

TITLE III: ADMINISTRATION

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CHAPTER 30: BOARD OF TRUSTEES

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General Provisions

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§ 30.01 REGULAR MEETINGS.

(A) Regular meetings of the Board of Trustees shall be held on the first and third Thursday of each month at 7:30 p.m. in the Board Room of the Village Hall. The meeting date, time, and place may be changed by the direction of the Board of Trustees, provided legal notice of said change is issued to the public and news agencies pursuant to state statute.

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(’70 Code, § 2.06.010) (Ord. 2575, passed 2-10-82; Am. Ord. 2885, passed 9-11-86; Am. Ord. 2976, passed 8-13-87; Am. Ord. 3096, passed 9-15-88; Am. Ord. 3195, passed 10-19-89, Ord. 3753, passed 8/26/93, Ord. 4612, passed 4/8/99)

§ 30.02 SPECIAL MEETINGS.

(A) The President or any three Trustees may, in writing, issue a written or printed call for a special meeting, at least 48 hours previous to such specially called meetings, to all other members constituting the President, the Clerk, and Board of Trustees of the village. The Clerk of the village may issue such call when requested to do so in writing by the President or any three Trustees. Such call shall state the time and place of holding such special meeting, the purpose for which it is called, and stating the names of the person or persons requesting such call. Such call may be served upon the President and Board of Trustees personally or by delivering a copy of same

to them at their place of residence, abode, or business address.

(B) Additionally, a special meeting may be called for the time and place of such special meeting established for a future date at any regular meeting of the President and Board of Trustees by a simple majority vote of the President and Board attending such regular meeting.
(’70 Code, § 2.06.020) (Ord. 2575, passed 2-10-82)

§ 30.03 QUORUM; PUBLIC MEETINGS.

Three village Trustees and the President, or four Trustees shall constitute a quorum to do business. A small number of the Board, however, may adjourn from time to time and may compel the attendance of absentees. All meetings of the Board of Trustees (regular, adjourned, special, and Committee of the Whole), except executive sessions thereof, shall be open to the public as required by statute.
(’70 Code, § 2.06.030) (Ord. 2575, passed 2-10-82)

§ 30.04 COMPELLING ATTENDANCE.

Should less than a quorum of the Board be present at any regular or special meeting at the time and place appointed, such minority may instruct the Village Clerk, or Trustee attending the meeting if the Clerk is not present, to send immediate notice to any absent Trustee that can be found, commanding him to appear immediately at such meeting. Any Trustee receiving such notice and not obeying it, without reasonable excuse, shall be subject to a fine as set forth in § 30.99 for each and every offense.
(’70 Code, § 3.06.040) (Ord. 2575, passed

2-10-82) Penalty, see § 30.99

§ 30.05 RULES.

The following rules are adopted relating to the Board of Trustees:

(A) Rule 1. Agenda. Prior to each regular meeting the Village Manager shall cause to be prepared an agenda. The agenda may include a consent agenda. The consent agenda may include agenda items considered routine. All items listed on such a consent agenda will be enacted by one roll call vote with no separate discussion of these items. However, if any Board member requests separate consideration of any consent agenda item, that item shall be removed from the consent agenda for separate action at some other place on the agenda. The format for the agenda shall be as determined by resolution of the Board of Trustees.

(B) Rule 2. Voting. In all cases of the passage of an ordinance, the creation of a liability against the village, the expenditure or appropriation of its monies or at the request of any member, the ayes and nays shall be taken; the result shall be recorded in the record book of the Board; and the concurrence of a majority of the members elected of the Board shall be necessary to the passage of any such ordinance, resolution, or appropriation. When a question is stated from the chair, every member who is present shall vote thereon, unless excused by the President and Board of Trustees, or unless he is personally or directly interested in the question before the Board. At the conclusion of a roll call vote, the Presiding Officer shall announce the results. Once this is done, no vote shall be changed.

(C) Rule 3. Expelling a member. Any member acting or appearing in a disgraceful manner, using violent and insulting language to or about any member of the Board of Trustees, or who does not obey the orders of the chair shall, on motion, be censured by a majority vote of the members present, or expelled by a two-thirds vote of all members elected.

(D) Rule 4. Duties of Presiding Officer. The Presiding Officer shall preserve order and decorum, may speak to points or order in preference to other members, and shall decide all questions of order subject to appeal. If he refuses to allow the Trustees to exercise their right to appeal a decision of the chair, the Trustees may consider and pass upon the matter in spite of the chair's failure to grant them an appeal. In all cases not otherwise provided for by law or ordinance, the Board shall be guided by parliamentary law as contained in Robert's Rules of Order and any amendments thereto.

(E) Rule 5. Calls to order; appeals from decisions of Chair. A member, when called to order by the chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the chair shall be binding and conclusive, subject only to the right of appeal. Any member may appeal to the Board from a ruling of the chair and, if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the chair may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If the majority of the members present vote "No", the decision of the chair shall be overruled; otherwise, it shall be sustained.

(F) Rule 6. Question of personal privilege. The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned, or impugned.

(G) Rule 7. Withdrawal of motion. After a motion or resolution is stated by the Presiding Officer it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before decision by consent of the Board.

(H) Rule 8. Division of questions. If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such questions.

(I) Rule 9. Record of motions. In all cases where a resolution or motion is entered in the journal, the name of the members moving and seconding the same shall be entered.

(J) Rule 10. Reconsideration. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be considered. Where a motion to reconsider has passed, relative to the approval or denial of the recommendation of an advisory body required to hold public hearings, and where said recommendation came after the holding of a public hearing, said recommendation shall not be considered for approval or denial except at the same meeting at which the original action to approve or deny was taken or after the matter has been referred to the advisory body for a further hearing and recommendation.
(Ord. 3526, passed 3/19/92)

(K) Rule 11. Addressing Board of Trustees. Except during the public participation allowed on the regular Board agenda, or as stated in this rule, no person other than the Village Manager or his designee, the Village Clerk, or the Village Attorney may address the Board of Trustees. Any member of the public may address the corporate authorities on a specific agenda item when it is before the Board. The person wishing to speak shall submit a public participation slip or raise his hand in a signal so that the Presiding Officer of the meeting may observe that a member of the public wishes to speak, provided said individual completes and submits a public participation slip contemporaneously with speaking. The Village President need not open the agenda item to the public unless the public has indicated that it wishes to speak on that item. The speaker must be designated and authorized to speak by the Presiding Officer. Each speaker shall be requested to limit their public participation to a period of three minutes or less so that all persons shall have an adequate opportunity of making their statement to the corporate authorities. Such time limitations may be waived by the corporate authorities. The purpose of the public participation is to allow the public the opportunity of making a statement to the corporate authorities. Once an individual has spoken, that individual may not speak on that same agenda item

again. Any limitation regarding addressing the Board may be waived by a majority vote of the Board of Trustees. In the absence of any objection by a member of the Board, the Village Manager may authorize a member of the Village staff to address the Board.

