VIOLATION OR FRAUD.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this subchapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$750 and in addition shall be liable in a civil action for the amount of tax due.
(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

§ 37.144 NOTICE TO UTILITY COMPANIES.

The Village Clerk is hereby directed to send a certified copy of this subchapter to each utility company affected by this subchapter.
(Ord. 1908, passed 4-28-2003; Am. Ord. 1917, passed 6-2-2003; Am. Ord. 1919, passed 6-16-2003)

MUNICIPAL TELECOMMUNICATIONS TAX

§ 37.145 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX.

(A) A simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications

by a person under the provisions of the Simplified Municipal Telecommunications Tax Act, ILCS Ch. 65, Act 5, § 8-11-17, at a rate of 6% of the gross charges for such telecommunications purchased at retail from a retailer.

(B) The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this subchapter.

(C) This subchapter shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law, provided, however, that this section shall take effect for all gross charges billed by telecommunications retailers on and after the first day of July, 2004. The Village Clerk is hereby directed to file a certified copy of this subchapter with the Illinois Department of Revenue prior to March 31, 2004.

(Ord. 1909, passed 4-28-2003; Am. Ord. 1967, passed 3-22-2004)

DEPOSIT AND ALLOCATION OF ALL UTILITY TAX REVENUES

§ 37.150 DEFINITIONS.

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

SPECIAL UTILITY TAX REVENUE FUND. All deposits contained in said fund, received by the village from the municipal utility tax revenues, as defined in ***UTILITY TAX REVENUES***.

UTILITY TAX REVENUES. Any and all of the revenue received by the village from the taxation of utilities, pursuant to the following municipal tax provisions:

- (1) The municipal tax on gas;
- (2) The municipal tax on electricity; and
- (3) The municipal tax on telecommunications.

VILLAGE. The Village of Matteson, Cook County, Illinois.
(Ord. 1906, passed 4-28-2003)

§ 37.151 ESTABLISHING OF SPECIAL FUND.

The village does hereby establish a Special Utility Tax Revenue Fund to consist solely of funds received by the village from the utility tax revenues. The Village Treasurer, the Village Finance Director and all other village representatives shall immediately take all necessary action to create said special fund.

(Ord. 1906, passed 4-28-2003)

§ 37.152 ALLOCATION OF SPECIAL UTILITY TAX REVENUE FUND.

The allocation of all funds in the Special Utility Tax Revenue Fund shall be as follows:

(A) For the fiscal year ending April 30, 2004, all of the revenue deposited in said fund shall be transferred to the village's general fund balance.

(B) For all fiscal years commencing on May 1, 2004, and for all fiscal years thereafter, the allocation of all revenues from said fund shall be as follows:

(1) Thirty-eight percent shall be transferred to a quality of life capital construction fund balance within the general fund account group, including but not limited to the payment of settlement and litigation costs incurred by the village as a defendant in Case No. 98 CH 5500 in the Circuit Court of Cook County, Illinois, and also for all payments authorized by the village for disaster relief contributions; and

(2) Thirty-eight percent shall be transferred to the general fund balance; and

(3) Twenty-four percent shall be transferred to the village's general fund, to subsidize operations accounted under the village's other taxes revenue category.

(Ord. 1906, passed 4-28-2003; Am. Ord. 2055, passed 10-3-2005)

§ 37.153 REPEALER.

Notwithstanding any conflicting village ordinances, resolutions or regulations, the allocations as specified and authorized under § 37.151 shall be the only transfer of funds to be made from the Special Utility Tax Revenue Fund.

(Ord. 1906, passed 4-28-2003)

§ 37.999 PENALTY.

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of §§ 37.025 through 37.033, except

when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$300 for the first offense and not less than \$200 nor more than \$750 for the second and each subsequent offense in any 180-day period. However, all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (ILCS Ch. 735, Act 5, §§ 1-100 *et seq.*). Repeated offense in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration for a term not to exceed six months under the procedure set forth in ILCS Ch. 65, Act 5, § 1-2-1.1 and under the provisions of the Illinois Code of Criminal Procedure (ILCS Ch. 725, Act 5, §§ 100-1 *et seq.*). A separate and distinct offense shall be regarded as committed each day upon which each person shall continue any such violations.

