

**TITLE III: ADMINISTRATION**

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## **Rockton - Administration**

## CHAPTER 30: VILLAGE OFFICIALS

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***VILLAGE TREASURER***

**' 30.01 OFFICE.**

There is created in the village the office of Village Treasurer.  
(Ord. 1985-9, passed 12-2-85)

**' 30.02 APPOINTMENT; TERM.**

The Village Treasurer shall serve for a four-year term, commencing on May 1 of the year which she or he is appointed and parallels the term of Village President. The Village President shall appoint the Village Treasurer with the advice and consent of the Village Board.

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(Ord. 1985-9, passed 12-2-85)

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**' 30.03 COMPENSATION.**

The Village Treasurer shall receive such compensation as the Village Board of Trustees may prescribe to fulfill the requirements put forth in this subchapter.

(Ord. 1985-9, passed 12-2-85)

**' 30.04 ATTENDANCE AT VILLAGE BOARD MEETINGS.**

The Village Treasurer is required to attend Village Board meetings a minimum of four times per year, being the last meeting date in each quarter of the months of August, November, February, May and at other times deemed necessary by the Village Board of Trustees.

(Ord. 1985-9, passed 12-2-85)



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‘ **30.05 ADVISORY DUTIES.**

The Village Treasurer shall be the financial advisor for the Village President and Village Board of Trustees on all financial matters relating to revenues collected, expenditures paid, fund balances, investments and accounting procedures.

(Ord. 1985-9, passed 12-2-85)

‘ **30.06 APPROPRIATION ORDINANCE.**

The Village Treasurer shall be the financial advisor to the Village Board of Trustees in the annual appropriation ordinance of the village, providing for the proper appropriation of funds for the operation of the village for the fiscal year beginning June 1 and ending May 31. She or he shall also notify the Village Board of approaching depletion or deficiencies and when amended appropriation is required because of fund depletions or deficiencies.

(Ord. 1985-9, passed 12-2-85)

‘ **30.07 RECORDS.**

The Village Treasurer shall keep records of his or her activities and books which show a separate account for each fund or appropriation. He or she shall issue receipts and file copies thereof with the Clerk for money received and payed out money only on warrants or bonds signed by the Village President and Clerk. He or she shall keep separate accounts for taxes levied for a specific purpose, bond funds and special assessment funds.

(Ord. 1985-9, passed 12-2-85)

‘ **30.08 ANNUAL ACCOUNT.**

The Village Treasurer must file a copy of the statutory requirement or the Treasurer's annual account with the Village Clerk. The Village Treasurer also must file a copy of the village account with the County Collector before September 1. This copy must be accompanied by an affidavit of the Clerk that the copy is correct and was published as required by law.

(Ord. 1985-9, passed 12-2-85)

‘ **30.09 FUNDS PERSONAL USE PROHIBITED.**

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The Village Treasurer is prohibited from making personal use of any village funds in his or her possession. The Village Treasurer shall be responsible for the fidelity of his or her subordinates attached to the Treasurer's office.

(Ord. 1985-9, passed 12-2-85)

**' 30.10 EXAMINATION OF AUDIT.**

The Village Treasurer shall examine the annual audited financial statements and review the audit with the Village President and Village Board of Trustees. He or she shall make appropriate recommendations for changes in procedures and methods for future fiscal financial responsibility.  
(Ord. 1985-9, passed 12-2-85)

**' 30.11 BOND.**

The Village Treasurer, when appointed and confirmed by the Village Board of Trustees, shall be automatically bonded by this subchapter with the premium payed for from village funds.  
(Ord. 1985-9, passed 12-2-85)

**' 30.12 QUALIFICATIONS OF BANK.**

No bank shall be qualified to receive village funds or money until it has furnished the Village Board of Trustees with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to statements of banks and trust companies or to the State Comptroller of currency. The bank or banks designated as a depository for such funds or money shall, while acting as such depository, furnish the Village Board of Trustees with a copy of all statements of resources and liabilities which it is required to furnish to the commissioners and the Comptroller.  
(Ord. 1985-9, passed 12-2-85)

**' 30.13 BANK DESIGNATION.**

When a bank has been designated as a depository, it shall continue as such 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 ' 30.12. When a new depository is designated, the Village Board of Trustees shall notify the sureties (bonding company) of the Village Treasurer of that fact in writing, at least five days before the transfer of funds.  
(Ord. 1985-9, passed 12-2-85)

**' 30.14 LIABILITY.**

The Village Treasurer shall be discharged from responsibility for all funds or money which she or he

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deposits in a designated bank while the funds and money are so deposited. If village funds or monies are deposited in a designated bank, the amount of such deposits shall not exceed 75% of the bank's

capital stock and surplus, and the Treasurer shall be responsible for funds or money deposited in the bank in excess of this limitation.

(Ord. 1985-9, passed 12-2-85)

**' 30.15 INVESTMENTS.**

Surplus funds which are not immediately needed shall be invested within two working days at prevailing rates or better. The Village Treasurer shall follow the procedures outlined in the statutes, such funds may be deposited or invested in a whole series of investment options specifically listed in the statutes. If these idle funds are not invested, the Village Treasurer and Village Board of Trustees are remiss in their duties and violate the statutes.

(Ord. 1985-9, passed 12-2-85)

**' 30.16 ADDITIONAL DUTIES.**

In addition to the duties prescribed in ' ' 30.01 through 30.15, the Village Treasurer shall perform all other duties incidental to his or her office which may be required of him or her by statutes and law.

(Ord. 1985-9, passed 12-2-85)

**' 30.17 VACANCY.**

A vacancy in the office of Village Treasurer shall be filled by appointment by the Village President with the advice and consent of the Village Board of Trustees for the remainder of the term.

(Ord. 1985-9, passed 12-2-85)

**' 30.18 SUCCESSION.**

Upon the expiration or termination in any way of the official term of office of the Village Treasurer, he or she shall forthwith upon demand deliver to his or her successor all records, papers and effects of every description in his or her possession belonging to the village or pertaining to the office.

(Ord. 1985-9, passed 12-2-85)

***VILLAGE ATTORNEY***

**30.30 OFFICE.**

There is created the office of Village Attorney.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**30.30.1 DIVISIONS.**

In recognition of the varying legal needs of the village, the office of Village Attorney shall consist of three Divisions:

(A) General Counsel;

(B) Special Counsel;

(C) Village Prosecutor.

(Ord. 2013-8, passed 5-7-13)

**30.31 APPOINTMENT; TERM.**

The Village Attorneys comprising each Division of said office shall be appointed by the Village President with the advice and consent of the Village Board for a term concurrent with that of the Village President, and each such Village Attorney shall hold office until his or her successor shall be appointed and qualified.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**30.32 COMPENSATION.**

Each Division of the Village Attorney's office shall receive such compensation as the Village Board may from time-to-time prescribe. Initially, compensation shall be set as follows:

(A) General Counsel is to be paid at the rate of \$110 per hour or at a rate set by the Village Board.

(B) Special Counsel is to be paid at the rate of \$225 per hour for projects within such Division.



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Special Counsel shall be available to the Village President for consultation on potential projects within the Division at no charge prior to the establishment of a file.

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(C) Village Prosecutor is to be paid at the rate of \$110 per hour or at a rate set by the Village Board. (Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

### 30.33 ADVISORY DUTIES.

(A) General Counsel shall have the primary responsibility to be the legal advisor and provide legal services to the Village President, the Village Board, committees and each department of the village in all matters relating to the general business of the Village which isn't identified or otherwise assigned to Special Counsel or the Village Prosecutor. General Counsel shall also advise and support village staff on paraprofessional legal services with regard to village matters. General Counsel shall further be responsible for routine litigation matters as well as municipal procurement and contracting matters.

(B) Special Counsel shall be the legal advisor and provide legal services of the Village President and the Village Board on matters requiring specialized expertise as determined by the Village President and Village Board.

(C) Village Prosecutor shall be the legal advisor and provide legal services to the Village President and Village Police Chief in relation to the prosecution of all ordinance violations and all traffic and quasi-criminal related offenses charged by the village.

(D) All Village Attorneys shall, at all times, carefully guard and protect the interests of the village. (Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

### 30.34 ATTENDANCE AT BOARD MEETINGS.

(A) General Counsel shall attend all regular meetings of the Village Board and, when requested, special meetings and committee meetings of the village.