(1) Those members of the public generally who have submitted a public participation slip or have raised their hand and subsequently submit a public participation slip.

(2) The petitioner or his/her representative.

(3) The Village Board.

In addition to general discussion, the Village Board may question any speaker in regard to any agenda item.

(L) Rule 12. Temporary suspension of rules. These rules may be temporarily suspended by an affirmative vote of four Trustees.

(M) Rule 13. Readings of ordinances. Two readings of all ordinances shall be required before final action is taken thereon, and unless the provisions of this rule are first waived by the vote of a majority of the members of the Board of Trustees present in voting, no ordinance shall be passed until after the second reading thereof. Second reading shall not take place sooner than the next regular meeting of the Board of Trustees' meeting subsequent to the meeting wherein the ordinance is presented for first reading. In the event an ordinance fails to receive four affirmative votes on first reading, it shall nevertheless proceed to second reading for a final action thereof, if the majority of persons present at first reading have voted affirmatively. In the event less than a majority of persons present at first reading voted in favor of the ordinance, the ordinance shall not be required to appear for second reading unless written notice is received from two members of the corporate authorities requesting a second reading on the ordinance.

(N) Rule 14. Discussion of agenda items. Notwithstanding parliamentary law as contained in

Robert's Rules of Order, when any agenda item is before the Board of Trustees, its Presiding Officer may allow a discussion and public participation prior to an official motion being made. This is not to be construed as a limitation of discussion by the Board of Trustees after the motion has been made. In all other cases not otherwise provided for by law or ordinance, the Board shall be guided by parliamentary law as contained in Robert's Rules of Order and any amendments thereto.

(O) Rule 15. Public participation at meetings of Committee of the Whole. Public participation shall be allowed at each Committee of the Whole meeting for a limited period of time. The public will be allowed to address or speak to any item on the Committee of the Whole agenda, but will not be recognized for any other purpose. The same procedure of identifying the speaker and completing a written participation slip as at a regular Board meeting shall be required.

('70 Code, § 2.06.050) (Ord. 2575, passed 2-10-82; Am. Ord. 2768, passed 8-29-85; Am. Ord. 2885, passed 9-11-86; Am. Ord. 2976, passed 8-13-87)

§ 30.06 COMPENSATION.

(A) As established in 1987, the current compensation of Trustees of the Board is the amount of \$2,400.00 annually, payable in twenty-six (26) equal bi-weekly installments.

(B) The compensation of Trustees of the Board whose terms of office commence after the consolidated election in April of 2005 shall, effective June 1, 2005, be \$4,108.00 for the June 1, 2005 through May 31, 2006 fiscal year, payable in twenty-six (26) equal bi-weekly installments. Effective June 1, 2006, and on each June 1st thereafter, the compensation then in effect shall be increased by the percent change in the Chicago Area Consumer Price Index for all urban consumers (CPI-U) as calculated and published by the federal government for the period beginning May of the previous year and ending April of the current year, rounded to the next highest dollar amount as appropriate for purposes of

resulting in an even dollar amount for payroll purposes, payable in twenty-six (26) bi-weekly installments.

(C) The compensation of Trustees of the Board whose terms of office commence after the consolidated election in April of 2007 shall, effective June 1, 2007, be established as the amount, as of June 1, 2007, being paid to Trustees of the Board whose terms of office commenced after the consolidated election in April of 2005. Effective June 1, 2008, and on each June 1st thereafter, the compensation then in effect shall be increased by the percent change in the Chicago Area Consumer Price Index for all urban consumers (CPI-U) as calculated and published by the federal government for the period beginning May of the previous year and ending April of the current year, rounded to the next highest dollar amount as appropriate for purposes of resulting in an even dollar amount for payroll purposes, payable in twenty-six (26) bi-weekly installments.

('70 Code, § 2.06.060) (Ord. 2575, passed 2-10-82; Am. Ord. 3021, passed 12-17-87; Am. Ord. 3145, passed 4-20-89; Ord. 5571, passed 10-21-04)

§ 30.07 ELECTION DISTRICTS.

(A) The village is hereby divided into six compact and contiguous districts of approximately equal population, said districts being described in division (B) of this section.

(1) Each district shall be represented by one Trustee who shall have been an actual resident of the district for at least six months prior to his election.

(2) Only the electors of each district shall be entitled to vote and elect the Trustee from that district.

(B) District boundaries shall be described as follows:

(1) The First District shall be that portion of the Village located West of Main Street (and the Northerly extension thereof) and North of the following described line: Beginning at the intersection of Main Street and Washington Boulevard (located North of Lot 1 in Block 36 in the

Original Town of Lombard, a subdivision of part of the Southeast ¼ of Section 7, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois); thence West on Washington Boulevard to Elizabeth Street; thence South on Elizabeth Street to Madison Street; thence West on Madison Street to the Western boundary of the Village.