(‘79 Code, § 95.99) (Ord. 1310, passed 12-1-86)

CHAPTER 38: MUNICIPAL CODE ENFORCEMENT

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GENERAL PROVISIONS

§ 38.01 POLICE OFFICER ISSUING A CITATION.

(A) Division (B) of this section shall be applicable whenever a police officer is authorized to arrest a person without a warrant because of a violation of an ordinance in respect of any of the following subjects:

- (1) Prohibiting the parking of a vehicle in a designated area;
- (2) Restricting the length of time a vehicle may be parked there or the hours in which parking is permitted in designated areas;
- (3) Prohibiting parking in municipal streets after a three-inch snowfall;
- (4) Requiring the purchase and display of a vehicle sticker;
- (5) Regulating and licensing dogs;
- (6) Regulating and licensing businesses;
- (7) Regulating the storage and disposal of garbage;
- (8) Regulating the burning of rubbish and garbage;
- (9) Regulating the use of bicycles.

(B) The police officer may, in lieu of the filing of a complaint in court, in the first instance issue to the alleged violator a citation:

(1) Advising the person that he/she has violated a specified ordinance;

(2) Requesting him/her to make payment in an amount applicable to the alleged violation as set forth in § 38.05 as settlement of the violation claim; and

(3) Informing him/her that on failure to so settle, his/her citation will be referred to an authorized collection agency for enforcement, or, on the request of the person receiving the citation, a complaint will be filed in the Circuit Court of Cook County, charging him/her with the violation and setting a date on which to appear in Court to answer to the prosecution of such violation. ('79 Code, § 35.01) (Ord. 639, passed 2-21-66; Am. Ord. 1414, passed 11-20-89)

§ 38.02 PAYING CITATION; FAILURE TO PAY AND FINAL NOTICE.

(A) Pursuant to the citation the person so accused of the violation may settle and compromise the violation claim in respect of the ordinance violation by paying to the municipality the applicable amount as shown in the schedule set forth in § 38.05(A) within a period to be specified in the citation, but in any event not more than seven days after the time the alleged offense was committed.

(B) In the event that the person to whom the citation is issued fails to settle and pay the violation claim within the prescribed time, then the police officer is authorized to issue a final notice to the person giving him/her seven additional days within which to pay to the municipality the applicable amount as shown in the schedule set forth in § 38.05(B). In the event that the person to whom the citation and final notice was issued still fails to settle and pay the violation claim by the end of the second seven-day period, then the Police Department shall have the option of filing a complaint, to prosecute said violation in the Circuit Court or, in the alternative, referring the citation to an authorized collection agency for purposes of enforcement. Should the citation be referred to an authorized collection agency and the violator subsequently request a court date, the village shall file a complaint and prosecute the violation in the Circuit Court. ('79 Code, § 35.02) (Ord. 639, passed 2-21-66; Am. Ord. 1414, passed 11-20-89)

§ 38.03 PAYMENT TO VILLAGE CLERK.

The payment provided for in § 38.02 shall be made in accordance with the instructions contained in the citation or final notice, as the case may be, at the office of the Village Clerk, who shall issue a receipt for the money so received and promptly remit the amount to the Treasurer, to be credited to the proper municipal fund.

('79 Code, § 35.03) (Ord. 639, passed 2-21-66)

§ 38.04 PRIMA FACIE PROOF OF OPERATOR IN CONTROL OF VEHICLE.

The fact that an automobile or motor vehicle illegally operated or parked is registered with the Secretary of State in the name of the alleged violator; or, in the alternative, in the event that a vehicle sticker issued by a municipality has been issued in the name of and to the alleged violator, shall be considered prima facie proof that the alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of the alleged violation.