(B) Special Counsel and Village Prosecutor shall attend meetings of the Board when requested by the President and/or the Village Board. (Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

### 30.35 PREPARATION OF ORDINANCES.

(A) General Counsel shall prepare such ordinances as the Village Board may from time-to-time direct and present them to the Board and be prepared to answer all legal questions that may arise in and

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about the passage of the same and the legal effect and interpretation of the ordinances.

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(B) Special Counsel shall prepare any ordinance in matters assigned to them. Village Prosecutor shall prepare and/or amend such ordinances as the Village Board may from time-to-time direct and present relating to the village prosecutions.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**' 30.36 DRAFTING AGREEMENTS AND THE ORDINANCES AND RESOLUTIONS RELATING THERETO.**

(A) All agreements to which the village is a party and all ordinances or resolutions of the village concerning or authorizing such agreement shall be drawn by the General Counsel or the draft thereof examined and passed upon by the General Counsel before the same is made or adopted by the village.

(B) Notwithstanding the foregoing, the Special Counsel shall draft and review any agreements of the village relating to matters for which they have been assigned.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**' 30.37 EXAMINATION OF BONDS.**

All bonds or debt instruments where the village is a party or interested therein shall be referred to the General Counsel for approval unless requested by the Village Board.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**' 30.38 REPRESENTING VILLAGE IN LITIGATION.**

(A) The General Counsel shall represent, prosecute and defend the village in matters relating to the village except those assigned to the Special Counsel or Village Prosecutor.

(B) The Special Counsel may represent the village in conflict litigation matters as determined by the Village President and Village Board.

(C) The Village Prosecutor shall prosecute all ordinance violations and all traffic and quasi-criminal related offenses charged by the village.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**' 30.39 APPEALS.**

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When assigned, Special Counsel, in consultation with General Counsel, or General Counsel individually when Special Counsel is not so assigned, shall, when in his or her opinion the public interest requires it, appeal any proceeding from the judgment of the circuit court or an administrative body. (Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

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**30.40 DISMISSAL OF ACTIONS.**

No division of the Village Attorney's office shall be required to prosecute any suit or proceeding when, upon investigation of all the facts in the case, he or she becomes satisfied that there is no cause of action on the part of the village. He or she shall have the power to discontinue any suit or proceeding upon such terms as he or she shall deem just and equitable, providing that the Village Board is in agreement. Nothing in this section shall be deemed to require any Division of the Village Attorney's Office to proceed with any matter which said attorney deems such to be a violation of the Code of Ethics. In such case, the attorney will notify the Village President, in writing, of his or her objection.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**30.41 EXECUTIONS, COLLECTIONS; APPROVAL OF COURT BILLS.**

The General Counsel shall cause execution to issue on all judgments in favor of the village and see that all collections are made. The General Counsel shall have referred to him or her all court fees, bills and other bills of courts for approval before the same are paid.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**30.42 ADDITIONAL DUTIES.**

In addition to the duties prescribed in this subchapter, all attorneys in each Division shall perform all other duties incidental to his or her office which may be required of him or her by law.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**30.43 SUCCESSION.**

Upon the expiration or termination in any way of the official term of office of the Village Attorney, or any Division thereof, such attorney shall forthwith upon demand of the Village President deliver to his or her successor all files in such counsel's possession belonging to the village or appertaining to the office.

(Ord. 1986-1, passed 3-17-86; Am. Ord. 2013-8, passed 5-7-13)

**30.55 RESPONSIBILITIES.**

(A) The duties and responsibilities to be fulfilled by the person occupying the position of Village Clerk, whether that person is an appointed official or an elected official, in compliance with state statute, are as set forth in division (B) of this section.

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(B) The duties of the Village Clerk encompass administrative and electoral responsibilities. The Clerk is the Chief Administrative Assistant to the Village President and Village Board of Trustees. He or she shall also serve as the Election Officer. All duties must be performed in compliance with both state statutes and all applicable local ordinances as currently in existence or as amended from time to time. Specific responsibilities include the following:

(1) *Administration.*

- (a) Maintain village records and indexes relating thereto;
- (b) Keeper of the corporate seal and shall affix the seal to public documents as required;
- (c) Keep all papers belonging to the municipality;
- (d) Attend all meetings, including executive sessions;
- (e) Keep meeting minutes;
- (f) Public inspection of official minutes within seven days of approval of the respective bodies;
- (g) Index of minutes;
- (h) Index of ordinances;
- (i) Publish in pamphlet form all ordinances and resolutions adopted by the Village Board;
- (j) Prepare and have published Open Meetings Act notices;
- (k) Prepare and have bid notices;
- (l) Record bid openings;
- (m) Prepare and publish legal notices;
- (n) File for and maintain tax exempt status documentation relating to village property;
- (o) Prepare agenda and agenda packets for Village President and Board of Trustees;
- (p) Prepare and work with auditors for all municipal funds;



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(q) Prepare and work with auditor from IDOT for MFT fund;

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(r) Freedom of Information Act request compliance;

(s) Correspondence for trustees, Village President and all administrative village correspondence;

(t) Work with developers on annexations;

(u) Appointment and supervision of Deputy Clerk;

(v) Purchase, such supplies for billing and clerical functions as approved by the Village Board.

### (2) *Election Official.*

(a) Prepare election announcements;

(b) Receive petitions for office;

(c) Canvas of votes;

(d) Administer electoral codes;

(e) Administer oaths of office;

(f) Maintain record of all oaths of office of village officials and officers.

### (3) *Miscellaneous duties.*

(a) Notary Public;

(b) Prepare proclamations;

(c) Public records search;

(d) Coordinator with U.S. Census Bureau;

(e) Such other duties as are imposed from time to time by state statute, village ordinance or by the Village Board of Trustees.

(Ord. 2000-15, passed 6-19-00; Am. Ord. 2012-13, passed 8-21-12; Am. Ord. 2012-14, passed 8-21-12)

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***VILLAGE COLLECTOR***

**' 30.60 VILLAGE COLLECTOR.**

(A) *Office.* There is hereby created the office of Village Collector.

(B) *Appointment and term.* The Village Collector shall serve until such time as their successor is duly appointed and qualified. The Village Collector shall be appointed by the Village President with the advice and consent of the Board of Trustees.

(C) *Compensation.* The Village Collector shall receive such compensation as the Village Board of Trustees may prescribe, from time to time, to fulfill the requirements of the office of Village Collector.

(D) *Duties and responsibilities.* The Village Collector shall have such duties and responsibilities as prescribed by state statute and such other duties as the Village Board of Trustees may assign from time to time. Such duties and responsibilities shall include, but not be limited to, the following:

- (1) Collect and deposit General Fund revenues;
- (2) Illinois Municipal League Risk Coordinator;
- (3) Worker's compensation and liability claims;
- (4) Liquor licenses and revenues;
- (5) Vending licenses and revenues;
- (6) Payroll:
  - (a) Data entry of hours;
  - (b) Calculation of payroll;
  - (c) Prepare payroll checks and supporting reports;
  - (d) Quarterly unemployment reports and checks;
  - (e) Quarterly 941 reports;

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(f) Prepare W-2 statements and year end payroll reports;

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- (g) Federal employment surveys;
- (h) Maintain all payroll records;
- (i) Work with Illinois Department of Unemployment on claims;

(7) Accounts payable:

- (a) Maintain chart of accounts;
- (b) Data entry of invoices;
- (c) Prepare warrant lists for Trustees;
- (d) Cut checks for accounts payable;
- (e) Mail checks;
- (f) Maintain accounts payable files;

(8) Accounts receivable:

- (a) Bill for property damage;
- (b) Bill for water meters;
- (c) Bill for IDOT Hwy. 2 traffic light maintenance;
- (d) Miscellaneous billing;

(e) Collect all monies due to the village from whatever source and in a timely manner as required by statute, forward money collected to the Village Treasurer.

(E) *Vacancy.* Any vacancy in the office of Village Collector shall be filled by appointment by the Village President with the advice and consent of the Village Board of Trustees for the remainder of the term.

(F) *Succession.* Upon the expiration or termination in any way of the official term of office of the Village Collector, he/she shall forthwith upon demand deliver to his/her successor all records, papers and effects of every description in his/her possession belonging to the village or pertaining to the office of

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Village Collector.