(2) The Second District shall be that portion of the Village located South of Madison Street and West of the following described line: Beginning at the Western Boundary of the Village (on Madison Street just West of Finley Road); thence East on Madison Street to Finley Road; thence South on Finley Road to Ethel Avenue; thence East on Ethel Avenue to Elizabeth Street; thence North on Elizabeth Street to Harding Road; thence East on Harding Road to Lincoln Street; thence South on Lincoln Street to Wilson Avenue; thence East on Wilson Avenue to Main Street; thence South on Main Street to Rebecca Road; thence West on Rebecca Road to Lore Lane; thence South on Lore Lane to Collen Drive; thence West on Collen Drive to Rebecca Road; thence North on Rebecca Road to Lynne Lane; thence West on Lynne Lane to Elizabeth Street; thence South on Elizabeth Street to Collen Drive; thence West on Collen Drive to Manor Hill Lane; thence West on Manor Hill Lane to Finley Road; thence South on Finley Road to the Village's Southerly boundary (just North of 22nd Street); thence West on the Southerly boundary line of the Village (just North of 22nd Street) to the Western boundary of the Village, along with that portion of the Village described as follows: the Easterly 50.0 feet as measured at right angles to the East line thereof, of Lot 412 and all of Lot 413 in Butterfield West Unit No. 4, being a subdivision of part of Section 25, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded November 2, 1966 as Document R66-43428 and certificate of correction filed May 4, 1976 as Document R67-13522, in Dupage County, Illinois; along with Parcels 1, 5, and 6 in Butterfield Assessment Plat of part of Section 25, Township 39

North, Range 10, East of the Third Principal Meridian according to the plat thereof recorded July 29, 1963 as Document R64-25908, in DuPage County, Illinois; along with that part of Lot 412 in Butterfield West Unit No. 4, being a subdivision of part of Section 25, Township 39 North, Range 10, East of the Third Principal Meridian according to the plat thereof recorded November 2, 1966 as Document R66-43428 in Dupage County, Illinois bounded and described as follows: beginning at the intersection of the Southerly line of said Lot 412, with a line 50 feet perpendicularly distant West of and parallel with the Easterly line of said Lot 412; thence Northwesterly on said parallel line, a distance of 270.0 feet; thence Southwesterly on then a line forming an angle of 33 degrees, 26 minutes, 06 seconds to the right of the last described line, a distance of 142.23 feet to a point on a curved line convexed to the Southeast; thence along the curved line being tangent to the last described course, convexed to the Southeast, having a radius of 290.74 feet, an arc distance of 234.55 feet to a point on the Southerly line of said Lot 412, which point is 270.0 feet as measured along the Southerly line of said Lot 412 from the point of beginning; thence Easterly along said Southerly line of Lot 412 to the point of beginning, all in Dupage County, Illinois; along with Lot 1 in Glen Briar Golf Course, being a part of Section 25, Township 39 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois.

(3) The Third District shall be that portion of the Village located West of Westmore/Meyers Road, East of the dividing line between Milton Township and York Township (otherwise known as the West line of the Southwest $\frac{1}{4}$ of Section 19, Township 39, Range 11, East of the Third Principal Meridian, DuPage County, Illinois) and South of the following described line: Beginning at the intersection of Interstate 355 and the Village's Southerly boundary (just North of 22nd Street); thence East on the Southerly boundary line of the Village (just North of 22nd Street) to Finley Road; thence North on Finley Road to Manor Hill Lane; thence East on Manor Hill Lane to Collen Drive; thence East

on Collen Drive to Elizabeth Street; thence North on Elizabeth Street to Lynne Lane; thence East on Lynne Lane to Rebecca Road; thence South on Rebecca Road to Collen Drive; thence East on Collen Drive to Lore Lane; thence North on Lore Lane to Rebecca Road; thence East on Rebecca Road to Main Street; thence South on Main Street to 14th Place; thence East on 14th Place (and the Easterly extension thereof) to Grace Street; thence South on Grace Street to the Westerly extension of 16th Street; thence East on 16th Street to Westmore/Meyers Road.

(4) The Fourth District shall be that portion of the Village located East of Main Street (and the Northerly extension thereof) and North of the following described line: Beginning at the intersection of Main Street and the Illinois Prairie Path; thence East on the Illinois Prairie Path to Grace Street; thence North on Grace Street to St. Charles Road (on the South side of the Union Pacific railroad tracks); thence East on St. Charles Road to the Eastern boundary of the Village

(5) The Fifth District shall be that portion of the Village located East of Main Street, East of the following described line: Beginning at the Village's Easterly boundary (on Jackson Street); thence West on Jackson Street to Ahrens Avenue; thence North on Ahrens Avenue to Madison Street; thence West on Madison Street to Main Street; thence North on Main Street to the Illinois Prairie Path; thence East on the Illinois Prairie Path to Grace Street; thence North on Grace Street to St. Charles Road (on the South side of the Union Pacific railroad tracks); thence East on St. Charles Road to the Eastern boundary of the Village.

(6) The Sixth District shall be that portion of the Village located South of Washington Boulevard and East of the following described line: Beginning at the Village's Easterly boundary (on Jackson Street); thence West on Jackson Street to Ahrens Avenue; thence North on Ahrens Avenue to Madison Street; thence West on Madison Street to

Main Street; thence North on Main Street to Washington Boulevard; Boulevard (located North of Lot 1 in Block 36 in the Original Town of Lombard, a subdivision of part of the Southeast ¼ of Section 7, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois); thence West on Washington Boulevard to Elizabeth Street; thence South on Elizabeth Street to Madison Street, thence West on Madison Street to Finley Road; thence South on Finley Road to Ethel Avenue; thence East on Ethel Avenue to Elizabeth Street; thence North on Elizabeth Street to Harding Road; thence East on Harding Road to Lincoln Street; thence South on Lincoln Street to Wilson Avenue; thence East on Wilson Avenue to Main Street; thence South on Main Street to 14th Place; thence East on 14th Place (and the Easterly extension thereof) to Grace Street; thence South on Grace Street to the Westerly extension of 16th Street; thence East on 16th Street to Westmore/Meyers Road.”

(C) All streets or other geographic features referenced in subsection B above are those that are so shown on the maps published by the United States Bureau of the Census for the 2010 census.

(D) Any part of the Village that has not been described as included in one of the districts set forth in subsection B above shall be included within the district that:

- (1) Is contiguous to the part; and
- (2) Contains the least population of all districts contiguous to the part according to the 2010 census.

(E) If any part of the Village is described in Subsection B above as being in more than one district, said part shall be included within the district that:

- (1) Is one of the districts in which that part is described in subsection B above;
- (2) Is contiguous to that part; and

- (3) Contains the least population according to the 2010 census.

(F) If any part of the Village:

- (1) Is described in subsection B above as being in one district; and
- (2) Is entirely surrounded by another district;

that part shall be incorporated into the district that surrounds the part.

(G) If any part of the Village:

- (1) Is described in subsection B as being in one district; and
- (2) Is not contiguous to another part of that district;

the part shall be included with the contiguous district that contains the least population according to the 2010 census.