('79 Code, § 35.04) (Ord. 639, passed 2-21-66)

§ 38.05 AMOUNTS OF VIOLATIONS; FINAL NOTICE AMOUNTS.

The fines and penalties which shall be imposed for the violation of the following offenses shall be as follows:

(A) For violation of existing municipal ordinances, the purchase of municipal vehicle stickers, regulating the purchase of a dog license, the improper storage and disposal of garbage, the burning of rubbish or garbage, the use of a bicycle on streets of the municipality, and the violation of any ordinance restricting water usage, the fine shall be:

(1) \$35 if paid within ten days of the issue date of the notice of violation.

(2) \$70 if paid on or after the eleventh day following the issue date of the notice of violation, but prior to the hearing date as is specified in the notice of violation and no request for hearing has been timely filed.

(3) \$100 if paid on or after the hearing date specified in the notice of violation but prior to the expiration of 14 days after the hearing date specified in the notice of violation, if no request for hearing has been timely filed or a request for hearing has been timely but the person filing the request for the hearing failed to appear.

(4) \$250 if paid on or after the fifteenth day following the hearing date specified in the notice of violation and no request therefore had been timely filed or a request had been timely filed and the person filing the request failed to appear at the hearing and no request for hearing, as specified in the second notice sent in accordance with the provisions of § 74.45 et seq., has been timely filed.

(B) For violation of any municipal ordinance regulating the purchase of business licenses, the fine shall be:

(1) \$150 if paid within ten days of the issue date of the violation notice.

(2) \$200 if paid on or after the eleventh day following the issue date of the notice of violation.

(3) \$250 if paid on or after the hearing date specified in the notice of violation but prior to the expiration of 14 days after the hearing date specified in the notice of violation, if no request for hearing has been timely filed or a request for hearing has been timely but the person filing the request for hearing failed to appear.

(4) \$300 if paid on or after the fifteenth day following the hearing date specified in the notice of violation and no request therefore had been timely filed or a request had been timely filed and the person filing the request failed to appear at the hearing.

(C) In the event that payment is not made within the time prescribed in the final notice, payment shall be made pursuant to the following: When a notice to appear has been served and a complaint filed either in the Circuit Court or for Administrative Review, payment may be made by the person so accused in the sum equal to the amount reflected in the final notice plus \$100 court costs for each violation before the court date is held. In the event that the violation is heard in the Circuit Court, the fine and costs shall be determined and established by the court in an amount not to exceed \$750.

('79 Code, § 35.05) (Ord. 639, passed 2-21-66; Am. Ord. 1009, passed 6-18-79; Am. Ord. 1275, passed 10-7-85; Am. Ord. 1414, passed 11-20-89; Am. Ord. 1810, passed 5-21-2001)

§ 38.06 VIOLATIONS MAY BE PAID IRRESPECTIVE OF OTHER PENALTIES.

Claims of violations contained in the citation as provided in § 38.05 may be settled, compromised, and paid in the amounts set forth in § 38.05, irrespective of the existence of minimum penalties with respect to such violations in ordinances of the municipality different from the amounts to be paid as provided in § 38.05.

('79 Code, § 35.06) (Ord. 639, passed 2-21-66)

§ 38.07 FINES FOR ZONING CODE VIOLATIONS.

The maximum fine for all violations concerning the zoning code shall be \$200 for each offense. ('79 Code, § 35.20) (Ord. 1312, passed 1-19-87)

CITY OFFICERS AUTHORIZED TO ISSUE CITATIONS**§ 38.20 CITATIONS ISSUED BY OTHER VILLAGE OFFICERS.**

In addition to the authorization given to police officers of the village, the Fire Inspector, the Building Code Administrator, the Director of Community Development, the Health Environmentalist, Superintendent of Public Works, the Building Inspector, the Electrical Inspector, the Plumbing Inspector, and also Community Service Officers of the Police Department are authorized to issue violation citations for any of the following subjects:

(A) Building and zoning.