(Ord. 2013-7, passed 5-7-13; Am. Ord. 2013-18, passed 9-3-13; Am. Ord. 2014-11, passed 5-6-14)

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***VILLAGE PRESIDENT***

**30.70 ELECTION AND TERM.**

The Village President shall be elected to a term of four years, and he/she shall be the President of the Board of Trustees as is provided by statute.

(Ord. 2013-18, passed 9-3-13)

**30.71 POWERS AND DUTIES.**

(A) *Generally.* The Village President shall have such powers and authorities as set forth by state statute and perform all duties which are prescribed by law and municipal ordinance.

(B) *Appointments.* Except as otherwise provided for in this code or by state statute, the Village President shall appoint, with the advice and consent of the Board of Trustees, such other officers, standing committees, special committees, commissions, and boards as prescribed by law and/or municipal ordinances that may be necessary for the health, welfare and safety of the village.

(Ord. 2013-18, passed 9-3-13)

**30.72 BOND; OATH; SALARY.**

Before entering upon the duties of his/her office, the President shall have a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of his/her duties. The amount of such bond shall be in an amount as prescribed by the Board of Trustees from time to time. He/She shall take the oath of office prescribed by statute and shall receive such compensation as may be set from time to time by the Board of Trustees.

(Ord. 2013-18, passed 9-3-13)

***BOARD OF TRUSTEES***

**30.80 ELECTION AND TERM.**

The Board of Trustees, consisting of six members, shall be elected to office for a four year term as is



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provided by statute.

(Ord. 2013-18, passed 9-3-13)

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**' 30.81 POWERS AND DUTIES.**

The Board of Trustees 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 state statute and by ordinance. (Ord. 2013-18, passed 9-3-13)

**' 30.82 OATH; SALARY.**

The members of the Board of Trustees shall take the oath of office prescribed by statute, and shall receive such compensation as may be from time to time provided by ordinance. (Ord. 2013-18, passed 9-3-13)

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## CHAPTER 31: POLICE DEPARTMENT

### Section

#### *Management Positions*

- 31.01 Appointment of police department management positions
- 31.02 Appointment of police department rank positions
- 31.03 Chain of command
- 31.04 Deputy Chief

#### *Police Pension Fund*

- 31.20 Fund created
- 31.21 Definitions
- 31.22 Beneficiaries
- 31.23 Operation

#### *Employment Specifications*

- 31.30 Part-time police officers

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

*Board of Fire and Police Commissioners, see ' ' 32.35 et seq.*

### **MANAGEMENT POSITIONS**

#### **' 31.01 APPOINTMENT OF POLICE DEPARTMENT MANAGEMENT POSITIONS.**

The management position of Village Police Department shall consist of a Chief of Police. The Chief shall be appointed by the Village President, with the advice and consent of the Village Board of Trustees. (Ord. 2001-14, passed 10-2-01; Am. Ord. 2002-17, passed 8-6-02)

#### **' 31.02 APPOINTMENT OF POLICE DEPARTMENT RANK POSITIONS.**

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The Village Police Department shall further consist of the ranks of Sergeant and Patrol Officer. All Sergeants and Patrol Officers shall be appointed by the Village Board of Fire and Police Commissioners, consistent with 65 ILCS 5/10-2.1-1 *et seq.* The number of Sergeants and Patrol Officers shall be

determined by the Village President and Board of Trustees, as they may from time to time determine to be necessary.

(Ord. 2001-14, passed 10-2-01)

**' 31.03 CHAIN OF COMMAND.**

The Village Police Department shall be headed by the Chief of Police, followed in rank order by Sergeants and Patrol Officers.

(Ord. 2001-14, passed 10-2-01; Am. Ord. 2002-17, passed 8-6-02)

**' 31.04 DEPUTY CHIEF.**

(A) *Creation of Deputy Chief rank.* There is hereby established within the Police Department the rank of Deputy Chief, which position shall be immediately below that of Chief of Police. The rank of Deputy Chief shall be a permanent position within the Police Department unless future action is taken by the Village Board.

(B) *Authority to appoint.* The Police Department Chief of Police ("Police Chief") shall have the authority to appoint one individual to serve in the position of Deputy Chief provided that the appointment is made from within the rank of the Police Department and such an appointment may only be made from those individuals who are sworn full time officers of the Police Department that have at least five years of full time service as a police officer with the Police Department.

(C) *Removal from appointment.* The individual appointed by the Police Chief to the rank of Deputy Police Chief shall serve in such appointed position at the pleasure of the Police Chief, provided, however, if the Police Chief terminates the appointment, that individual shall revert back to the rank held immediately prior to the appointment to the Deputy Chief position with seniority to be determined by the total number of years of service by the individual to the village as an active police officer.

(D) *Police Chief temporary vacancy.* If after an officer has been appointed as Deputy Chief of the Police Department, the position of Police Chief becomes vacant for whatever reason, the Deputy Chief appointment shall continue. The Deputy Chief shall assume the duties of the Police Chief until a new Police Chief is selected and sworn. After the new Police Chief has taken office he or she shall have full discretion as permitted by this section to retain the existing Deputy Police Chief or to remove that individual and appoint a replacement.

(E) *Duties and responsibilities.* The Deputy Chief is responsible for the supervision, direction,

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planning, controlling and coordination of the operational responsibilities of the Police Department. The Deputy Chief shall perform all specific duties assigned to him by the Police Chief or as otherwise delineated in the Rockton Police Department Policy and Procedure manual, as amended from time to time. In addition, the Deputy Chief shall assume the duties and responsibilities of the Police Chief when required. The Deputy Chief shall have the rank, position and administrative functions necessary to carry out his responsibilities.

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(F) *Compensation.* Any individual who holds the rank of Deputy Chief within the Police Department shall be compensated according to currently existing wage and seniority schedules or according to those schedules as amended by the Board of Trustees of the village from time to time. (Ord. 2012-7, passed 5-8-12)

***POLICE PENSION FUND***

**‘ 31.20 FUND CREATED.**

There is created and established a Police Pension Fund in and for the village in accordance with 40 ILCS 5/3-101 *et seq.* commonly referred to as Article III of the Illinois Pension Code. (Ord. 2001-10, passed 8-21-01)

**‘ 31.21 DEFINITIONS.**

For the purposes of this subchapter, the term ***POLICE OFFICER*** or ***OFFICER*** and ***BOARD*** or ***BOARD OF TRUSTEES*** are defined respectively as full-time police officers or full-time police officers entitled to participate in the benefits of the Pension Fund as provided by Article III of the Illinois Pension Code (40 ILCS 5/3-106) and the Board of Trustees of the Pension Fund, as prescribed in 40 ILCS 5/3-128. (Ord. 2001-10, passed 8-21-01)

**‘ 31.22 BENEFICIARIES.**

The rights, powers, duties and functions of the Board of Trustees and the members thereof, as such, and the rights and benefits of the various beneficiaries of the Pension Fund shall be and are declared to be in accordance with the Illinois Police Pension Fund (Article III of the Illinois Pension Code, 40 ILCS 5/3-101 *et seq.*) and all amendments thereof. (Ord. 2001-10, passed 8-21-01)

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**31.23 OPERATION.**

The Board of Trustees shall be appointed and elected as therein provided; shall exercise such powers and perform such duties that shall be required by the Illinois Police Pension Fund. All monies and securities belonging to the Fund shall be held by the Village Treasurer subject to the order of the Board of Trustees of the Pension Fund. An annual list of beneficiaries and a report of funds shall be made as required by 40 ILCS 5/3-134. Members of the Board of Trustees of the Pension Fund shall serve without compensation.

(Ord. 2001-10, passed 8-21-01)

***EMPLOYMENT SPECIFICATIONS***

**31.30 PART-TIME POLICE OFFICERS.**

(A) *Employment.* The village may employ part-time police officers from time to time as they deem necessary.

(B) *Duties.* A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the rules and regulations of the Rockton Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 *et seq.*) and the rules and requirements of the ILETSB.

(C) *Hiring standards.* Any person employed as a part-time police officer must meet the following standards:

- (1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2) Be at least 21 years of age.
- (3) Pass a medical examination.
- (4) Possess a high school diploma or GED certificate.

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(5) Possess a valid State of Illinois driver's license.

(6) Possess no prior felony convictions or other convictions of such a nature as to preclude the employee from working as a police officer in the State of Illinois.

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(7) Any individual who has served in the U.S. military must have been honorably discharged.