(’70 Code, Ch. 1.16) (Ord. 1828, passed - -74; Am. Ord. 2523, passed 3-18-82; Am. Ord. 2715, passed 1-10-85, Ord. 3613, passed 10-1-92; Ord. 5206, passed 10-17-02; Ord. 5518, passed 7/22/04; Ord. 6740, passed 7/12/12)

COMMITTEES

§ 30.20 STANDING ADVISORY COMMITTEES.

The standing advisory committees to the corporate authorities shall be the Finance Committee, the Public Works Committee, the Legislative Review Committee, the Community Development Committee, the Transportation and Safety Committee, the Environmental Concerns Committee., and the Community Promotions and Tourism Committee.

('70 Code, Ch. 2.36) (Ord. 2575, passed 2-10-82; Am. Ord. 2741, passed 5-9-85; Am. Ord. 2962, passed 6-25-87; Am. Ord. 3165, passed 5-18-89; Ord. 6766, passed 10-18-12)

('70 Code, Ch. 2.44) (Ord. 2575, passed 2-10-82; Am. Ord. 2962, passed 6-25-87; Am. Ord. 3165, passed 5-18-89)

§ 30.21 AD HOC COMMITTEES.

The Corporate Authorities may from time to time, by motion, create ad hoc committees to advise the Corporate Authorities in a particular area. In creating an ad hoc committee, the Corporate Authorities shall determine the following in relation to the committee:

- (A) The membership
- (B) The number of voting members;
- (C) The Chairperson(s) and Alternate-Chairperson(s); and
- (D) The staff representative(s) who shall assist the committee.

Each ad hoc committee shall cease to exist upon acceptance of the committee's final report by the Corporate Authorities.
(Ord. 5264, passed 03/20/03)

§ 30.22 APPOINTMENT.

(A) The President or the Chairperson may recommend the appointment of a village resident to fill a vacancy upon any advisory committee. The procedures that shall be followed are the same as any other motion which is voted upon by the corporate authorities.

(B) The Trustee who is Chairperson of a committee shall have the primary responsibility for filling vacancies upon that committee.

§ 30.23 COMPOSITION OF STANDING ADVISORY COMMITTEES.

(A) Chairperson. Each Standing Advisory Committee shall be composed of one (1) Trustee who shall act as Chairperson and one (1) Trustee who shall act as Alternate-Chairperson for a period recommended, not to exceed two (2) years, on such Standing Advisory Committee. The Chairperson shall determine the procedures to be followed by the Standing Advisory Committee and the manner of chairing the Standing Advisory Committee meetings.

During the month of May in odd numbered years, the Chairpersons and Alternate-Chairpersons of each Standing Advisory Committee shall be reviewed and reassessed by the Village President with the advice and consent of the Board of Trustees. In the event a vacancy occurs or a need for broader experience is needed, the Village President shall have the authority to reassign Standing Advisory Committee Chairpersons and Alternate-Chairpersons with the advice and consent of the Board of Trustees. It is the intent of the Village Board to rotate the Chairpersonships and Alternate-Chairpersonships among all the Trustees for broader experience, but yet maintain continuity and experience in areas in which great expertise has been shown.

(B) Voting Members. Each Standing Advisory Committee shall, in addition to the Chairperson, consist of eight (8) voting members who shall be residents of the Village. The Alternate-Chairperson shall chair the Standing Advisory Committee meeting only in the absence of the Chairperson, and shall not otherwise be required to attend meetings of the Standing Advisory Committee. In the event that neither the Chairperson nor the Alternate-Chairperson can attend a meeting of the Standing Advisory Committee, the Chairperson shall designate either another Trustee or a voting member of the Standing Advisory Committee to serve as the Temporary Chairperson for said meeting, and shall advise the Village Manager of said designation. Upon receipt of a Temporary Chairperson

designation, the Village Manager shall advise the voting members of the Standing Advisory Committee of said designation. Voting members of the Standing Advisory Committees shall serve in such capacity for two (2) year terms, beginning on the 22nd day in May in each odd numbered year. The Chairperson, the Alternate-Chairperson in the absence of the Chairperson, or the Temporary Chairperson, if a Trustee, in the absence of the Chairperson and Alternate-Chairperson shall only vote in instances where the vote of the voting members of the Standing Advisory Committee has resulted in a tie. Voting members of the Standing Advisory Committees shall only serve one one (1) Standing Advisory Committee at a time.

(C) Student Member. Each Standing Advisory Committee may, in addition to the Chairperson, Alternate-Chairperson and eight (8) voting members, have a student member. Any such student member shall be a resident of the Village who is enrolled in high school. Said student member shall be allowed to participate in the discussions at the Standing Advisory Committee meeting, but shall have no voting authority. Said student member shall be appointed to the Standing Advisory Committee in the same manner as the voting members of the Standing Advisory Committee, but shall only serve on the Standing Advisory Committee for a one (1) year term. Said term may be renewed in the same manner as the voting members of the Standing Advisory Committee for additional one year periods. However, the student membership shall automatically end upon high school graduation.

(D) Committee Advisors and Assistants. The Village Manager, or his/her designee (staff representative), shall provide guidance, information and continuity of established policies to the Standing Advisory Committees. In addition, each Standing Advisory Committee may rely on the assistance of any other advisory personnel that it may deem necessary. The staff representative and any advisory personnel shall not have any voting privileges.

(E) Quorum. A quorum of a Standing Advisory Committee for purposes of conducting business, shall be no less than four (4) voting members, along with either the Chairperson, Alternate-Chairperson, or Temporary Chairperson, if the Temporary Chairperson is a Trustee, or no less

than five (5) voting members if a Temporary Chairperson is chairing the meeting and the Temporary Chairperson is a voting member of the Standing Advisory Committee.

(F) Recommendations. A recommendation by a Standing Advisory Committee must be approved by an affirmative vote of no less than a majority of those voting members who are present or one-half (1/2) of those voting members who are present and the Chairperson, Alternate-Chairperson, or Temporary Chairperson, if the Temporary Chairperson is a Trustee.

(Ord. 3433, passed 8/1/91, Ord. 4087, passed 10/19/95; Ord. 5264, passed 3/20/03; Ord. 6119, passed 11/15/07; Ord. 6367, passed 8/20/09; Ord. 6755, passed 9/20/12; Ord. 6756, passed 9/20/12)

§ 30.24 DUTIES.

