

**TITLE XVII: VILLAGE REGULATIONS**

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## CHAPTER 170: ADMINISTRATIVE REGULATIONS

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### **§ 170.01 BONDS OF VILLAGE OFFICERS.**

Each officer, except Trustees, shall, before entering upon the duties of office, execute a bond with security to be approved by the Board of Trustees, conditioned for the faithful performance of the duties of the office and the payment of all money received by the officer, according to law and the provisions of this Code. No officer of the Village shall be received on the official bond of any other Village officer, and all officers shall be commissioned pursuant to Statute. The Village shall pay all costs for bonding.

***Cross-reference:***

*Oath; bond, see § 31.02*

### **§ 170.02 OTHER VILLAGE OFFICIALS.**

The President, with the advice and consent of the Board of Trustees, shall appoint the following advisors. These advisors may be removed by the powers appointing them.

(A) *Village Engineer*

(B) *Village Attorney.*

***Cross-reference:***

*Appointment of other village officials, see § 31.50*

*Village Attorney, see § 170.07*

### **§ 170.03 DUTIES AND OBLIGATIONS OF OFFICERS.**

(A) *Pay money to Treasurer.* All officers collecting or receiving any money belonging to the Village shall immediately pay the money to the Village Treasurer and take a receipt for it. These officers shall report quarterly to the Trustees an accurate statement of all money received by them for the preceding quarter, specifying the amount, its source and the account upon which it was received. No officer shall retain any money collected or received by him or her toward the payment of any salary or fees which the Village may owe him or her, but shall pay all of the money into the Village Treasury. Any officer violating any of the provisions of this Section shall be subject to a penalty as provided in this Code.

(B) *Liability of officers.* All officers shall be liable to the Village for all loss or damage that may arise from their negligence or willful misconduct in the discharge of any official duty, and the Board of Trustees may, in their discretion, by order, withhold the salary of any officer to secure the Village from loss. If any officer shall fail, neglect or refuse to perform or discharge any duty required of him or her, the President and Board of Trustees may employ or appoint any competent person to perform the duty. If this occurs, the costs and expenses of this action shall be charged to the officer and deducted from his or her salary or, if the salary is insufficient to pay the costs and expenses of this action, the Village may recover these costs and expenses by suit in the Village's name before any court of competent jurisdiction.

(C) *Failure to perform duties.* If any Village officer shall fail, refuse or neglect to perform any duty imposed upon him or her by any provision of this Code or law of this State, that officer shall be subject to a fine and the offense shall operate as a removal from office.

#### **§ 170.04 BOARD MEETINGS.**

(A) *Regular meetings.* The regular meetings of the President and Board of Trustees of the Village shall be held in the Village Hall, or at any other place in the Village as the President and Board of Trustees shall provide, on the first and third Tuesday of each calendar month, unless the day of the regularly scheduled meeting is a public holiday, in which case the Board shall meet on a date set by the Board. All regular meetings shall convene at 7:30 p.m., unless otherwise ordered by the Board.

(B) *Roll call; order of business.* At the hour appointed for the meeting, the Clerk (or someone appointed to take his or her place) marking the absentees, and announce whether a quorum is present. Upon the appearance of a quorum, the Board shall be called to order, the President taking the chair and the Board appointing an acting President if the President should be absent. The following shall be the order of business:

(1) The reading of the minutes of the last regular or adjourned meeting, amendment and approval of the minutes.

(2) The presentation of petitions.

(3) Reports of Village officers.

(4) Reports of standing committees.

- (5) Reports of special committees.
- (6) Communications to the Board, which may also be considered at any time.
- (7) Unfinished business of preceding meetings.
- (8) Motions, resolutions and notices.
- (9) New business not otherwise provided for.
- (10) Applications for licenses, etc.

(C) *Rules governing meetings.*

(1) All questions relating to the priority of business shall be decided without debate. The President shall preserve order and decorum, decide all questions of order, subject to an appeal to the Board, and endeavor to conduct all business before the Board with fairness and impartiality, to a speedy and proper result. While the President is putting the question or deciding a point of order, the members shall be seated. No member shall leave the Council Chamber without permission from the Board.

(2) Prior to speaking, a member shall rise from his or her seat and say, "Mr. President," but shall not proceed with his remarks until recognized and named by the chair. When two or more members rise at once, the President shall name the member who is first to speak. No member shall speak more than twice to the same general question, nor more than once to a "previous" question, without leave from the Board, nor more than once in any case, until every member wishing to speak shall have spoken. While a member is speaking, no member shall entertain any private discourse or pass between him and the chair.

(3) A member called to order shall immediately sit down, unless permitted to explain. If there is no appeal, the decision of the chair shall be conclusive, but if the member appeals to the Board from the decision of the chair, the Board shall decide on the cause without debate and the question shall be asked, "Shall the decision of the chair be sustained?"