(8) Be eligible for employment within the United States.

(D) *Discipline.* Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police of the Rockton Police Department or his or her designees. Part-time police officers serve at the discretion of the village authorities, shall not have any property rights in said employment, and may be removed by the village authorities at any time with or without cause. Part-time police officers shall comply with all applicable rules and general orders issued by the Rockton Police Department.

(Ord. 2012-4, passed 3-6-12)

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## **CHAPTER 32: BOARDS, COMMISSIONS AND COMMITTEES**

Section

### ***Parks and Recreation Board***

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- 32.02 Composition
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- 32.05 Powers and duties
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***PARKS AND RECREATION BOARD***

**‘ 32.01 BOARD ESTABLISHED.**

A Parks and Recreation Board is established.

(Ord. 2000-20, passed - -00)

**‘ 32.02 COMPOSITION.**

The Board shall consist of seven residents of the village appointed by the Village President with the advice and consent of the Village Board of Trustees. Of the seven members, one shall be a student attending Hononegah High School. The members of the Parks and Recreation Board shall elect one of its members to serve in the capacity as Chairperson and one of its members to serve as Secretary. The Chairperson shall preside over all meetings of the Board and the Secretary shall be responsible for taking and maintaining minutes of all meetings of the Board.

(Ord. 2000-20, passed - -00)

**‘ 32.03 MEETINGS.**

The meetings of the Parks and Recreation Board shall be held at such times and places as such Board shall determine and may prescribe rules and bylaws for the conduct of its proceedings.

(Ord. 2000-20, passed - -00)

**‘ 32.04 OPEN MEETINGS ACT.**

All meetings of the Parks and Recreation Board shall be scheduled and held in compliance with the provisions of the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*

(Ord. 2000-20, passed - -00)

**‘ 32.05 POWERS AND DUTIES.**

The Parks and Recreation Board shall have the following powers and duties:

(A) It shall act in an advisory capacity in all matters pertaining to public parks and recreation;

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(B) It shall consider the annual budget of the parks and recreation programs and make recommendations with respect thereto to the Village Board of Trustees;

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(C) It shall assist in the planning of parks and recreation programs and promote and stimulate public interest therein. To that end, the Board is authorized to encourage and to solicit cooperation and participation from the public in general and as well as private agencies and businesses;

(D) It shall act upon special requests for special use of any of the public parks or playground facilities, including special use requests with reference to the Walt Williams Public Pool.

(Ord. 2000-20, passed - -00)

**‘ 32.06 EXPENDITURES.**

Whenever it is deemed necessary by the Parks and Recreation Board to incur any expenses in performing the duties assigned to it, an estimate of such proposed expenses shall be submitted to the Village Board of Trustees, and no debts of any kind or characters shall be made or incurred by the Parks and Recreation Board unless such expenditures have been specifically authorized by the Village Board of Trustees prior to the time such obligations are incurred.

(Ord. 2000-20, passed - -00)

**‘ 32.07 TERM IN OFFICE.**

(A) Each member of the Parks and Recreation Board except the Hononegah High School student representative shall serve a term in office for a period of four years. Initially, upon creation of the Board, again excluding the student member, the first three persons appointed to the Board shall serve an initial term of two years; the next three persons appointed to the Board shall serve a full term of four years. Thereafter, upon the expiration of the initial term in office each member or his or her successor shall then be appointed for a full term of four years. The intended result is to establish a staggered appointment system whereby three members of the Park and Recreation Board will be subject to reappointment every two years.

(B) The student member of the Board shall be appointed for a single term of one year.

(Ord. 2000-20, passed - -00)

***STANDING COMMITTEES***

**‘ 32.20 COMMITTEES.**

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The following shall be the standing committees of the Board of Trustees:

(A) *Administration Committee.* This committee shall deal with village functions involving:

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- (1) Administration; expenses;
- (2) Community development;
- (3) Public safety and legal.

(B) *Public Works Committee.* This committee shall deal with village functions involving:

- (1) Sewer, water and garbage;
- (2) Buildings and parks; and
- (3) Streets and walks.

(C) *Budget and Finance Committee.* This committee shall be comprised of the following:

- (1) Administration Chairperson;
- (2) Public Works Chairperson;
- (3) Next most senior Trustee;
- (4) Ex officio members are Village Treasurer and Village Clerk.

(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03)

**32.21 PURPOSES.**

The purpose of the standing committees shall be as follows:

(A) Administration Committee - to address and consider all matters dealing with the administrative functions of the village including issues involving department operations, personnel, police and legal, and any other related matters shall first be referred to and be considered by the Administration Committee. The Committee, after consideration, shall through one of its members, make a report and recommendations to the Village Board as a whole, as to what action, if any, should be considered. Any recommendations so made shall not be binding upon the Village Board.

(B) Public Works Committee - to address and consider all matters dealing with construction on or maintenance of property within the village including issues involving the construction or improvements

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of streets, walks, curbs, gutters, public buildings or facilities, snow removal, sewer and water repair, the maintenance of same, garbage and waste collection, letting of service contracts dealing with related services and, generally, any other related matters shall first be referred to and be considered by the

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Public Works Committee. The Committee, after consideration, shall through one of its members, make a report and recommendations to the Village Board as a whole, as to what action, if any, should be considered. Any recommendations so made shall not be binding upon the Village Board.

(C) Budget and Finance Committee - to address and consider all matters dealing with the budget and financial functions of the village involving all departments with financing and paying of departmental bills. Audit all bills prior to the Village Board meeting and have a recommendation to pay the bills for the following meeting. Also, any other related matters shall first be referred to and be considered by the Budget and Finance Committee. The Committee, after consideration, shall, through one of its members, make a report and recommendations to the Village Board as a whole, as to what action, if any, should be considered. Any recommendations so made shall not be binding upon the Village Board.

(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03)

### **32.22 COMMITTEE ASSIGNMENTS.**

(A) Each trustee shall be assigned to one of the two standing committees by the Village President subject to the advice and consent of the Village Board. In making such assignments, the Village President and the Village Board shall give special consideration to Trustees with prior service experience within the same standing committee.

(B) Within the Administration Committee each Trustee so appointed shall be assigned to be primarily responsible for reporting to that Committee and to the full Village Board on matters involving: administration, expenses; community development; and public safety and legal. These categories shall be so designated on the agendas of the Administration Committee and of the Village Board and each agenda shall also designate the name of the Trustee assigned to each category.

(C) Within the Public Works Committee each Trustee so appointed shall be assigned to be primarily responsible for reporting to that Committee and to the full Village Board on matters involving: sewer, water and garbage; buildings and parks; and streets and walks. These categories shall be so designated on the agendas of the Public Works Committee and of the Village Board and each agenda shall also designate the name of the Trustee assigned to each category.

(D) The Chairperson of each standing committee shall be appointed by the Village President. In making such selection, the Village President shall give special consideration to the following factors: seniority on the Village Board, seniority within the standing committee and prior experience as a committee chairperson. The Chairperson so appointed shall serve until a successor is elected. Committee assignments and Chairperson appointments shall be reviewed on an election year basis every two years.

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(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03)

‘ **32.23 PROCEDURE.**

(A) Matters relative to the standing committees shall be referred to them by the President and/or Board of Trustees. Written and/or oral committee reports shall be submitted to the President and Board

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of Trustees detailing committee findings, along with recommendations for such Board action as may be required.

(B) The Committee Chairperson may hold such hearings, conduct such meetings, and cause such studies to be performed as may be necessary to carry out committee assignments, consistent with committee requirements and purposes.

(C) The Committee Chairperson shall conduct any meetings of the Committee by calling the meeting to order, determining the order of agenda items to be addressed, recognizing speakers, calling for motions on issues to be decided and performing the other functions usually recognized as required of a Committee Chair. The Chairperson, however, shall also be entitled to introduce motions for consideration and to vote on all issues brought before the committee.

(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03)

**32.24 MEETINGS.**

(A) (1) The following dates are for the regular meetings of the Village Board and the standing subcommittees of the Board for the year 2012:

January 3***	April 3	July 3	October 2
January 17	April 17	July 17	October 16
February 7	May 8	August 7	November 5***
February 21	May 22	August 21	November 20
March 6	June 5	September 4***	December 4
March 19***	June 19	September 18	December 18

(2) All Board meetings begin at 7:00 p.m. and are held on the first and third Tuesday of each month, except those marked by an asterisk.