(A) Each advisory committee shall make recommendations to the corporate authorities regarding matters of policy and legislation and shall not become involved in the day-to-day administration of the village.

(B) Finance Committee. The Finance Committee shall review, evaluate and make recommendations to the corporate authorities on matters pertaining to the financial operation and financial reporting of the village regarding the following:

(1) Expenditure Reports. The Committee shall review the semi-monthly expenditure reports prepared by the Village's Finance Department throughout the fiscal year.

(2) Monitoring of revenues. The Committee shall compare actual revenues versus projected revenues as well as investigate alternative or additional sources of revenues.

(3) Review of the annual budget. The Committee shall review the annual budget prior to its adoption by the corporate authorities.

(4) Audit procedures. The Committee shall review the annual audit and accompanying management letter.

(5) Water and sewer service. The Committee shall review the costs and amounts of money necessary to continue to supply water and sewer service as well as the water and sewer rates.

(6) Other matters. The Committee shall consider matters which are specifically referred to it by the corporate authorities.

(C) Public Works Committee. The Public Works Committee shall consider and make recommendations to the corporation authorities regarding the following:

(1) Public works ordinances and standards. The Committee shall review standards for street lighting, drainage, sewers, streets, forestry, subdivisions, flood control and water meters.

(2) User fees. The Committee shall review the costs of the tree planting program, the sidewalk replacement program and any new fees relating to Public Works each year, or as requested.

(3) Other matters. The Committee shall consider other matters which are specifically referred to it by the corporate authorities.

(D) Community Relations Committee. The Community Relations Committee shall consider and make recommendations to the Corporate Authorities regarding the following:

(1) Social Services. The Committee shall advise the Corporate Authorities on social services. The Committee shall work with existing service organizations to address the social service needs of residents and the homeless and to coordinate and publicize the use of social and assistance services.

(2) Senior Citizens. The Committee shall serve as a liaison to senior citizens and senior citizen

groups within the Village. The Committee will make recommendations with respect to the adoption and amendment of ordinances relating to senior citizens after reviewing the needs and concerns of senior citizens, and will review the services provided to senior citizens to determine what coordination role the Village might play relative to programs offered through other agencies.

(3) Youth. The Committee shall advise and make recommendations on issues affecting the youth of the Village. The Committee will provide youth with an opportunity to express their opinions and suggestions on issues in the community, thereby encouraging youth involvement in the community, and will serve as a forum for public discussion of topics related to youth activities. In addition, the Committee will review the services provided to youth to determine what coordination role the Village might play relative to programs offered through other agencies.

(4) Diversity. The Committee will review and make recommendations to the Corporate Authorities in regard to promoting programs that recognize cultural diversity in the community and that instill an appreciation of the value of a diverse population.

(5) Intergovernmental Cooperation. The Committee will make recommendations in regard to promoting intergovernmental cooperation and communication.

(6) Other Matters. The Committee shall consider other matters that are specifically referred to it by the corporate authorities.

(E) Economic and Community Development Committee. The Economic and Community Development Committee shall consider and make recommendations to the corporate authorities regarding:

(1) Community liaison. The Committee shall have the responsibility of coordinating a solid, positive working relationship with community organizations and resident groups.

(2) Development. The Committee shall make recommendations to the corporate authorities which encourage and guide development and re-development in the community, but shall not intrude upon the duties and responsibilities of the Plan Commission or Zoning Board of Appeals.

(3) Resources. The Committee shall review related resources, plans, grant applications and proposals and other materials pertaining to community betterment and development.

(4) Downtown Redevelopment. The Committee shall have the responsibility to study and to recommend appropriate action concerning the redevelopment of the downtown area to include but not be limited to adaptive building reuse and the preservation of buildings of historic and architectural significance.

(5) Tax Increment Financing Districts. The Committee shall act as a conduit and coordinating body for the tax increment financing district(s) of the Village.

(6) Other matters. The Committee shall consider other matters which are specifically referred to it by the corporate authorities.

(F) Transportation and Safety Committee. The Transportation and Safety Committee shall consider and make recommendations to the Corporate Authorities regarding:

(1) Transportation. The Committee shall have the responsibility of reviewing and reporting upon all methods and forms of transportation affecting the Village, including both public and private methods of transportation.

(2) Safety. The Committee shall review and make recommendations to the Corporate Authorities regarding traffic and safety matters in the Village.

(3) The Committee shall act as a liaison for the Village in relation to other governmental agencies dealing with transportation issues within the Village.

(4) Traffic Code. The Committee shall recommend revisions to the Village's Traffic Code.

(5) Traffic Studies. The Committee shall review, and make recommendations in regard to, traffic studies affecting traffic within the Village.

(6) Complaints. The Committee shall review, and make recommendations in regard to, all complaints received by the Village relative to traffic and/or parking issues.

(7) Circulator. The Committee shall have the responsibility of reviewing, reporting upon and making recommendations on issues associated with the Circulator.

(8) The Committee shall consider other matters which are specifically referred to it by the corporate authorities.

(G) Environmental Concerns Committee. The Environmental Concerns Committee shall consider and make recommendations to the corporate authorities regarding the following:

(1) Environmental concerns. The Committee shall review, evaluate and make recommendations relative to health and environmental quality concerns in the village.

(2) Solid Waste Stream. The Committee shall review, evaluate and make recommendations regarding the management of all solid waste within the Village, including, but not limited to, the disposal and/or recycling of said solid waste.

(3) Resources. The Committee shall review related resources, plans, grant applications and proposals and other materials pertaining to environmental issues.

(4) Other matters. The Committee shall consider other matters which are specifically referred to it by the corporate authorities.

(H) Community Promotions and Tourism Committee. The Community Promotions and Tourism Committee shall consider and make recommendations to the Corporate Authorities regarding the following:

(1) Hotel/Motel Tax Budget. The items as presented by the Finance Department and/or the Village Manager's Office for funding, within the Village's annual budget, through the use of the hotel/motel tax.

(2) Hotel/Motel Tax Grant Program. Hotel/motel tax grant program funding requests by community organizations.

(3) Overnight Stay Events. Items and events which relate to encouraging overnight stays within the Village.

(4) Other Matters. The Committee shall consider other matters which are specifically referred to it by the Corporate Authorities.

