

TITLE 1
ADMINISTRATION

Subject	Chapter
Ashkum Village Code	1
Saving Clause	2
Definitions; Interpretations	3
General Penalty	4
Village President And Board Of Trustees	5
Village Officers And Personnel	6
Village Clerk	6A
Village Treasurer	6B
Ethics	7
Village Finances	8
Village Elections	9

1

2

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CHAPTER 1

ASHKUM VILLAGE CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the village board of trustees, this village code is hereby declared to be and shall hereafter constitute the official village code of Ashkum. This village code of ordinances shall be known and cited as the *ASHKUM VILLAGE CODE* and is hereby published by authority of the village board of trustees and shall be supplemented to incorporate the most recent legislation of the village as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this village code by title in any legal documents. (2007 Code)

1-1-2: **ACCEPTANCE:** The village code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the village of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2007 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending the village code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this village code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers,

and the said ordinance material shall be prepared for insertion in its proper place in each copy of this village code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the village code. (2007 Code)

1-1-4: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this village code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the village and shall be returned to the office of the village clerk when directed so to do by order of the village board of trustees. (2007 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES:

- A. Ordinances Repealed And Ordinances Saved From Repeal: All general ordinances of the village passed prior to the adoption of this village code are hereby repealed, except such as are included in this village code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the village; and all special ordinances.
- B. Limitations On Repeal: The repeal of the ordinances, as provided in subsection A of this section, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded. (2007 Code)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this village code or by virtue of section 1-2-1 of this chapter, excepting as the village code may contain provisions for such matters, in which case, this village code shall be considered as amending such ordinance or ordinances with respect to such provisions only. (2007 Code)

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

- A. **Prior Acts:** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. **Extend To All Repeals:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. **Current Pending Actions:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the village herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the village under any ordinance or provision thereof in force at the time of the adoption of this village code. (2007 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this village code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The village board of trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2007 Code)

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CHAPTER 3

DEFINITIONS; INTERPRETATIONS

SECTION:

- 1-3-1: Construction Of Words; Interpretations
- 1-3-2: General Definitions
- 1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS; INTERPRETATIONS:

- A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the president and village board of trustees may be fully carried out.
- B. Minimum Requirements: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
- C. Computation Of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.
- D. Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.
- E. Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

- F. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- G. May; Shall: The word "may" is permissive; the word "shall" is mandatory.
- H. Nontechnical And Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- I. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- J. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the village of Ashkum".
- K. Tense: Words used in the past or present tense include the future as well as the past and present.
- L. Ordinance: The word "ordinance" contained in the ordinances of the village has been changed in the content of this village code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to village ordinances is not meant to amend passage and effective dates of such original ordinances. (2007 Code)

1-3-2: **GENERAL DEFINITIONS:** Whenever the following words or terms are used in this code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

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

BOARD OF TRUSTEES: Unless otherwise indicated, the village board of trustees of the village of Ashkum.

CODE:	The village code of the village of Ashkum.
COUNTY:	The county of Iroquois, state of Illinois.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MUNICIPAL AND FISCAL YEAR:	The "municipal and fiscal year" of the village shall commence upon April 28 of each and every year.
NUISANCE:	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the village, or any activity which, by its perpetuation, can reasonably be said to have a detrimental effect on the property of a person or persons within the village.
OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in

action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER:

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

RIGHT OF WAY:

The privilege of the immediate use of the roadway or other property.

STATE:

The state of Illinois.

STREET:

Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

TENANT:

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

VILLAGE:

The village of Ashkum, county of Iroquois, state of Illinois.

**WHOLESALE AND
WHOLESALE DEALER:**

Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

**WRITTEN, IN
WRITING:**

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law on any official or public writing or bond, it shall be in the proper handwriting of such person or, in case such person is unable to write, by such person's proper mark. (Ord. 32, 4-15-1913; amd. 2007 Code)

1-3-3: **CATCHLINES:** The catchlines of the several sections of the village code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2007 Code)

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CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY¹:**

- A. General Penalty Imposed: Unless specifically provided elsewhere in this code or state statute, any person found to have been in violation of any of the terms and provisions of this code shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence.
- B. Acts Consistent With Criminal Laws Of State: If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the state, is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than the penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the state, and the village shall be required to establish guilt beyond a reasonable doubt.

1. 65 ILCS 5/1-2-1 and 5/1-2-1.1.