(B) (1) The standing Public Works Committee meetings shall begin at 6:30 p.m., the standing Administration Committee meetings shall begin at 5:30 p.m. on the day preceding the Village Board meeting date. (Note: Committee meetings will be held on January 3, March 19, September 4 and November 5 in conjunction with Village Board meetings. On those dates Administration will be held at 5:00 p.m., Public Works at 5:30 p.m. and Budget at 6:00 p.m.) The Budget and Finance Committee meetings shall be at 6:00 p.m. on the same date of the Board meetings. All meetings are held in the Municipal Center located at 110 East Main Street, Rockton, Illinois.

(2) The Municipal Center is handicapped/wheel chair accessible. Individuals who require the services of a sign language interpreter and who wish to attend any Village Board or subcommittee

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meeting, are required to notify the Village Clerk at 815-624-7886, at least 48 hours in advance of the meeting, so that accommodations may be made.

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(3) The Village Clerk is instructed to send copies of the meeting times to all requesting individuals and organizations and to cause notice to be published in a paper of general circulation in the village.

(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03; Am. Res. 2006-111, passed 12-19-06; Am. Res. 2007-111, passed 12-4-07; Am. Res. 2009-112, passed 12-8-09; Am. Res. 2011-114, passed 12-6-11)

### **32.25 QUORUM.**

A majority of the Trustees assigned to any standing committee shall constitute a quorum. A quorum is necessary in order for the committee to conduct business but a smaller number may adjourn a previously commenced meeting.

(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03)

### **32.26 VACANCY.**

(A) If a vacancy occurs in any Committee Chair, the Village President shall, within 60 days, appoint a new Chairperson.

(B) If a vacancy occurs in any standing committee as a result of the death or resignation of a Trustee for any other reason, the vacancy shall be filled by the new Trustee appointed or elected to the Village Board.

(Ord. 2000-10, passed 4-3-00; Am. Ord. 2001-4, passed 5-7-01; Am. Ord. 2003-11, passed 6-17-03)

## ***BOARD OF FIRE AND POLICE COMMISSIONERS***

### **32.35 CREATION.**

There is hereby created a Board of Fire and Police Commissioners, consisting of three members, whose initial terms of office shall be one, two and three years respectively and until their respective successors are appointed and have qualified. No more than two members of the Board shall belong to the same political party.

(Ord. 2001-9, passed 8-21-01)

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**' 32.36 QUALIFICATIONS.**

The members of the Board shall possess the qualifications required of other officers of the village, shall take an oath or affirmation of office, and give bond in the same manner as other appointed officers of the village. They shall be subject to the removal from office as such other officers.

(Ord. 2001-9, passed 8-21-01)

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‘ **32.37 APPOINTMENT OF BOARD.**

Such Board of Fire and Police Commissioners shall appoint all officers and members of the Police Department of the village. All appointments made by the Board shall be from the rank next below that to which the appointment shall be made, other than that of the lowest rank.

(Ord. 2001-9, passed 8-21-01)

‘ **32.38 RULES.**

The Board shall make such rules and make such appointments and removals, except those herein reserved to the President and Board of Trustees to prescribe the duties and powers of all village police officers, hereby affirmed, to preserve order, peace and quiet, arrest violators and enforce all ordinances of the village, and all statutes applicable therein, such Board having all other powers as provided by state statute (65 ILCS 5/10-2.1-1 *et seq.*).

(Ord. 2001-9, passed 8-21-01)

‘ **32.39 EXEMPTION OF CHIEF OF POLICE.**

Pursuant to its statutory authority, the village hereby exempts the position of Chief of Police for the village from being appointed by the Board of Police and Fire Commissioners. The position of Chief of Police shall be filled by appointment made by the Village President, with the advice and consent of the Village Board of Trustees. The term of any person so appointed shall not exceed that of the Village President. If for any reason the position of Chief of Police becomes vacant, the Village President, with the advice and consent of the Village Board of Trustees, shall make an appointment to fill the vacancy for a period not to exceed the President=s remaining term in office. Persons not reappointed as Chief of Police shall serve until a successor is approved. The Chief of Police, once appointed, may be removed during his or her term in office pursuant to the procedures set out by state statute with reference to the President=s authority for removal of appointed officers (65 ILCS 5/3.1-35-10).

(Ord. 2001-9, passed 8-21-01)

‘ **32.40 SECRETARY.**

The Board may employ a secretary or may designate one of its members as such. The secretary shall keep the minutes of the Board=s proceedings, shall be custodian of all papers pertaining to the business of the Board, shall keep a record of all examinations held, and shall perform all other duties as the Board

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shall prescribe.

(Ord. 2001-9, passed 8-21-01)

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**32.41 ATTORNEY.**

The Board may employ an attorney, of its own choosing, to represent the Board in the event that the Village Attorney shall be representing both the village and be prosecutor for the village, in any actions brought before the Board, consistent with state statute (65 ILCS 5/10-2.1-1 *et seq.*).  
(Ord. 2001-9, passed 8-21-01)

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## CHAPTER 33: VILLAGE POLICIES

### Section

#### *General Provisions*

- 33.01 Illinois Municipal Retirement Fund
- 33.02 Safe School Zone
- 33.03 Policy prohibiting sexual harassment or discrimination of village employees in the workplace
- 33.04 Disclosure of audio tapes
- 33.05 Fine for false alarm signals by alarm systems
- 33.06 Smoking prohibited within Village Hall
- 33.07 Prevailing wage adopted
- 33.08 National Incident Management System

#### *Ethics Provisions*

- 33.20 State Officials and Employees Ethics Act

#### *Identity Protection Policy*

- 33.30 Approval and adoption of policy relating to social security numbers

### **GENERAL PROVISIONS**

#### **33.01 ILLINOIS MUNICIPAL RETIREMENT FUND.**

(A) The Village of Rockton, County of Winnebago, Illinois, does elect to participate in the Illinois Municipal Retirement Fund, effective January 1, 1983.

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(B) The standard for IMRF participation shall be a position normally requiring performance of duty for 1,000 hours per year.

(Ord. 1982-6, passed 7-6-82)

**' 33.02 SAFE SCHOOL ZONE.**

(A) In accordance with and pursuant to the authority of the Illinois Compiled States, the Safe School Zone Map produced by the village and attached to Ord. 1996-26 is approved and adopted as an official finding and record of the location in areas within the village of properties which are used for school purposes and which are owned by or leased to any elementary or secondary school or school board and of the areas on or within 1,000 feet of such school property.

(B) The Safe School Zone Map approved and adopted pursuant to division (A) of this section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 1,000 feet of school property owned by or leased to any elementary or secondary school or school board which is used for school purposes until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of such school property and Safe School Zone.

(C) The school board is directed and shall have the continuing obligation to promptly notify the Village Clerk and the Village Attorney of any changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.

(D) The Village Clerk is directed to receive and to keep on file the original of the map approved and adopted pursuant to division (A) of this section and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is further directed that a true copy of the map and this section shall be provided without cost to the Winnebago County State=s Attorney.

(E) The following additional matters are determined, declared, recited and stated. It is understood that the map approved and adopted pursuant to division (B) of this section was prepared and is intended to be used as evidence in proceedings arising under the criminal laws of this state and that, pursuant to state law, the map shall constitute prima facie evidence of the following:

- (1) The location of elementary and secondary schools within the village;

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(2) The boundaries of the real property which is owned by or leased to such schools or school board;

(3) That the school property is and continues to be used for school purposes; and

(4) The location and boundaries of areas which are on or within 1,000 feet of such school property.

(Ord. 1996-26, passed 11-18-96)

**' 33.03 POLICY PROHIBITING SEXUAL HARASSMENT OR DISCRIMINATION OF VILLAGE EMPLOYEES IN THE WORKPLACE.**

(A) Acts of sexual harassment directed by an employee or supervisor towards another employee and acts of sexual harassment creating a hostile work environment for any employee of the village are prohibited.

(B) There shall hereafter be adopted and enacted the village Sexual Harassment Policy, a copy of which is attached to Ord. 2000-1 and incorporated and adopted as a part of the passage of this section by reference.

(C) A copy of this policy shall be provided to each person currently employed by the village. The copies to be provided without cost to any employee subject only to the requirement that each employee acknowledge in writing receipt of a copy of the policy manual.