In addition to the Chairperson, Vice-Chairperson, Voting Members and Student Member, the following individuals shall be provided notice of Committee meetings, so that they can attend and participate in the Committee discussions: Executive Director of the Lombard Chamber of Commerce, the Executive Director of the DuPage County Convention & Visitors Bureau, the General Manager of Yorktown Center, and the General Managers for each hotel/motel located within the corporate limits of the Village.

(I) Meeting schedules. The Chairperson of each Committee shall set up a schedule of proposed dates within which meetings may be held regarding the activities of the committee. Committee meetings will be held on an on-call basis. In the event there are no topics of concern for the committee, committee meetings need not be held. Meetings shall be held at least three times per year. ('70 Code, Ch. 2.40) (Ord. 2575, passed 2-10-82; Am. Ord. 2962, passed 6-25-87; Am. Ord. 3072, passed 7-7-88; Am. Ord. 3165, passed 5-18-89; Ord.

5264, passed 3/20/03; Ord. 6391, passed 9/17/09; Ord. 6766, passed 10/18/12)

§ 30.25 EXPENDITURES BY ADVISORY COMMITTEES.

(A) Any advisory committee, except the Board of Fire and Police Commissioners, requesting an individual expenditure of less than \$500 shall require the signatures of the Chairperson and Village President to authorize the expenditure.

(B) Any advisory committee, except for the Board of Fire and Police Commissioners, requesting an individual expenditure of \$500 or more shall require the formal approval of the Board of Trustees.

(C) The Economic and Community Development Committee (ECDC) shall be duly authorized to approve Downtown Lombard Renovation and Improvement Grant expenditures of less than \$10,000, as provided for in Sections 36.30 through 36.36 of the Village Code. However, the ECDC shall also have the authority to make a recommendation to the Board of Trustees on any such grants, if it deems appropriate. (Ord. 3165, passed 5-18-89; Ord. 6725, passed 5/17/12)

§ 30.26 SUBCOMMITTEES

(A) A Standing Advisory Committee may from time to time, upon request of the Chairperson of the Standing Advisory Committee, by motion create a subcommittee(s) to advise the Standing Advisory Committee in a particular area, subject to the approval of the membership of any such subcommittee by the Corporate Authorities. In creating a subcommittee, the Standing Advisory Committee shall advise the Corporate Authorities in regard to the following relative to the subcommittee:

- (1) The proposed membership;
- (2) The proposed Chairperson (who shall be a member of the Standing Advisory Committee); and
- (3) The purpose of the subcommittee.

(B) Each subcommittee shall cease to exist upon the end of the term of the members of the Standing Advisory Committee (as provided for in Section 30.23(B) above) or acceptance of the subcommittee's final report by the Standing Advisory Committee, whichever occurs first.

(C) Where no Village staff member is present at a meeting of the subcommittee, the Chairperson of the subcommittee shall be responsible for preparing the minutes of said subcommittee meeting.
(Ord. 5262, passed 3/20/03)

§ 30.99 PENALTY.

Any Trustee in violation of § 30.04 shall be subject to a fine of not less than \$50 nor more than \$100 for each and every offense.
(70 Code, § 2.06.040) (Ord. 2575, passed 2-10-82)

CHAPTER 31: VILLAGE OFFICIALS AND EMPLOYEES

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§ 31.01 ELECTIVE OFFICERS DESIGNATED; DUTIES.

(A) The elective officers of the village are a President, six village Trustees, and a Village Clerk. ('70 Code, § 2.02.010)

(B) The duties of all appointive officers shall be as prescribed by the statutes of the state, as

heretofore established and prescribed by ordinance, as herein prescribed, and as may hereafter be prescribed by the Board of Trustees. ('70 Code, § 2.10.060)
(Ord. 2575, passed 2-10-82)

perform such other and further duties and be subject to such other rules and regulations as the President and Board of Trustees may from time to time require, or by ordinance provide and establish.
(‘70 Code, § 2.02.040) (Ord. 2575, passed 2-10-82)

§ 31.02 APPOINTIVE OFFICERS; TERM OF OFFICE.

(A) The other officers of the village shall be appointed either by the President of the village with the advice and consent of the Board of Trustees as needed pursuant to state statute or by the Village Manager, also pursuant to state statute. All officers appointed by the President with the approval of the Board of Trustees whose term of office is not otherwise expressly provided for by law or ordinance shall hold their respective offices for the term of four years or until their successors are appointed and qualified. Any officers so appointed may be suspended or removed from office for good and sufficient cause, and all vacancies may be filled by the President and Board of Trustees. The Village Manager shall appoint all directors of departments, the Village Attorney, the Village Engineer, and the Village Budget Officer. ('70 Code, § 2.02.020)

(B) The officers shall consist of a Village Manager, a Village Attorney, a Village Engineer, a Village Treasurer, and a Village Budget Officer. The President with the consent of the Board of Trustees may also from time to time appoint such other officers as they may deem necessary or expedient. ('70 Code, § 2.02.030)
(Ord. 2575, passed 2-10-82)

§ 31.03 BOARD OF TRUSTEES MAY REQUIRE

Each officer, besides the specific duties which he may be required to do by the various provisions of the ordinances and the laws of the state, shall also

§ 31.04 VILLAGE TO PAY PREMIUM ON BONDS.

In all cases where elective or appointive officers of the village are by statute required to furnish official bonds, the village shall pay the premium on such bonds whenever the surety on such bonds is a surety or bonding company.
(‘70 Code, § 2.02.050) (Ord. 2575, passed 2-10-82)

§ 31.05 INAUGURATION DATE FOR ELECTED OFFICERS.

Pursuant to 65 ILCS 5/3.1-10-15, the inauguration date for the elected officers of the Village (Village President, six Trustees and Village Clerk) is hereby established as the first regular Village Board meeting in May following the election, or the first regular or special Village Board meeting after the Village’s receipt of the official election results, whichever occurs last.
(Ord. 4237, passed 10/17/97; Ord. 5970, passed 1/4/07; Ord. 6354, passed 06-18-09)

§ 31.06 TERM LIMITS FOR ELECTED OFFICIALS

Pursuant to the binding referendum approved at the November 6, 2012 election, the terms of office for those persons elected to the offices of Village President, Village Clerk or Trustee in the Village of Lombard, at the April 9, 2013 consolidated election and at each election for any of said offices thereafter, are hereby limited such that no person so elected may serve more than three (3) consecutive full four (4) year terms in the same office. In this regard, once a person serves three (3) consecutive full four (4) year terms in a particular office, said person may not serve again in said particular office until after another person has first served in said particular office. (Ord. 6790, passed 1/17/13)

VILLAGE PRESIDENT

§ 31.10 SIGNING COMMISSIONS.