(4) Every member who shall be present when a question is stated by the chair shall vote on the question unless excused by the Board or unless he or she is directly interested in the question, in which case he or she shall not vote.

(5) No motion shall be debated unless seconded. When a motion is seconded, it shall be stated by the chair before debate. Every seconded motion shall be reduced to writing if required by a member. After a motion or resolution is stated by the chair, it shall be deemed to be in possession of the Board, but may by consent of the party seconding the motion be withdrawn at any time before decision or amendment.

(6) If the question in debate contains several distinct propositions, any member may have the question divided. When a question is before the Board of Trustees, no motions shall be made in order but the following:

- (a) motion to adjourn;
- (b) motion to lay on the table;
- (c) previous question;
- (d) motion to postpone indefinitely;
- (e) motion to postpone to a certain time;
- (f) motion to amend.

These motions shall be privileged and have precedence in the order in which they succeed each other. A motion to adjourn, to lay on the table and for the previous question shall be decided without debate. A motion to adjourn shall always be in order, except when a Trustee has the floor, when there is a vote being taken or when the preceding motion was one for adjournment. A motion for the previous question or to lay the question on the table shall, until it is decided, preclude all amendments and debate of the main question. A motion to postpone a question indefinitely or to adjourn it to a certain day shall, until it is decided, preclude all amendments to the main question. The "previous question" shall be as follows: "Shall the main question now be put?" A motion to adjourn the Board shall always be in order and shall be decided without debate, unless the motion shall be to adjourn to a certain day.

(7) In all cases where a resolution or motion shall be entered on the minutes of the Board, the name of the member making the resolution or motion shall also be entered on the journal. If any member requests it, the "ayes" and "nays" upon any question shall be taken and entered on the journal, but the "ayes" and "nays" shall not be taken unless called for previous to any vote on the question, unless otherwise provided by ordinance.

(8) When a member wishes to present a communication, petition or report, the member shall rise and address the chairman in the usual form and, after briefly stating the subject of the communication or report, shall ask leave to present the communication, petition or report. No person except a member of the Board shall be permitted to address the Board unless by consent of 2/3 of the members of the Board of Trustees present.

(9) When any motion, resolution or matter has been passed upon by the Board, it may be reconsidered at the same or any subsequent regular meeting upon the motion of a member who voted with the majority, but a motion to reconsider shall not be entertained unless as large a number of Trustees is present as was present when the question was passed upon.

(10) All ordinances, petitions and communications to the Board of Trustees shall, unless otherwise ordered by 2/3 vote of all of the Trustees elected, be referred to appropriate committees. In no event can any of these be acted upon by the Board at any but a subsequent meeting held not sooner than one week after the report of the committee in charge.

(11) Upon passage of all orders, ordinances or resolutions appropriating money, the "ayes" and "nays" shall be entered on the record of the Board of Trustees. A majority of the votes of all of the members of the Board shall be necessary for passage.

(12) All bills or claims against the Village shall be properly itemized, stating the nature and purpose of the claim, and shall be filed with the Village Clerk at least one day before the regular monthly meeting of the Board. This paragraph shall not apply to money allowed by ordinance against which claim can be filed before any meeting of the Board.

(13) All resolutions and amendments shall be reduced to writing and shall be read by the Clerk.

(14) The President or any Trustee persisting in a violation of any of the rules shall be subject to a fine as provided in this Code, which sum shall be charged to the President or Trustee and deducted from his or her compensation, unless excused by a vote of the Board and the fine remitted.

(15) All charges against the President or a Trustee for improper conduct shall be made by a member of the Board and shall be reduced to writing, setting forth specifically the nature of the charge. No remarks or debate shall be permitted upon the charge until the question comes up for investigation and decision.

(16) The acting President, when selected from the Board, shall not be deprived of his or her right to vote or debate, but shall place some member in the chair if he or she desires to speak to a question.

(17) Speeches on all questions shall be limited to five minutes.

***Cross-reference:***

*Meetings, see § 32.22*

**§ 170.05 PENALTY, CENSURE OR EXPULSION OF BOARD MEMBERS.**

Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member of the Board, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the members present or shall be expelled by a 2/3 vote of all members then holding office.

***Cross-reference:***

*Quorum, see § 32.23*

## § 170.06 STANDING COMMITTEES.

The following standing committees shall be appointed by the President, with the advice and consent of the Board of Trustees. Each committee shall consist of three members, with the person first named on the committee serving as the chairman.

Finance  
Buildings and Grounds  
Streets and Alleys  
Sewer  
Police and Planning  
Water

Each standing committee shall control all subject matter properly belonging to it, as designated by its title, or which may be referred to it by the Board, and shall be required to report at regular meetings unless the Board instructs otherwise.