(D) A copy of the policy shall be provided to all department heads, supervisory personnel, appointed officials and elected officials currently in office. The copies to be provided without cost to the persons subject only to the requirement that each such person acknowledge in writing receipt of a copy of the policy manual.

(E) A copy of the policy shall be provided by each department head in the case of an employee or by the Village Clerk in the case of an appointed or elected official without cost to any person hereafter hired by the village as an employee or elected or appointed as a village officer or official. Any new hires or new official must acknowledge in writing receipt of a copy of the policy manual.

(F) A notice shall be permanently posted and displayed within the Village Hall declaring the village's prohibition of sexual harassment and advising the reader that a copy of the Village Sexual Harassment Policy is on file in the office of the Village Clerk and may be inspected during regular office hours. Consistent herewith, the Village Clerk is directed to maintain a copy or copies of this Policy within the office of the Village Clerk and shall make it available for public inspection during regular business hours.

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(G) In that the Policy as adopted requires yearly training for employees and supervisory personnel, sufficient money shall be appropriated each year to meet the cost of such training.

(Ord. 2000-1, passed - -00)

**' 33.04 DISCLOSURE OF AUDIO TAPES.**

(A) *Custody of audio tapes.* Subsequent to the recording of any meeting of the Village Board of Trustees, the Public Works Committee, the Administration Committee, the Zoning Board of Appeals or the Planning Commission, the audio tape made at the time of such meeting shall be retained in the sole and exclusive custody of the Village Clerk or Deputy Village Clerk attending such meeting until such time as the official minutes of the meeting in question have been prepared, approved or otherwise accepted by the Village Board of Trustees or other applicable governmental entity.

(B) *Public inspection.* Once the minutes of any such meeting have been adopted or otherwise accepted, the audio tape in relation to that meeting will be retained in the office of the Village Clerk and be made available for public inspection. The public inspection shall occur on the premises of the offices of the Village Clerk during regular business hours. The Village President and any member of the Village Board of Trustees may remove the tape from the office of the Village Clerk for review. This may occur only after the minutes of any meeting have been adopted and the tape must be returned to the Village Clerk in an unaltered condition.

(C) *Retention.* Any audio tapes made at any meeting attended by the Village Clerk or the Deputy Clerk shall be retained in the office of the Village Clerk for a period of six months after the date of the meeting so recorded. Thereafter, any such tapes of six months or greater in age may be destroyed or taped over.

(D) *Audio tapes not official minutes.* The Village Clerk and the Deputy Village Clerk may decide to audio tape or not to audio tape any meeting which they attend in their official capacity. The audio taping of any meeting is not mandatory and is not required by law. If any such meeting is audio taped, the tape itself is not deemed to be a part of the official minutes from the meeting, and although the Village Clerk and Deputy Clerk are required to keep a full record of the proceedings, they are not required to prepare a verbatim record of the proceedings of any meeting so taped.  
(Ord. 2000-16, passed 6-19-00)

**' 33.05 FINE FOR FALSE ALARM SIGNALS BY ALARM SYSTEMS.**

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

**ALARM SYSTEM.** Any device designed for the detection of a fire, burglary, theft, armed robbery or the commission of any other unlawful act or any unauthorized entry into any building, place or premises.



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***AUTOMATIC DIRECT-DIALING DEVICE.*** Any police, fire or other emergency alarm system which consists of a telephone device or telephone attachment that automatically or electrically sends over a telephone line a pre-recorded message or code signal when an alarm system is activated.

***FALSE ALARM.*** An alarm system signal or communication from an automatic direct-dialing device or other alarm system causing response by the Rockton Police Department or the Rockton Fire Department, when at least one of the following emergency situations are not present:

- (1) Fire;
- (2) Burglary;
- (3) Theft;
- (4) Armed robbery;
- (5) Commission of any unlawful act; or
- (6) Any unauthorized entry into any building, place or premises.

***PERSON.*** Any natural person, trust, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, contractor, supplier, vendor, vendee, operator, user, owner or any agents, employees or other representatives acting either for himself or herself or for any other person in any capacity of any other entity recognized by law as the subject of rights and duties; the masculine, feminine, singular or plural, is included in any circumstances.

(B) *False alarms.*

(1) It shall be unlawful for any person to transmit a false alarm to the village. Any person having an alarm system or device on his or her premises shall be subject to a charge of \$25 for each and every false alarm over three false alarms per premises per quarter calendar year.

(2) In any prosecution for charging a violation of law regulating alarms, proof that a false alarm occurred at the particular building, place or premises described in the complaint, together with proof that the defendant named in the complaint owned, operated, maintained, controlled or leased that building, place or premises shall constitute in evidence a prima facie presumption that the person named in the complaint was the person who transmitted a false alarm to the village.

(Ord. 1996-1, passed 2-5-96)

**' 33.06 SMOKING PROHIBITED WITHIN VILLAGE HALL.**

(A) *Smoking prohibited.* The public building located at 110 East Main Street, Rockton, Illinois

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commonly referred to as the Village Hall is declared to be a smoke-free area. No person after the effective date of this section shall smoke or possess a lighted cigarette, cigar, pipe or any other form of tobacco or similar substance used for smoking within the premises of the building.

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(B) *Enforcement.* The village and village officials shall make reasonable efforts to prevent smoking in the Village Hall building by posting appropriate signs and contacting law enforcement officers in the event of a suspected violation.

(C) *Penalty.* Any person convicted of violating this section shall be fined \$10 for the first such offense and no more than \$500 for any second or subsequent offense.

(Ord. 1998-8, passed 4- -98)

### 33.07 PREVAILING WAGE ADOPTED.

(A) To the extent and as required by Act Regulating Wages of Laborers, Mechanics and Other Workers Employed in Any Public Works by the State, County, City or Any Public Body or Any Political Subdivision or Anyone 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 construction of public works coming under the jurisdiction of the Rockton Village Board of Trustees is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Winnebago County areas as 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 aforesaid Act shall be the same as in the Act.

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

(C) The Village Clerk shall publicly post or keep available for inspection by an interested party in the main office of the village this determination or any revisions 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 of employers who have filed their names and addresses requesting copies of any determination stating particular rates and the particular class of workers whose wages will be affected by such rates.

(Ord. 2003-10, passed 6-17-03; Am. Ord. 2004-19, passed 6-8-04; Am. Ord. 2005-21, passed 6-7-05; Am. Ord. 2006-7, passed 6-6-06; Am. Ord. 2007-20, passed 6-6-06; Am. Ord. 2008-10, passed 6-17-08)

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**' 33.08 NATIONAL INCIDENT MANAGEMENT SYSTEM.**

The village hereby adopts the National Incident Management System pursuant to Homeland Security Presidential Directive (HSPD-5) and all village departments and employees shall follow the provisions

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and policies set forth therein in response to and in management of natural disasters, terrorist attacks or other emergencies.

(Ord. 2004-26, passed 11-3-04)

***ETHICS PROVISIONS***

**33.20 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.**

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

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

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

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

(E) For the purpose of this section, the terms **OFFICER** and **EMPLOYEE** shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 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 that 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 5 ILCS 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

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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.

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(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. 2004-13, passed 5-4-04)

***IDENTITY PROTECTION POLICY***

**33.30 APPROVAL AND ADOPTION OF POLICY RELATING TO SOCIAL SECURITY NUMBERS.**

(A) In order to establish a policy and rules for the collection, use and communication of social security numbers in compliance with the Illinois Identity Protection Act (the "Act"), the Mayor and Village Council hereby approve and adopt a policy regarding the collection, use and communication of social security numbers known as the Identity Protection Policy, a copy of which is attached to Ordinance 2011-111 as Exhibit A, subject to amendment from time-to-time as deemed necessary to maintain compliance the Act, and incorporated by reference as if set forth in full herein.

(B) Any employee who violates an element of the prohibited acts section of the Identity Protection Policy is guilty of a Class B misdemeanor.

(Ord. 2011-111, passed 8-2-11)

*[Text continues on Page 39]*



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## CHAPTER 34: TAXATION AND FINANCE

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***GENERAL PROVISIONS***

**' 34.001 BIDDING OF CAPITAL EXPENDITURES.**

(A) All purchases for capital expenditures which exceed the amount of \$10,000 must be submitted to public bid unless one of the following circumstances exist:

- (1) An emergency situation, whereby the delay would not be in the best interests of the village;
- or
- (2) The purchase of the item is through state contract.