- (1) Construction started without benefit of building permit.
- (2) Electrical work started without the benefit of electrical permit.
- (3) Failure to obtain building permit where required.
- (4) Failure to obtain electrical permit where required.

- (5) Failure to obtain contractor's license where required.
- (6) Failure to comply with provisions of building permit as issued.
- (7) Failure to comply with provisions of electrical permit as issued.
- (8) Failure to construct according to approved plan upon which permit was issued without benefit of approved plan revision.
- (9) Sign erected on village property.
- (10) "Open House" signs erected anywhere in the village except as allowed by the Board of Trustees.
- (11) "Garage Sale" signs erected anywhere in the village except as allowed by the Board of Trustees.
- (12) Advertising flags or pennants erected anywhere in the village except as allowed by the Board of Trustees.
- (13) Advertising signs erected without benefit of building permit or electrical permit or special use permit.
- (14) Obstruction of public walkway or roadway.
- (15) Failure to keep public walkways or roadways clear of construction materials or debris.
- (16) Failure to keep fire exits, aisles, or fire lanes clear and passable.
- (17) Failure to keep food serving establishments clean and sanitary.
- (18) Failure to keep public washrooms clean, sanitary, and operable.
- (19) Violation of occupancy limits as posted in places of public gathering.
- (20) Central air conditioning units erected in side yards.
- (21) Swimming pools with filtering equipment installed without a ground fault interrupter.
- (22) Installation of any flashing, blinking, or rotating sign.

- (23) Failure to properly dispose of garbage or debris.
- (24) Failure to provide acceptable garbage enclosures.
- (25) Dumping of garbage, rubbish, or debris anywhere in the village.
- (26) Business signs erected in violation of village sign regulations.
- (27) Parking of recreational vehicles where prohibited in required yards.
- (28) Failure to maintain grass or weeds at a height below six inches, on developed property.
- (29) Encroachment on required yards.
- (30) Any violation of §§ 150.015 and 150.016 entitled “Property Maintenance Code” of the code of ordinances of the village.

(31) Failure to obtain a valid license for any coin-operated amusement device as required by § 112.05 of the code of ordinances of the village.

(32) Failure to obtain a valid license for any coin-operated product vending machine as required by § 119.01 of the code of ordinances of the village.

(B) Fire Department.

(1) Existence of dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.

(2) Hazardous conditions existing from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.

(3) Dangerous accumulation of rubbish, waste paper, boxes, shavings, or other highly combustible materials.

(4) Accumulation of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts inadequate clearances to unprotected combustible material from hoods, grease extractors, and ducts.

(5) Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.

(6) Any building or other structure which, for want or repair, lack of adequate exit facilities, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause creates a hazardous condition.

(C) Department of Public Works.

(1) Tampering with a water meter or parts of same.

(2) Use of water from village hydrant without permission.

('79 Code, § 35.10) (Ord. 1009, passed 6-18-79; Am. Ord. 1147, passed 6-7-82; Am. Ord. 1184, passed 7-5-83; Am. Ord. 1336, passed 10-5-87)

§ 38.21 AMOUNTS OF VIOLATIONS.

(A) Pursuant to the notice of violation, the person so accused may settle and compromise the violation claimed in respect of the ordinance violation by paying to the municipality within ten days of the date of the notice of violation the sum of \$50 for each violation.

(B) The fine shall increase to \$75 if paid on or after the eleventh day but prior to the hearing date as is specified in the notice of violation and no request for hearing has been timely filed.

(C) The fine shall increase to \$100 if paid on or after the hearing date specified in the notice of violation and no request for hearing has been timely filed or a request for hearing has been timely filed but the respondent failed to appear.

('79 Code, § 35.11) (Ord. 1009, passed 6-18-79; Am. Ord. 1211, passed 6-7-84; Am. Ord. 1905, passed 4-21-2003)

§ 38.22 RESERVED.

§ 38.23 RESERVED.

§ 38.24 CONTINUED OFFENSE.