### ***Cross-reference:***

*Authority to establish standing committees, see § 32.60*

## § 170.07 VILLAGE ATTORNEY.

(A) *Appointment.* The Board of Trustees may, by ordinance not inconsistent with the provisions of this Code, prescribe the duties and define the powers of the Village Attorney, together with his or her term of office; provided that the term shall not exceed one year and the Attorney shall, before entering upon the duties of office, execute a bond with security, to be approved by the Board of Trustees, payable to the Village in an amount as may, by resolution or ordinance, be directed, conditioned for the "faithful performance of the duties of office, and the payment of all money received by him, according to law and the provisions of this Code.

(B) *Suits and actions.* The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the Village or in his or her capacity as a Village officer.

(C) *Judgments.* The Attorney shall enforce all judgments, decrees or interlocutory orders entered in favor of the Village.

(D) *Advice.* The Attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting the Village whenever requested to do so by any Village official. Upon request by the President, the Attorney shall reduce any opinion to writing.

(E) *Special assessments.* The Attorney shall undertake all special assessment proceedings and condemnation proceedings.

## § 170.08 PLANNING COMMISSION.

(A) *Purpose.* In order to prepare a comprehensive Village plan for the guidance, direction and control of the growth and development or redevelopment of the Village and contiguous territory which is not more than one and one-half miles beyond the corporate limits and not included in any municipality, the Board of Trustees may appoint a Planning Commission by the authority granted to the Village under the Illinois Municipal Code.

(B) *Membership.* The Planning Commission shall consist of five members, citizens of the Village, appointed by the President on the basis of their particular fitness for their duty on the Planning Commission and subject to the approval of the Board of Trustees.

(C) *Term of office.* Of the five members first appointed, one shall serve for a period of one year, two for a period of two years and two for a period of three years. Thereafter, each member shall serve for a term of three years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except that, if the Board of Trustees deems it advisable, they may receive compensation as may be fixed from time to time by the Village and provided for in the appropriation ordinance. The ex-officio members shall serve for the terms of the elective office.

(D) *Procedure.* Immediately following their appointment, the members of the Planning Commission shall meet, organize, elect officers as it may deem necessary and adopt (and later revise) rules and regulations of organization and procedure consistent with the provisions of this Code and State laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the President and Board of Trustees, setting forth its transactions and recommendations.

(E) *Powers and duties.* The Planning Commission shall have the following powers and duties:

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

To provide for the health, safety, comfort and convenience of the inhabitants of the Village and contiguous territory, the plan or plans shall establish reasonable standards of design for subdivisions and for re-subdivisions of unimproved land and of areas subject to redevelopment with respect to public improvements as defined in this Code and shall establish reasonable requirements, governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution,

sanitary sewers and sewage collection and treatment. The requirements specified in the plan or plans shall become regulatory only when adopted by ordinance.

(2) To designate land suitable for annexation to the Village and the recommended zoning classification for the land upon annexation.

(3) To recommend to the Board of Trustees, from time to time, changes in the comprehensive plan, or any part of the plan, as it deems necessary.

(4) To prepare and recommend to the Board of Trustees, from time to time, plans and/or recommendations for specific improvements in compliance with the official comprehensive plan.

(5) To give aid to the Village officials charged with the direction of projects for improvements embraced within the official plan, or parts of the plan, to further the making of the improvements and generally to promote the realization of the official comprehensive plan.

(6) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

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

(8) To exercise whatever other powers are germane to the powers authorized by the Illinois Municipal Code and as may be conferred upon the Commission by the President of the Village.

(F) *Land subdivision or re-subdivision; official map.* The Planning Commission shall have the duties as set forth in the subdivision ordinance and elsewhere in this Code. At any time, before or after the formal adoption of an official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more separate geographical or functional parts and which may include all or any part of the contiguous unincorporated area within one and one-half miles from the corporate limits of the Village. All requirements for public hearing, filing of notice of adoption with the Peoria County Recorder of Deeds and filing of the plan and ordinances, including the official map, with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the Village or contiguous territory within one and one-half miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water run-off channels and basins, water supply and distribution and sanitary sewers and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.

***Cross-reference:***

*Streets, see § 173.03*

*Subdivision control, see Chapter 177*

(G) *Expenditures.* The Commission may, at the discretion of the Board of Trustees, employ a paid secretary or staff, or both, whose salaries, wages and other necessary expenses shall be provided for by the Board of Trustees from the public funds. If the Planning Commission deems it advisable to secure technical advice or services, it may do so upon obtaining the authority and appropriations from the Board of Trustees.

**§ 170.09 ADOPTION OF CODES BY REFERENCE.**

The Village adopts the following Illinois Codes by reference:

Building Code  
Housing Code  
Plumbing Code  
Electrical Code  
Fire Prevention Code