- C. **Limitation; Compliance With Statute:** The provisions of subsection A of this section notwithstanding, no penalty shall be greater than that established by state statute for the same offense. (2007 Code)

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

- A. **Application Of Penalty:** The penalty provided in this chapter shall be applicable to every section of this village code the same as though it were a part of each and every separate section.
- B. **Acts Punishable Under Different Sections:** In all cases where the same offense is made punishable or is created by different clauses or sections of this village code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. **Breach Of Provisions:** Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this village code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2007 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this village code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the village board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2007 Code)

CHAPTER 5

VILLAGE PRESIDENT AND BOARD OF TRUSTEES

SECTION:

- 1-5-1: Village Board Of Trustees
- 1-5-2: Village President
- 1-5-3: Meetings
- 1-5-4: Standing Committees
- 1-5-5: Unauthorized Expenditures, Incurring Liability Prohibited

1-5-1: VILLAGE BOARD OF TRUSTEES:

- A. Election; Term Of Office; Powers And Duties: The board of trustees, consisting of six (6) members, shall be elected to office for four (4) year terms, according to the method provided by statute. The board shall be the legislative department of the village government and shall perform such duties and have such powers as may be delegated to it by statute.
- B. Oath: The members of the board of trustees shall take the oath of office prescribed by statute. (2007 Code)
- C. Salary:
 - 1. Commencing with the start of the first full term of office following the April 2005 village elections, each of the trustees shall have a salary of the sum of forty dollars (\$40.00) per board meeting and twenty five dollars (\$25.00) per committee meeting attended.
 - 2. The village treasurer is hereby authorized to pay to each trustee the compensation due him for the current year at the final meeting held in April of the fiscal year. (Ord. 2004-05, 10-19-2004)
- D. Presiding Officer: The village president shall be the presiding officer of the board of trustees at all regular and special meetings and when the board of trustees meets as a committee of the whole. In the

absence of the village president or president pro tem, the board of trustees may elect a trustee to act as temporary chair. He shall have only the powers of a presiding officer and a right to vote in his capacity as trustee on any ordinance, resolution, or motion. (2007 Code)

1-5-2: VILLAGE PRESIDENT:

- A. Election: The village president shall be elected for a four (4) year term and shall serve until his successor is elected and qualified, as is provided by statute.
- B. Oath And Bond: Before entering upon the duties of his office, the village president shall subscribe to the required oath and shall execute a bond in such amount and with such sureties as may be required by the board of trustees, conditioned upon the faithful performance of the duties of his office. (2007 Code)
- C. Salary:
 - 1. Commencing with the start of the first full term of office following the April 2005 village elections, the president of the village board of trustees shall receive an annual salary of six thousand dollars (\$6,000.00).
 - 2. The village treasurer is hereby authorized to pay to the village president the compensation due him for the current year at the final meeting held in April of the fiscal year. (Ord. 2004-05, 10-19-2004)
- D. Powers And Duties:
 - 1. Generally: The village president shall be the chief executive officer of the village and shall perform such duties as may be required of him by statute or ordinance. He shall have supervision over all of the executive officers and employees of the village, except as by ordinance or law shall be otherwise provided, and shall have the power and authority to inspect all books and records pertaining to village affairs and kept by any officer or employee of the village at any reasonable time.
 - 2. Appointment Of Officers; Vacancies: The village president shall appoint, by and with the advice and consent of the board of trustees, all officers of the village whose election or appointment is not

otherwise provided for. Any vacancy occurring in an appointive office shall be filled in the same manner.

3. Designation Of Officers' Duties: Whenever there is a dispute as to the respective duties or powers of any appointed officer of the village, this dispute shall be settled by the village president, after consultation with the village attorney, and the president shall have the power to delegate to any appointed officer any duty which is to be performed, when no specific officer has been directed to perform that duty.

4. Supervise Conduct Of Officers: The village president shall supervise the conduct of all officers of the village and see that they faithfully and efficiently discharge the duties of their respective offices. He shall inquire into all reasonable complaints made against them and cause all their neglects or violations of duty to be promptly corrected, and he shall, in case he becomes satisfied that any officer wilfully neglects or violates his duty, cause such officer to be prosecuted and punished.

5. Removal Of Officers: Except where otherwise provided by statute, the village president may remove any officer appointed by him, on any formal charge, whenever he is of the opinion that the interests of the village demand removal, but he shall report the reasons of the removal to the board of trustees at a meeting to be held not less than five (5) nor more than ten (10) 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 ($\frac{2}{3}$) 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 was removed. The vote shall be by yeas and nays, which vote 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.