(B) This is not intended to prohibit or bar the village from extending water and sewer lines and entering into contracts with contractors for the purchase of materials by the village for the extension of water and sewer lines when the village deems it in the best interest of the village to do so without

requiring the bids.

(Ord. 1991-2, passed 3-18-91; Am. Ord. 2013-4, passed 2-5-13)

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**34.002 TAX ON PERSONAL PROPERTY PURCHASED OUTSIDE ILLINOIS.**

(A) A tax is imposed in accordance with the provisions of Illinois Municipal Code, 65 ILCS 5/8-11-6, as amended, upon the privilege of using in the village any item of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered with any agency of Illinois Government. The tax shall be at the rate of 1% of the selling price of such tangible personal property with selling price to have the meaning as defined in the Use Tax Act, 35 ILCS 5/1 *et seq.*, as amended, and the tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being within the municipality of Rockton.

(B) The tax shall be collected by the Illinois Department of Revenue for the village and the tax must be paid or an exemption determination obtained from the Department of Revenue before the title or certificate of registration for the personal property may be issued. The Department of Revenue shall have full power to administer and enforce the provisions of such Act and this section.

(Ord. 1988-21, passed 11-7-88)

**34.003 SERVICE OCCUPATION TAX.**

(A) A tax is imposed upon all persons engaged in this village in the business of making sales of service at the rate of .75% of the gross receipts received from such business, in accordance with the provisions of Illinois Municipal Code, 65 ILCS 5/8-11-5.

(B) Every service person required to account for municipal service occupation tax for the benefit of this village shall file all reports as required by 35 ILCS 115/9 to the State Department of Revenue.

(Ord. 1969-8, passed 9-15-69)

**34.004 RETAILER=S OCCUPATION TAX.**

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

(B) Every such person engaged in such business in the village shall file all reports as required by 35 ILCS 120/3 to the State Department of Revenue.

(Ord. 1969-7, passed 9-15-69; Am. Ord. 1979-1, passed - -)

**' 34.005 PUBLIC WORKS CONTRACTS EXCEEDING \$1,500.**

(A) Except as otherwise provided by statute, all construction or other public improvements, the cost of which exceeds \$1,500, which are not to be paid for in whole or in part by special assessment or special taxation shall be constructed as follows:

(1) By a contract let to the lowest responsible bidder, as that term is defined in ' 34.006, after advertising for bids, except that the contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all Trustees then holding office, or as otherwise allowed by statute.

(a) The publication or advertisement required above shall be made not more than 20 and not less than ten days prior to the date of opening of the sealed bids and need only be made once within the time specified, or more if so desired. The publication or advertisement may be either in a newspaper of general circulation within the village or may be made by causing Village Clerk to direct a letter containing the specifications and requesting a bid thereon to all persons who perform the services required or are able to supply the materials to be purchased, or both. All bids submitted shall be sealed, and shall be opened by the Village Clerk, or his or her designee, in the presence of the Village Engineer, and the bids shall remain in the office of the Village Clerk, open to public inspection after the contract has been entered into. The Board of Trustees shall determine from the bids received pursuant to this code which bid is in the best interest of the village and upon reaching its determination shall enter into a contract with the lowest responsible bidder for the services or materials or both, which is deemed as being in the best interest of the village.

(B) The provisions of division (A) above shall not apply to any contract with the state or federal government or any agency thereof.

(C) Contracts which by their nature are not adapted to award by competitive bidding, including but not limited to, contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part shall not be subject to the competitive bidding requirements of this section.

(Ord. 2013-1, passed 1-22-13)

' **34.006 LOWEST RESPONSIBLE BIDDER.**

(A) **LOWEST RESPONSIBLE BIDDER** for purposes of ' 34.005 and this section shall mean a bidder who meets:

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- (1) All of the job specifications provided by the village;
- (2) The following applicable criteria set forth below; and
- (3) Has submitted evidence of compliance with each of the following, as applicable, to the village:
  - (a) All applicable laws prerequisite to doing business in Illinois;
  - (b) Evidence of compliance with the following:
    1. Federal Employer Tax Identification Number or Social Security Number (for individuals); and
    2. Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
  - (c) Certificates of insurance indicating the following coverage: general liability, workers' compensation, completed operations and performance, automobile, hazardous occupation, product liability, in the amounts set forth by the village in each bid package, or where such amounts are not specified by the village, in amounts so requested by the village's risk management provider.
  - (d) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the act, and certifying receipt and compliance with the village's prevailing wage ordinance then in effect.
  - (e) The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract.



(f) All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 *et seq.*

(g) Submit proof of any professional trade license required by law for any trade or specialty area in which a bidder is seeking a contract award and disclose any suspension or revocation within the previous five years of any professional trade license held by the company, or of any director, officer, or manager employed by the bidder.

(h) Provide information as to the substance abuse policy that pertains to all of the bidder's employees working on the project.

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(B) The village may also request evidence of and/or consider the following factors when identifying responsible bidder for the purpose of awarding contracts under this section:

(1) The ability, capacity and skill of the bidder to perform the contract;

(2) The capacity of the bidder to perform the contract promptly and efficiently, or within the time specific, without delay or interference;

(3) The character, integrity, reputation, and experience of the bidder:

(a) The quality of the bidder's past performance, including performance of the previous contract, whether or not such performance was within the village;

(b) The bidder's defaults under previous contracts, whether or not such contract was with the village;

(c) The bidder's failure to pay or satisfactory settle bills due on former contracts, whether or not such contract was with the village;

(d) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

(e) The financial ability of the bidder to perform the contract;

(f) Any findings of non-responsibility by federal, state, or local agencies;

(g) Any additional factors the village determines relevant for the contract.

(C) Nothing herein adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued or existing under any prior resolution or ordinance.

(Ord. 2013-1, passed 1-22-13)

***HOTEL TAX***

This subchapter shall be known, cited and referred to as the Hotel Operator's Occupation Tax Act of the Village of Rockton.  
(Ord. 1985-2, passed 5-20-85)

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**34.021 PURPOSE.**

The purpose of this subchapter is to generate revenue in order to promote tourism, conventions, expositions, theatrical, sport or cultural activities.  
(Ord. 1985-2, passed 5-20-85)

**34.022 DEFINITIONS.**

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

**DEPARTMENT.** The Department of Revenue.

**HOTEL.** Any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

**OCCUPANCY.** The use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession.

**PERMANENT RESIDENT.** Any person who occupied or has the right to occupy any room or rooms in a hotel for at least 30 consecutive days.

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**RENT** or **RENTAL**. The consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

**RENTER**. Any person who pays for the privilege of using or occupying a hotel room for the period for which payment is made.

**ROOM** or **ROOMS**. Any living quarters, sleeping or housekeeping accommodations.

**TREASURER**. The Treasurer of the Village of Rockton, Illinois.  
(Ord. 1985-2, passed 5-20-85)

**34.023 TAX IMPOSED.**

(A) There is levied and imposed a tax upon all persons engaged in the business of renting, leasing or letting rooms in a hotel which is located within the village, referred to as persons subject to this tax at a rate of 5% of the gross rental receipts from such renting, leasing or letting for any purpose for each 24 hour period or any portion thereof. The tax herein levied shall be in addition to any and all other taxes and charges applicable to such hotels, but such other taxes and charges shall not be construed to be a part of the charge upon which this tax is levied.

(B) The ultimate incidents of and liability for payment of the tax levied herein is to be borne by the person engaged in the business of renting, leasing or letting the rooms. The operators and owners may reimburse themselves for their tax liability for this tax by separately stating such tax as an additional charge to the resident, which charge may be stated in combination, as a single amount, with state tax imposed under the hotel operator's occupation tax, 35 ILCS 145/1. No tax is imposed based upon permanent residents of any hotel.

(C) No person engaged in the business of renting, leasing or letting rooms in a hotel shall reimburse himself or herself for the imposition of this tax at a rate higher than the tax imposed by this subchapter.

(D) Any person subject to this tax shall transmit to the Village Treasurer on or before the last day of each calendar month a sum of money equal to the taxes collected pursuant to this subchapter for the preceding calendar month and simultaneously therewith shall transmit a report upon forms supplied by the Treasurer indicating the gross receipts from the renting of hotel rooms to all renters, including permanent residents as defined herein and such other information as the Treasurer may reasonably require for the enforcement of this subchapter.