Each day the violation continues to exist shall constitute a separate offense.

('79 Code, § 35.14) (Ord. 1009, passed 6-18-79)

*ARRESTS AND FINES***§ 38.35 ARREST WITHOUT PROCESS.**

The members of the Police Department of the municipality are severally authorized to arrest, with or without process, or on view, any person who may break the peace or violate any of the ordinances of the municipality when they have reasonable grounds for believing that delay will permit the escape of the person committing such violation, and to take such person before a judge or magistrate of a circuit court of the State of Illinois, or, in case such arrest is made in the night or on Sunday, to detain such person in custody overnight or over Sunday in the Municipal Jail, or any other safe place, until such person can be brought before the judge or magistrate for trial. ('79 Code, § 11.10)

§ 38.36 DOCKET ENTRY; HEARING.

Whenever any person is arrested for breaking the peace or violating any ordinance of the municipality, he/she shall be taken before a judge or magistrate, as prescribed in § 38.35. The judge or magistrate shall note on his/her docket the cause of such arrest as stated by the officer making such arrest, and proceed to hear and determine the case; or may continue the case on either the application of the defendant or the corporation counsel for lawful cause, in which case, if the defendant gives bond payable to the municipality, conditioned for the appearance of the defendant before the judge or magistrate hearing the case on the day and at the place named therein, and abiding the order of the judge

or magistrate, he/she shall be discharged from the custody of the officer making the arrest; otherwise, he/she shall, in the discretion of the judge or magistrate, be committed to the Municipal Jail or other place provided for the imprisonment of offenders against the ordinances of the municipality, or remain in the custody of the officers making the arrest, until the time set for the trial of the case.

('79 Code, § 11.11)

§ 38.37 CONFINEMENT OF PERSONS VIOLATING MUNICIPAL ORDINANCES.

In all cases of an arrest for a violation of any of the ordinances of the municipality, in which detention in custody of the person so arrested shall be authorized by law, the keeper of the Municipal Jail or other place of confinement provided for violators of ordinances shall receive, and he/she is authorized and empowered to receive from any officer of the municipality legally empowered to make such arrests, any such person, and to safely keep him/her until such person can be safely brought before the judge or magistrate to be tried for such violation in the manner prescribed by ordinance.

('79 Code, § 11.12)

§ 38.38 FINES; ACTION; PAYMENT; REPORT; REMITTANCE OF FINE.

All fines, forfeitures, penalties, and costs imposed against any person by any of the ordinances of the municipality for the breach thereof may be recovered before a judge or magistrate by action of debt in the name of the municipality. Judgments may be rendered thereon and collected by execution or other process, as other judgments are rendered and collected, and such fines, forfeitures, and penalties, when collected, shall be paid over to the Municipal Collector for the use of the municipality within ten days from the time of the receipt thereof by such judge or magistrate. Every judge or magistrate shall make a report in writing to the Board at each regular meeting, showing a record of all fines, forfeitures, and penalties by him/her collected, and no such judge or magistrate shall remit any fine, forfeiture, or penalty imposed on any person wherein the municipality is a party plaintiff, or in any way interested, without the consent of the Board.

('79 Code, § 11.13)

§ 38.39 COMMITMENT.

Commitment of any person, as provided in this subchapter, shall be by process, under the hand of the court, which shall have made the order for such commitment.

('79 Code, § 11.14)

§ 38.40 MANNER OF CONDUCTING TRIALS.

The manner of conducting trials, granting continuances and changes of venue, summoning and impaneling juries, and taking appeals, shall, as near as possible, be the same as in civil cases before a judge of a Circuit Court.

('79 Code, § 11.15)

§ 38.41 WITNESSES.

All officers making arrests shall attend as witnesses before the court where the trial may be had, and shall procure all necessary evidence in their power, and furnish a list of witnesses to the court. No municipal officer shall be entitled to any witness fee to be taxed against the municipality on any action for a violation of any ordinance where the municipality is plaintiff.