6. Signatures Required: The village president shall sign all commissions, licenses, permits and warrants granted, issued or drawn by order of the board of trustees, or authorized by the ordinances of the village. In all contracts where the village is a party, unless otherwise provided, the village president shall sign the same on behalf of the village, and it shall be his special duty to see that the other contracting party faithfully complies with the contract.

7. Assist Village Attorney: In all suits wherein the village is a party, it shall be the duty of the village president to advise with and assist the village attorney in prosecuting or defending the same, as the case may be.

8. Formal Occasions: The village president shall act for and on behalf of the village on formal occasions and receptions, but in his absence or inability to attend any such function, the board of trustees may select any other village officer to so act.

- E. President Pro Tem: During a temporary absence or disability of the village president, the board of trustees shall elect one of its members to act as president pro tem who, during such absence or disability, shall possess the powers of village president, as is provided by statute, but shall not be entitled to vote both as president pro tem and as trustee. (2007 Code)

1-5-3: **MEETINGS:**

- A. Regular Meetings: Two (2) regular meetings of the board of trustees shall be held each month during the year. The first meeting shall be held on the first Monday of each month, except when that date falls on any of the following major holidays: New Year's Day, Memorial Day, Independence Day (the 4th of July), Labor Day, and Christmas Day. When this occurs, the first meeting shall be held on the subsequent Monday. The second meeting of each month shall be held fifteen (15) days after the first meeting. Such meetings shall be held at seven o'clock (7:00) P.M. in the village hall. No notice of regular meetings shall be required.
- B. Special Meetings: Special meetings may be called by the president or any three (3) members of the board whenever in his or their discretion it may be deemed necessary. Special meetings of the board may be called by the president or three (3) trustees; provided, that a written notice of such meeting and the purpose thereof shall be given to each member of the board at least forty eight (48) hours before the time set for the meeting. In the event that all the elected members of the board are present at any special meeting, then the requirement of notice shall be unnecessary and shall be deemed waived. No business other than that mentioned in the notice shall be transacted at such special meeting, unless all the elected members of the board shall be present, in which event, the board may adopt and pass legislation and resolutions or transact business not within

the purpose for which said meeting was called, only by the unanimous vote of the board.

- C. Annual Schedule Of Regular Meetings: Notwithstanding the foregoing, an annual schedule of the regular meetings of the village board shall be prepared at the beginning of each fiscal year. Notice thereof, together with notice of any change in such schedule, or of any special meetings, shall be given as required by sections 2.02 and 2.03 of the "open meetings act"¹, or as hereafter amended. (Ord. 1987-8, 2-17-1987; amd. 2007 Code)
- D. Order Of Business: The order of business at all regular and special meetings of the board of trustees shall follow "Robert's Rules Of Order". (Ord. 1987-8, 2-17-1987)

1-5-4: **STANDING COMMITTEES:**

- A. Committees Established: It shall be the duty of the president of the board of trustees, at the beginning of each year for which members of the board of trustees are elected, to appoint the following named standing committees: (Ord. 1987-8, 2-17-1987)

- Committee on streets and alleys
- Committee on public grounds and buildings
- Committee on fire and water
- Committee on finance
- Committee for board of sanitation and health
- Committee on ordinances
- Committee on drainage
- Committee on law enforcement
- Committee on insurance
- Committee on liquor control

(Ord. 1987-8, 2-17-1987; amd. 2007 Code)

- B. Chair: The first named member of each committee shall be the chair thereof, and each committee shall consist of not less than three (3) trustees.
- C. Duties: It shall be the duty of the standing committees to keep a close watch over the affairs of their respective departments and to

1. 5 ILCS 120/2.02, 120/2.03.

promptly investigate and report in writing upon all matters referred to them by the board of trustees and perform such other duties as may be from time to time assigned to them. The principal duties of such committees are:

1. Committee On Streets And Alleys: The committee on streets and alleys shall have charge of and direct all improvements on public thoroughfares, the opening, laying out, widening, extending, and vacating the same, and all additions to the village.
2. Committee On Public Grounds And Buildings: The committee on public grounds and buildings shall have charge of all buildings and grounds, including the parks, belonging to or occupied by the village, and the preservation, repair, and improvement of the same, and shall also have charge of all public cemeteries.
3. Committee On Fire And Water: The committee on fire and water shall have general supervision over the water supply of the village and all improvements and machinery belonging thereto and all matters pertaining to the waterworks.
4. Committee On Finance: The committee on finance shall have charge of all matters pertaining to the financial condition of the village and shall audit and examine the treasurer's report. Said committee shall receive estimates from the other committees for annual appropriations and prepare and present the annual appropriation bill. The committee shall report to the village board at each regular meeting thereof the amount of expenditures made in each department from appropriations and the balance extended.
5. Committee For The Board Of Sanitation And Health: The committee for the board of sanitation and health shall act on any matter that pertains to health threatening conditions that exist in the village. This would include, but not be limited to, epidemics, disasters, and conditions that threaten any residents of the village. The committee is bound by all local, state, and federal health codes.
6. Ordinance Committee: The ordinance committee shall address all matters pertaining to ordinance review, revisions, and amendments as requested by the board of trustees. It shall be the duty of the committee to make recommendations for changes or new ordinances to the board of trustees.
7. Drainage Committee: The drainage committee shall have charge of all matters pertaining to the drainage system of the village. The

drainage system carries excess surface water from rainfall and water from the village residences.

8. Law Enforcement Committee: The law enforcement committee has the authority to secure qualified personnel to patrol and enforce the laws of the village. The committee will review written log reports submitted by the officer on duty. The committee shall make recommendations to the board of trustees for maintaining law and order in the village.

9. Committee On Insurance: The committee on insurance shall provide the village with adequate liability and property damage insurance through periodic review of village policies. Claims against the village will be reviewed by the committee, and a recommendation of action will be given to the village board for their decision.

10. Committee On Liquor Control: The committee on liquor control has jurisdiction and full licensing authority within the village corporate limits. The committee has the authority to determine by ordinance the number, kind, and classification of licenses. The committee has the authority to examine the books and reports of a license applicant or licensee when a notice of license suspension or revocation has been served upon a licensee. The president of the board of trustees is the liquor commissioner¹ and may appoint assistants or deputies to assist him in his duties as commissioner. (Ord. 1987-8, 2-17-1987)

1-5-5: **UNAUTHORIZED EXPENDITURES, INCURRING LIABILITY PROHIBITED:** No committee of the board of trustees, nor any member of the said board, or other officer of the village, shall expend or contract for the expenditure of any money belonging to the village or incur any liability on the part of the village for the improvement of any street, sidewalk, alley, building or other property belonging to or under control of the village, unless authorized to do so by ordinance or resolution of the board of trustees. (Ord. 1987-8, 2-17-1987)

1. See also section 3-2-3 of this code.

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CHAPTER 6

VILLAGE OFFICERS AND PERSONNEL

SECTION:

- 1-6-1: Residency Required
1-6-2: Illinois Municipal League Risk Management Association

1-6-1: **RESIDENCY REQUIRED:** No person shall be eligible to hold full time employment with the village unless that person is a qualified resident of the village living within the corporate limits. A person may be employed by the village to hold a full time position if that person will at the time of his or her employment indicate, in writing, his intent to become a resident and does in fact become a resident within forty five (45) days after becoming an employee of the village. Failure to so become a resident, or failure to maintain residency within the corporate limits, shall be reasonable grounds for dismissal from employment. The provisions of this section do not apply to the chief of police or other police officers of the village. (Ord. 1994-1995-4, 3-6-1995; amd. 2007 Code)

1-6-2: **ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION:**

- A. Membership Authorized: The village board of trustees hereby authorizes and approves membership in the Illinois municipal league risk management association. (Ord. 2004-02, 3-16-2004; amd. 2007 Code)
- B. Cost Of Membership: Each member hereby agrees to contribute to the association a sum of money to be determined by the association at the time of its annual renewal based on the needs of the association and the loss experience of the member, which sum shall constitute the cost of the member's contribution for membership in the association. (Ord. 2004-02, 3-16-2004)

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CHAPTER 6

VILLAGE OFFICERS AND PERSONNEL

ARTICLE A. VILLAGE CLERK

SECTION:

- 1-6A-1: Election; Term Of Office
- 1-6A-2: Oath And Bond
- 1-6A-3: Salary
- 1-6A-4: Duties

1-6A-1: **ELECTION; TERM OF OFFICE:** The village clerk shall be elected and serve for a four (4) year term and until his successor is appointed and qualified as provided by statute. (2007 Code)