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(E) Any person engaged in the renting of hotel rooms shall keep complete and accurate books and records, including a daily sheet showing the gross receipts for the hotel rentals for the day reported.

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(F) For the purposes of administering and enforcing this subchapter, the Treasurer shall, after providing reasonable notice, have access during normal business hours to the books and records of persons and businesses subject to this subchapter.

(G) Any person who violates this subchapter, upon conviction thereof, shall be punished by a fine of not less than \$200 nor more than \$300 for the first offense and not less than \$300 nor more than \$750 for the second and each subsequent offense in any 180-day period. A separate and distinct offense shall be regarded as having been committed each day upon which the person shall continue any such violation.

(H) This tax shall not in any way constitute an indebtedness by the village subject to any limitation imposed by statute or otherwise.

(I) Nothing herein adopted shall be construed to affect any suit now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any prior resolution or ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this subchapter.

(J) If any provision of this subchapter or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provision of this subchapter not specifically included in such a ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this subchapter are declared severable.

(Ord. 1985-2, passed 5-20-85; Am. Ord. 1991- , passed 11-4-91)

***INVESTMENT POLICY***

**34.035 POLICY.**

It is the policy of the village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the village and conforming to all state and local statutes governing the investment of public funds.

(Ord. 1999-23, passed 12-6-99)

**34.036 SCOPE.**



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This policy includes all funds governed by the Board of Trustees.  
(Ord. 1999-23, passed 12-6-99)

‘ **34.037 PRUDENCE.**

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

(B) The standard of prudence to be used by investment officials shall be the prudent person standard and shall be applied in the context of managing an overall portfolio.

(Ord. 1999-23, passed 12-6-99)

‘ **34.038 OBJECTIVE.**

(A) The primary objectives, in order of priority, shall be:

- (1) Legality - conformance with federal, state and other legal requirements;
- (2) Safety - preservation of capital and protection of investment principal;
- (3) Liquidity - maintenance of sufficient liquidity to meet operating requirements;
- (4) Yield - attainment of market rates of return.

(B) The portfolio should be reviewed periodically as to its effectiveness in meeting the entity's needs for safety, liquidity, rate of return, diversification and its general performance.

(Ord. 1999-23, passed 12-6-99)

‘ **34.039 DELEGATION OF AUTHORITY.**

Management and administrative responsibility for the investment program is delegated to the Village Treasurer who, under the delegation of the Board of Trustees, shall establish written procedures for the operation of the investment program.

(Ord. 1999-23, passed 12-6-99)

‘ **34.040 ETHICS AND CONFLICTS OF INTEREST.**

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Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions.

(Ord. 1999-23, passed 12-6-99)

‘ **34.041 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.**

The Village Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.

(Ord. 1999-23, passed 12-6-99)

‘ **34.042 AUTHORIZED AND SUITABLE INVESTMENTS.**

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

(B) Investments shall be made that reflect the cash flow needs of the fund type being invested.

(Ord. 1999-23, passed 12-6-99)

‘ **34.043 COLLATERALIZATION.**

Funds on deposit (checking accounts, certificates of deposit and the like) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent third party institution in the name of the village.

(Ord. 1999-23, passed 12-6-99)

‘ **34.044 SAFEKEEPING AND CUSTODY.**

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

(Ord. 1999-23, passed 12-6-99)

‘ **34.045 DIVERSIFICATION.**

The village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in and length of maturity.

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(Ord. 1999-23, passed 12-6-99)

▮ **34.046 MAXIMUM MATURITIES.**

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

(B) Reserve funds may be invested in securities exceeding one year if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

(Ord. 1999-23, passed 12-6-99)

▮ **34.047 INTERNAL CONTROL.**

(A) The Village Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met.

(B) The internal controls shall address the following points:

(1) Control of collusion;

(2) Separation of transaction authority from accounting;

(3) Custodial safekeeping;

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

(Ord. 1999-23, passed 12-6-99)

▮ **34.048 PERFORMANCE STANDARDS.**

This investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio. (Entity will have to insert their benchmark, for example, 90-day T-bill, Illinois Funds and the like.)

(Ord. 1999-23, passed 12-6-99)

‘ **34.049 REPORTING.**

The Village Treasurer shall prepare an investment report at least monthly. The report should be provided to the Board of Trustees and be available on request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Board.

(Ord. 1999-23, passed 12-6-99)

‘ **34.050 MARKING TO MARKET.**

A statement of the market value of the portfolio shall be issued to the Board of Trustees quarterly.

(Ord. 1999-23, passed 12-6-99)

‘ **34.051 INVESTMENT POLICY ADOPTION.**

The investment policy shall be adopted by the Board of Trustees. The policy shall be reviewed on an annual basis by the Village Treasurer and any modifications made thereto must be approved by the Board of Trustees.

(Ord. 1999-23, passed 12-6-99)

***LOCALLY IMPOSED AND ADMINISTERED TAXES***

‘ **34.065 TITLE.**

This subchapter shall be known as, and may be cited as, the ALocally Imposed and Administered Tax Rights and Responsibility Ordinance.@

(Ord. 2000-33, passed 12-18-00)

‘ **34.066 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. 2000-33, passed 12-18-00)

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**34.067 DEFINITIONS.**

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

**ACT.** The Local Government Taxpayers= Bill of Rights Act, 50 ILCS 45/1 *et seq.*

**CORPORATE AUTHORITIES.** The Village of Rockton and Board of Trustees.

**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.

**LOCAL TAX ADMINISTRATOR.** The Village Treasurer 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 chapter and the Act.

**NOTICE.** Such 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.

(Ord. 2000-33, passed 12-18-00)

**34.068 NOTICES.**

(A) 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.

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(B) The notice shall be sent by the local tax administrator as follows:

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

(2) Personal service or delivery.

(Ord. 2000-33, passed 12-18-00)

**34.069 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 postage prepaid.

(Ord. 2000-33, passed 12-18-00)

**34.070 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. 2000-33, passed 12-18-00)

**34.071 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

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the time of payment or if the taxpayer paid the taxes under duress.

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(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 canceled check or receipt for 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 tax 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.

(D) 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 5% 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. 2000-33, passed 12-18-00)

34.072 AUDIT PROCEDURE.

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

(B) 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.

(C) Any audit 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.

(D) 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.

(E) 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.

(F) 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 period 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.

(G) 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.

(H) In the event a tax payment was submitted to the incorrect local governmental entity, the local

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tax administrator shall notify the local governmental entity imposing such tax.  
(Ord. 2000-33, passed 12-18-00)

▮ **34.073 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 notice 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 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. 2000-33, passed 12-18-00)

▮ **34.074 HEARING.**

(A) Whenever a taxpayer or tax collector has filed a timely written protest and petition for hearing

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under ' 34.073, the local tax administrator shall conduct a hearing regarding any appeal.



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(B) 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. 2000-33, passed 12-18-00)

**' 34.075 INTEREST AND PENALTIES.**

(A) *Payment due.* 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.

(B) *Interest.* The village provides for the amount of interest to be assessed on a late payment, underpayment or nonpayment of the tax to be 9% per annum, based on a year of 365 days and the number of days elapsed.

(C) *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 a failure to file penalty is imposed by the controlling ordinance.

(Ord. 2000-33, passed 12-18-00)

**' 34.076 ABATEMENT.**

The local tax administrator shall have the authority to waive or abate any late filing penalty, 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.

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(Ord. 2000-33, passed 12-18-00)

**34.077 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-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. 2000-33, passed 12-18-00)

**34.078 STATUTE OF LIMITATIONS.**

(A) 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.

(B) 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.

(C) 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.

(D) No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

(Ord. 2000-33, passed 12-18-00)

**34.079 VOLUNTARY DISCLOSURE.**

For any locally imposed and administered tax for which a taxpayer has not 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

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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. 2000-33, passed 12-18-00)

**34.080 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. 2000-33, passed 12-18-00)

**34.081 REVIEW OF LIENS.**

(A) 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.

(B) If the lien is determined to be improper, the local tax administrator shall:

- (1) Timely remove the lien at the village's expense;
- (2) Correct the taxpayer's credit record; and
- (3) Correct any public disclosure of the improperly imposed lien.

(Ord. 2000-33, passed 12-18-00)

**34.082 APPLICATION.**

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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. 2000-33, passed 12-18-00)