('79 Code, § 11.16)

ADJUDICATION OF VIOLATIONS**§ 38.50 PURPOSE.**

The purpose of this subchapter is to adopt Division 31.1 of Article 11 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 11-31.1-1 *et seq.*) and to provide for a fair and efficient enforcement of municipal building, electrical, fire, plumbing, property maintenance, zoning and other municipal regulations as may be allowed by law, through an administrative adjudication of violation(s) of municipal ordinances regulating the building, electrical, fire, plumbing, zoning and property maintenance within the geographic boundaries of this municipality, a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties.

(Ord. 1614, passed 11-20-95)

§ 38.51 DEFINITIONS.

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

BUILDING OWNER. The legal or beneficial owner of a structure.

CODE. Any village ordinance, law, housing, fire, zoning or building code that establishes construction, plumbing, heating, electrical, fire prevention, sanitation, zoning or other health and safety standards that are applicable to structures in the village.

HEARING OFFICER. A village employee or an officer or agent of the village, other than an inspector or law enforcement officer, whose duty it is to:

- (1) Preside at an administrative hearing called to determine whether or not a code violation exists;
- (2) Hear testimony and accept evidence from the inspector, the building owner and all interested parties relevant to the existence of the code violation;
- (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing;
- (4) Issue and sign a written finding, decision and order stating whether a code violation exists;
- (5) Impose penalties, fines, costs and other sanctions consistent with the applicable provisions of the codified ordinances of the village upon finding the owner liable for the charged violations, and to dismiss the case in the event a violation is not proved.

INSPECTOR. A full or part-time village employee whose duties include the inspection or examination of property or structures in the village to determine if code violations exist.
(Ord. 1614, passed 11-20-95)

§ 38.52 CODE HEARING DEPARTMENT.

(A) There is hereby established a Code Hearing Department, the function of which is to expedite the presentation and correction of code violations in the manner set out in the sections of this subchapter. The Code Hearing Department shall consist of the hearing officer and such other village employees, officers or agents as may be assigned by the Fire Chief, to expedite the prosecution and correction of code violations as provided in this subchapter.

(B) The adoption of this subchapter does not preclude the village from using other lawful methods to enforce the provisions of its code.
(Ord. 1614, passed 11-20-95)

§ 38.53 CODE HEARING PROCEDURE.

(A) When an inspector finds a code violation while inspecting a structure, and is unsuccessful in obtaining voluntary abatement on or before an inspection or reinspection date specified by the inspector, he or she shall note the violation on a multiple copy violation report form, indicating the name and

address of the structure owner, the type and nature of the unabated violation, the date and time the violation was first observed, the names of any witnesses to the violation, and the address of the structure where the violation was observed.

(B) The violation report form shall be forwarded by the inspector to the Building Commissioner where a docket number shall be stamped on all copies of the report, and a hearing date noted in the space provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported by the inspector.

(C) One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be retained by the inspector so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first-class mail, along with a summons, on the owner of the structure or property, commanding the owner to appear at the hearing. If the name of the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or mailing a copy of the violation report form on the front door of the structure where the violation was found, not less than 20 days before the hearing date.

(Ord. 1614, passed 11-20-95)

§ 38.54 SUBPOENAS.

At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of the inspector or attorney for the village, or the owner or his/her attorney, issue subpoenas directing witnesses to appear and give testimony at the hearings.

(Ord. 1614, passed 11-20-95)

§ 38.55 DEFAULT.

If on the date of the hearing the owner or his/her attorney fails to appear, the hearing officer may find the owner in default and shall proceed with the hearing and accept evidence relevant to the existence of the code violation.

(Ord. 1614, passed 11-20-95)

§ 38.56 CONTINUANCE AND REPRESENTATION AT CODE HEARINGS.

No continuances shall be authorized by the hearing officer in the proceedings under this subchapter except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by the hearing officer

under this subchapter shall not exceed 25 days. The case for the village may be presented by the inspector, by any other village employee or by an attorney designated by the village. However, in no event shall a case for the village be presented by an employee of the Code Hearing Department. The case for the dwelling owner may be presented by the owner, his/her attorney, or any other agent or representative.