1-6A-2: **OATH AND BOND:** The village clerk shall take the oath of office prescribed by statute. Before entering upon the duties of his office, the village clerk's name shall be listed with the company issuing the blanket bond for all village officials and employees required to give a bond. (2007 Code)

1-6A-3: **SALARY:**

- A. Commencing with the start of the first full term of office following the April 2005 village elections, the village clerk shall receive an annual salary of five thousand dollars (\$5,000.00).
- B. The village treasurer is hereby authorized to pay to the village clerk the compensation due him for the current year at the final meeting held in April of the fiscal year. (Ord. 2004-05, 10-19-2004)

1-6A-4: **DUTIES:** The village clerk shall:

- A. **Signature:** Seal and attest all contracts of the village, and all licenses, permits and other such documents as shall require this formality.
- B. **Monies Collected:** Turn over all monies received by him on behalf of the village to the village treasurer, promptly on receipt of the same, and with such monies, he shall give a statement as to the source thereof.
- C. **Accounts:** Keep accounts, showing all monies received by him and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.
- D. **Documents And Records:**
 - 1. **Records:** In addition to the record of ordinances and other records which the clerk is required by statute to keep, keep a register of all licenses and permits issued and the payments thereon, a record showing all of the officers and regular employees of the village, and such other records as may be required by the board.
 - 2. **Documents:** Be the custodian of all documents belonging to the village which are not assigned to the custody of some other official of the village by the president or the village board.
 - 3. **Indexes:** Keep and maintain a proper index to all documents and records kept by him so that ready access thereto and use thereof may be at hand.
- E. **Village Seal:** Be the custodian of the village seal and affix its impression on documents whenever this is required.
- F. **Additional Duties:** In addition to the duties herein provided, perform such other duties and functions as may be required by statute or ordinance or upon approval by the village board. (2007 Code)

CHAPTER 6

VILLAGE OFFICERS AND PERSONNEL

ARTICLE B. VILLAGE TREASURER

SECTION:

- 1-6B-1: Office Established; Appointment; Term
- 1-6B-2: Oath And Bond
- 1-6B-3: Powers And Duties
- 1-6B-4: Warrants And Checks
- 1-6B-5: Compensation

1-6B-1: **OFFICE ESTABLISHED; APPOINTMENT; TERM:** There is established the office of village treasurer, an administrative office of the village. The village treasurer shall be appointed by the president with the advice and consent of the board of trustees and shall hold office for and during the municipal year in which he is appointed and qualified, unless sooner removed, as provided by law. (2007 Code)

1-6B-2: **OATH AND BOND:** The person so appointed treasurer shall, before he enters upon the duties of his office, take and subscribe to the oath or affirmation required by law, which shall be filed in the office of the village clerk. He shall also give a surety bond, before entering upon the duties of his office, in the sum required by the board of trustees, but such amount shall not be less than that required by state statute. This bond shall be conditioned upon the faithful performance of his duties as the treasurer and shall be conditioned to indemnify the village for any loss by reason of any neglect of duty or any improper act of the treasurer. (2007 Code)

1-6B-3: **POWERS AND DUTIES:**

- A. Generally: The village treasurer shall perform such lawful powers and duties as may be prescribed for him by statute or ordinance or otherwise by the village board of trustees, as well as provided in this

article. He shall pay out money only on vouchers, bills or orders properly approved by the village board or approved by another village official within the authority of such official.

- B. **Custody Of Funds:** The village treasurer shall deposit the village funds in such depositories as may be selected by the village board of trustees from time to time as provided by law¹, and he shall keep the deposit of the village funds separate and distinct from his own funds, and shall not make private or personal use of any village funds.
- C. **Monthly Reports:** The village treasurer shall render an account under oath to the board of trustees on a monthly basis. (2007 Code)

1-6B-4: WARRANTS AND CHECKS:

A. Warrants:

1. **Definition:** "Warrants" are authorizations to the village treasurer to disburse village funds.

2. **Signatures Required; Contents:** No funds shall be disbursed unless the treasurer first receives a warrant signed by the village president and countersigned by the village clerk, except petty cash as authorized by the board of trustees. Each warrant shall state the particular fund or appropriation to which the same is chargeable and the person to whom payable.

B. Checks:

1. The treasurer is authorized to issue checks up to one thousand dollars (\$1,000.00) with the treasurer's signature only.