The Village President shall sign all commissions, resolutions, ordinances, and other legal documents granted by the authority of the Board of Trustees, and revoke the same, except as otherwise provided by law or ordinance.
(’70 Code, § 2.04.010) (Ord. 2575, passed 2-10-82)
(Ord. 3040, passed 3-17-88)

§31.11 OTHER DUTIES.

The President shall perform all such other duties as are now or may be hereinafter enjoined upon him by the ordinances of the Village and the laws of the State.
(’70 Code, §2.04.020)(Ord. 2575, passed 2/10/82)

§31.12 COMPENSATION

(A) As established in 1987, the current compensation of the Village President and Local Liquor Control Commissioner is the amount of \$8,400.00 annually, payable in twenty-six (26) equal bi-weekly installments.

(B) The compensation of the Village President and Local Liquor Control Commissioner whose term of office commences after the consolidated election in April of 2005 shall, effective June 1, 2005, be \$13,702.00 for the June 1, 2005 through May 31, 2006 fiscal year, payable in twenty-six (26) equal bi-weekly installments. Effective June 1, 2006, and on each June 1st thereafter, the compensation then in effect shall be increased by the percent change in the Chicago Area Consumer Price Index for all urban consumers (CPI-U) as calculated and published by the federal government for the period beginning May of the previous year and ending April of the current year, rounded to the next highest dollar amount as appropriate for purposes of resulting in an even dollar amount for payroll purposes, payable in twenty-six (26) bi-weekly installments.
(’70 Code, §2.04.030)(Ord. 2575, passed 2/10/82; Am. Ord. 3021, passed 12/17/87; Am. Ord. 3145, passed 4/29/89; Ord. 5571, passed 10-21-04)

§31.13 LOCAL LIQUOR CONTROL COMMISSIONER.

The President shall be the Local Liquor Control Commissioner, and is charged with the administration of 235 ILCS 5 and such ordinances or resolution enacted by the corporate authorities.
(’70 Code, §2.04.040) (Ord. 2575, passed 2/10/82)

§31.14 VACANCY IN THE OFFICE OF VILLAGE PRESIDENT.

If a vacancy occurs in the office of the Village President, it shall be filled in accordance with 65 ILCS 5/5-2-14.
(Ord. 3696, passed 6/3/93)

§31.15 PRESIDENT PRO TEM.

Repealed Ord. 6759; passed 10/2/12

(Ord. 3696, passed 6/3/93).

§ 31.16 CHAIRMAN PRO TEM

Repealed Ord. 6759; passed 10/2/12.

VILLAGE CLERK

§ 31.20 BOND.

The Village Clerk shall, before entering upon the duties of his or her office, execute to the village a bond in the sum of \$1000, with sureties to be approved by the Board of Trustees, conditioned as required by law, and filed with the Village Treasurer.
(’70 Code, § 2.08.010) (Ord. 2575, passed 2-10-82)

§ 31.21 RECORD KEEPING.

The Village Clerk shall attend all meetings of the Board of Trustees and keep a full record of its proceedings in the journal; keep all records; receive, mark, and properly file all papers coming to his or her office belonging to the village; grant certified papers from the records or papers of the village; and execute such orders as he or she may receive from the Board of Trustees.
(’70 Code, § 2.08.020) (Ord. 2575, passed 2-10-82)

§ 31.22 ORDINANCE RECORDING AND PUBLISHING.

The Village Clerk shall record, in a book to be kept for that purpose, all ordinances passed by the Board of Trustees. He or she shall also within the time provided for by the laws of the state cause all ordinances of the village imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, to be published in the manner provided under the statutes of the state, except such ordinances as are duly published in pamphlet form by order of the President and Board of Trustees; and shall note at the foot of the record of each ordinance a memorandum of the date of its passage, and the date of its approval (if approved) by the President, and, if published, the date of such publication. He or she shall file the original ordinances in his or her office and attach a certificate of publication to all ordinances requiring publication.
(’70 Code, § 2.08.030) (Ord. 2575, passed 2-10-82)

§ 31.23 NOTIFYING ELECTED OR APPOINTED OFFICERS.

It shall be the duty of the Village Clerk, within five days after the result of any election is declared or appointment made, to notify all persons elected or appointed to any village office of their election or appointment; and unless such persons shall qualify respectively in ten days after such notice, the office shall become vacant.

('70 Code, § 2.08.040) (Ord. 2575, passed 2-10-82)

§ 31.24 BUDGET ORDINANCE.

The Village Clerk shall, within the time provided for under the statutes of the state, file with the County Clerk a certified copy of the ordinance in which the total amount of the budget for all corporate purposes of the village, legally made, are levied and assessed.

('70 Code, § 2.08.050) (Ord. 2575, passed 2-10-82)

§ 31.25 LICENSES AND BONDS.

The Clerk shall prepare and deliver all licenses and bonds. He or she shall issue and attest under the corporate seal of the village all licenses granted by the President and Board of Trustees, countersign all warrants, and deliver the same when called for taking a proper receipt therefor.

('70 Code, § 2.08.060) (Ord. 2575, passed 2-10-82)

§ 31.26 MONIES COLLECTED.

The Clerk shall promptly turn over all monies collected by him or her on account of the village to the Village Treasurer.

('70 Code, § 2.08.070) (Ord. 2575, passed 2-10-82)

§ 31.27 ISSUANCE OF NOTICES.

The Clerk shall issue notices to all persons whose attendance may be required before the Board of Trustees or any committee thereof, and shall also issue notices of special meetings of the President and Board of Trustees.

('70 Code, § 2.08.080) (Ord. 2575, passed 2-10-82)

§ 31.28 CUSTODIAN OF SEALS AND RECORDS.