(Ord. 1614, passed 11-20-95)

§ 38.57 EVIDENCE HEARING.

At the hearing, a hearing officer shall preside and shall hear testimony and accept evidence relevant to the existence or non-existence of a code violation in the structure indicated. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this subchapter.

(Ord. 1614, passed 11-20-95)

§ 38.58 RETALIATORY ACTION AGAINST OCCUPANTS PROHIBITED.

No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

(Ord. 1614, passed 11-20-95)

§ 38.59 DEFENSES TO CODE VIOLATIONS.

It shall be a defense to a code violation charged under this subchapter if the owner, his/her attorney or other agent or representative proves to the hearing officer's satisfaction that:

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

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

(C) An occupant or resident of the dwelling has refused entry to the owner or his/her agent to all or part of the dwelling for the purpose of correcting the code violation.

(Ord. 1614, passed 11-20-95)

§ 38.60 FINDINGS, DECISION, ORDER OF HEARING OFFICER.

At the conclusion of the hearing, the hearing officer shall make a determination, on the basis of the evidence presented at the hearing, whether or not a code violation exists. The determination shall be in writing and shall be designated as the findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the findings of fact, and an order, ordering the owner to correct the violation or dismissing the case in the event a violation is not proved. If a code violation is proved, the order may also impose the sanctions that are provided in the code for the violation proved. A copy of the findings, decision and order shall be served on the owner within five days after they are issued; service shall be in the same manner as the violation report form and summons are served pursuant to § 38.53(C) of this chapter. Payment of any penalty or fine shall be made to the Village of Matteson. (Ord. 1614, passed 11-20-95)

§ 38.61 ADMINISTRATIVE REVIEW LAW TO APPLY.

The findings, decision and order of the hearing officer shall be subject to review in the Circuit Court of Cook County, and the provisions of the Administrative Review Law (ILCS Ch. 735, Act 5, §§ 3-101 *et seq.*), and all amendments and modifications thereto, and the rules adopted pursuant thereto, are adopted and shall apply to and govern every action for the judicial review of the final findings, decision and order of the hearing officer under this subchapter. (Ord. 1614, passed 11-20-95)

§ 38.62 DISPOSITION OF VIOLATIONS.

(A) Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing to the village, and as such, may be collected in accordance with applicable law.

(B) After the expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the village may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the findings, decision and order. Nothing in this section shall prevent the village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the village shall file a certified copy of the findings, decision and order which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this subchapter and applicable state law. Service of the summons and a copy of the petition may be by

any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions and costs imposed by the findings, decision and order does not exceed \$2,500.

(Ord. 1614, passed 11-20-95)

§ 38.63 FINDINGS AND SANCTIONS TO RUN WITH PROPERTY.

The order to correct a code violation and the sanctions imposed by the village as a result of a finding of a code violation under this subchapter shall attach to the property as well as to the owner of the property, so that a finding of a code violation against the owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of the property takes ownership subject to the findings, decision and order of a hearing officer under this subchapter.

(Ord. 1614, passed 11-20-95)

§ 38.64 FINES AND PENALTIES.

The fines and penalties which shall be imposed for a finding, decision and order of the hearing officer shall be not less than \$100 nor more than \$750 for each violation.

(Ord. 1614, passed 11-20-95)

CHAPTER 39: VILLAGE POLICIES

Section

General Provisions

39.01 Prevailing wage rates

Employee Residency Requirements

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39.20 Determination of non-residence

GENERAL PROVISIONS

§ 39.01 PREVAILING WAGE RATES.

(A) To the extent and as required by “An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the state, county, city or any public body or any political subdivision or by any one under contract for public works,” approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the village is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Cook County area as determined by the Department of Labor of the State of Illinois as of June of the current year, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department’s June determination and apply to any and all public works construction undertaken by the village. The definition of any terms appearing in this section which are also used in the aforesaid Act shall be the same as in said Act.