2. Checks covering expenditures over one thousand dollars (\$1,000.00) will require the signatures of the village president and village clerk or deputy clerk in addition to the treasurer. (2007 Code)

1-6B-5: COMPENSATION: The village treasurer shall receive such compensation as may be fixed by the president and board of trustees. (2007 Code)

1. See section 1-8-1 of this title.

CHAPTER 7

ETHICS

SECTION:

- 1-7-1: State Regulations Adopted
- 1-7-2: Definitions
- 1-7-3: Interpretation
- 1-7-4: Gifts
- 1-7-5: Political Activities
- 1-7-6: Penalties
- 1-7-7: Amendments
- 1-7-8: Unconstitutionality Of Provisions

1-7-1: **STATE REGULATIONS ADOPTED:** The regulations of 5 Illinois Compiled Statutes 430/5-15 and 5 Illinois Compiled Statutes 430/10-10 through 430/10-40 of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq., (hereinafter referred to as the "act" in this chapter) are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 Illinois Compiled Statutes 430/70-5. (Ord. 2004-03, 4-20-2004)

1-7-2: **DEFINITIONS:** For purposes of this chapter, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c). (Ord. 2004-03, 4-20-2004)

1-7-3: **INTERPRETATION:** This chapter 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 chapter, however, the provisions of this chapter shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a). (Ord. 2004-03, 4-20-2004)

1-7-4: GIFTS:

- A. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act by any officer or any employee of the village, is hereby prohibited.
- B. 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. (Ord. 2004-03, 4-20-2004)

1-7-5: POLITICAL ACTIVITIES: The participation in political activities prohibited under the act by any officer or employee of the village, is hereby prohibited. (Ord. 2004-03, 4-20-2004)

1-7-6: PENALTIES: The penalties for violations of this chapter shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act. (Ord. 2004-03, 4-20-2004)

1-7-7: AMENDMENTS: Any amendment to the act that becomes effective after the effective date hereof shall be incorporated into this chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this chapter by reference without formal action by the village board of trustees. (Ord. 2004-03, 4-20-2004)

1-7-8: UNCONSTITUTIONALITY OF PROVISIONS:

- A. If the Illinois supreme court declares the act unconstitutional in its entirety, then this chapter shall be repealed as of the date that the Illinois supreme court decision becomes final and not subject to any further appeals or rehearings. This chapter shall be deemed repealed without further action by the board of trustees if the act is found unconstitutional by the Illinois supreme court.
- B. If the Illinois supreme court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the remainder of the act,

as adopted by this chapter, shall remain in full force and effect; however, that part of this chapter relating to the part of the act found unconstitutional shall be deemed repealed without further action by the board of trustees. (Ord. 2004-03, 4-20-2004)

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CHAPTER 8
VILLAGE FINANCES

SECTION:

- 1-8-1: Village Depositories
1-8-2: Investment Policy

1-8-1: VILLAGE DEPOSITORIES:

- A. Depositories Designated: The following are designated as official depositories for village funds:

Central Bank, Ashkum, Illinois

Kankakee Federal Savings and Loan Association, Iroquois County, Illinois

- B. Responsibilities Of Village Depositories: The village treasurer and/or the village president are hereby authorized to maintain such accounts in the designated depositories as may be required for village business, and may endorse or cause to be endorsed checks for deposit in the name of the village, and may sign checks, drafts or orders for the payment of monies from any of said accounts, and the depositories designated in subsection A of this section are directed to honor, pay and charge to the accounts of the village all checks and orders for the payment of monies so drawn when so signed, without inquiry as to the circumstances of their issue or the disposition of their proceeds.
- C. Signatures: The village clerk is hereby authorized to certify to the depositories designated in subsection A of this section a copy of this section and the names and signatures of the village officers authorized to sign checks as provided in this section, and the said depositories are hereby authorized to rely upon such certificate until formally advised of any changes therein. (2 resolutions, 2-18-1992)

1-8-2: **INVESTMENT POLICY:** An investment policy, in the form and manner attached to resolution dated December 22, 1999, is hereby adopted by the village, effective as of December 22, 1999. (Res., 12-22-1999)

CHAPTER 9
VILLAGE ELECTIONS

SECTION:

1-9-1: State Regulations Apply

1-9-1: **STATE REGULATIONS APPLY:** The general election law of the state applies to the scheduling, manner of conducting, voting at, and contesting of village elections¹. (2007 Code)

1. 10 ILCS 5/1-1 et seq.

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