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

(C) The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of this village this determination of such prevailing rate of wage. 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) The Village Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association or employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates.

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

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

(Ord. 1498, passed 7-6-92; Am. Ord. 1703, passed 6-15-98; Am. Ord. 1732, passed 6-8-99; Am. Ord. 1770, passed 6-19-2000; Am. Ord. 1817, passed 6-18-2001; Am. Ord. 1851, passed 6-3-2002; Am. Ord. 1918, passed 6-16-2003; Am. Ord. 1984, passed 6-7-2004; Am. Ord. 2043, passed 6-20-2005; Am. Ord. 2077, passed 6-19-2006; Am. Ord. 3021, passed 6-18-2007; Am. Ord. 3063, passed 6-16-2008)

EMPLOYEE RESIDENCY REQUIREMENTS

§ 39.15 TITLE.

This subchapter shall be known as the “Matteson Employee Residency Ordinance.”
(Ord. 1553, passed 4-18-94)

§ 39.16 DEFINITIONS.

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

RESIDENCE. This term is synonymous with domicile, meaning the place where a person lives and actually resides as the person’s permanent abode or home and requires that person’s physical presence and intent to make that location his/her or her permanent home.

VILLAGE. The municipal boundaries of the Village of Matteson, Cook County, Illinois.

VILLAGE EMPLOYEES. All employees of the village who shall be hired after the effective date of this subchapter.

(Ord. 1553, passed 4-18-94)

§ 39.17 APPLICABILITY.

The provisions and requirements of this subchapter shall apply only to new employees who begin employment after the effective date of this subchapter, and for only the following full-time positions, namely, to wit: police officers, police sergeants, police lieutenants, police commanders, Deputy Police Chief, community service officers, and all other sworn positions, sworn supervisors or command staff positions which may be created or established in the future; firefighter, firefighter/paramedics, firefighter/inspectors, fire lieutenants, Deputy Fire Chief and all other sworn positions, sworn supervisors or command staff positions which may be created or established in the future; public works maintenance workers, public works foreman, public works mechanics and any other such maintenance or supervisory positions which may be created or established in the future.

(Ord. 1553, passed 4-18-94)

§ 39.18 RESIDENCY REQUIRED.

All persons who begin employment in positions described in § 39.17 after the effective date of this subchapter shall either be residents of the village at the time that they are hired, or they shall become residents of the village within 18 months of the beginning of their term of employment, and shall thereafter continuously reside within the village while so employed by the village. The 18-month period described in this section shall begin on the effective date of employment, notwithstanding that at the time of the commencement of the employee's hiring the employment shall be contingent upon any required probationary period.

(Ord. 1553, passed 4-18-94)

§ 39.19 FAILURE TO ESTABLISH OR MAINTAIN RESIDENCY.

In the event that any village employee required to maintain a village residence shall fail to comply with the provisions of this subchapter, then he or she shall be discharged from his or her employment by the village. Such dismissal shall be effective upon written notice to the employee by the Village Administrator.

(Ord. 1553, passed 4-18-94)

§ 39.20 DETERMINATION OF NON-RESIDENCE.

Prior to the dismissal of an employee for non-compliance with the residency provisions of this subchapter, the Village Administrator shall conduct an investigation of all relevant facts concerning the employee's failure to maintain residency in the village. Within seven days after the written notice of dismissal by the Village Administrator, the decision of the Village Administrator may be appealed in writing by the dismissed employee to the President and Board of Trustees, and they shall render a decision within 30 days after receipt of the appeal.

(Ord. 1553, passed 4-18-94)

CHAPTER 40: ETHICS

Section

40.01 Adoption of State Officials and Employees Ethics Act

§ 40.01 ADOPTION OF STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

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

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

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

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

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

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

(G) This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of ILCS Ch. 5, Act 430, § 70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance,

offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.

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

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

(Ord. 1977, passed 5-17-2004)