The Clerk shall be the custodian and keeper of the corporate seal, and of all the books, records, ordinances, and papers of the village, except as otherwise provided by law or ordinance, and shall generally do and perform such other duties as may be required of him by the President and Board of Trustees and the ordinances of the village. He shall enter on the journal of the proceedings of the President and Board of Trustees the record of the year and may vote which shall be taken upon the passage of all ordinances and on all propositions to create any liability against the village or for the expenditure or appropriation of its money, and in all other cases at the request of any member.

('70 Code, § 2.08.090) (Ord. 2575, passed 2-10-82)

§ 31.29 COMPENSATION.

(A) As established in 1987, the current compensation of the Village Clerk is the amount of \$3,600.00 annually, payable in twenty-six (26) equal bi-weekly installments.

(B) The compensation of the Village Clerk whose term of office commences after the consolidated election in April of 2005 shall, effective June 1, 2005, be \$6,162.00 for the June 1, 2005 through May 31, 2006 fiscal year, payable in twenty-six (26) equal bi-weekly installments. Effective June 1, 2006 , and on each June 1st thereafter, the compensation then in effect shall be increased by the percent change in the Chicago Area Consumer Price Index for all urban consumers (CPI-U) as calculated and published by the federal government for the period beginning May of the previous year and ending April of the current year, rounded to the next highest dollar amount as appropriate for purposes of resulting in an even dollar amount for payroll purposes, payable in twenty-six (26) bi-weekly installments. ('70 Code, § 2.08.100) (Ord. 2575, passed 2-10-82; Am. Ord. 3021, passed 12-17-87; Am. Ord. 3145, passed 4-20-89; Ord. 5571, passed 10-21-04)

§ 31.30 DEPUTY CLERK AUTHORIZED; APPOINTMENT.

(A) The Village Clerk may appoint two (2) Deputy Clerks, who shall have the power and duty to execute all documents required by law or ordinance to be executed by the Village Clerk and to affix the seal of the village thereto, whenever required. ('70 Code, § 2.08.110)

(B) Pursuant to 65 ILCS 5/3.1-30-10(b), the appointment of the Deputy Clerks shall be made by the Village Clerk and the Deputy Clerks shall serve at the pleasure of the Village Clerk. ('70 Code, § 2.08.113) (Ord. 2575, passed 2-10-82; Ord. 6454, passed 3/18/10)

§ 31.31 DEPUTY CLERK POWERS; WHEN EXERCISED.

(A) In signing any document as described in § 31.30(A), the Deputy Clerk shall sign the name of the Clerk followed with the word "By" and the Deputy Clerk's own name, and the words "Deputy Clerk". ('70 Code, § 2.08.111)

(B) Such duties shall be exercised only in the absence of the Clerk from the Clerk's office and only when written direction has been given by the Clerk to such Deputy to exercise such power, or when the President and Board of Trustees have determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform such functions. ('70 Code, § 2.08.112) (Ord. 2575, passed 2-10-82)

VILLAGE MANAGER

§ 31.40 CREATION OF OFFICE.

(A) There is established the office of the Village Manager. The Village Manager shall be appointed by the Board of Trustees, and shall be the administrative head of the municipal government of the village, and shall be responsible for the efficient administration of all departments of the village. He shall be appointed without regard to his political beliefs, reside in the village during such time as he occupies the office of Village Manager.

(B) He shall be appointed for an indefinite term and may be removed from office at any time upon a majority vote of the Board of Trustees. In case of absence or the disability of the Village Manager, the Board of Trustees may designate a qualified administrative officer of the village to perform the duties of the Manager during such absence or disability, who will then assume the duties of Village Manager until appointment by the Board of Trustees of a new Village Manager. ('70 Code, § 2.10.010) (Ord. 2575, passed 2-10-82; Ord. 6831, passed 5/16/13; Ord 6902, passed 12/5/13)

§ 31.41 POWERS AND DUTIES.

The powers and duties of the Village Manager shall be as set forth in 65 ILCS 5/5-3-7. ('70 Code, § 2.10.020) (Ord. 2575, passed 2-10-82)

VILLAGE TREASURER**§ 31.42 SALARY.**

The salary of the Village Manager shall be fixed by the Board of Trustees, shall be payable every two weeks, and in no case shall it exceed the amount provided for in the annual budget ordinance of the village in any fiscal year. ('70 Code, § 2.10.030) (Ord. 2575, passed 2-10-82; Am. Ord. 2963, passed 6-25-87)

§ 31.50 SURETY BOND.

The Village Treasurer shall, before entering upon the duties of his or her office, execute a bond to the village in the sum of three times the latest federal census, the sureties to be approved by the President and Board of Trustees, conditioned as required by law. ('70 Code, § 2.12.010) (Ord. 2575, passed 2-10-82)

§ 31.43 OATH AND BOND.

Before entering upon the duties of his office, the Village Manager shall take and subscribe to the oath prescribed by the statutes of the state, and shall give bond in the penal sum of \$25,000 conditioned on his fidelity and the faithful performance of his duties, premium of the bond to be paid by the village. ('70 Code, § 2.10.040) (Ord. 2575, passed 2-10-82)

§ 31.51 RECORDS.

The Treasurer shall keep a true and accurate account of all monies paid into the treasury; from whom and on what account received; pay out all such sums of money as may be ordered by the President and Board of Trustees, and only on warrants therefor signed by the President of the village attested by the Village Clerk; and in all such cases such warrants must state upon what particular fund they are drawn. Any bond or interest coupon issued by the village and due and payable, shall be considered as a warrant duly authorized for payment by the Treasurer. ('70 Code, § 2.12.020) (Ord. 2575, passed 2-10-82)

§ 31.52 ACCOUNT BOOKS.

The books which must be kept by the Treasurer shall at all times show the exact condition of the monies under his control of each account and appropriation, and of all receipts and disbursements, and such books, together with all orders belonging to

the village and in his custody, shall be by him handed over to his successor. The Treasurer shall, upon receipt of all monies, enter and apportion the same to the credit of the several accounts upon which monies were paid, stating from whom they were received. He shall keep a separate account with each fund or appropriation, stating at the head of each account the amount so appropriated, and giving the several debits and credits belonging thereto.
(’70 Code, § 2.12.030) (Ord. 2575, passed 2-10-82)

§ 31.53 SPECIAL ASSESSMENTS.

The Treasurer shall keep an account with each special assessment under its general description and number, and the account shall show at its head the amount assessed for public benefits and also that for special benefits. All monies received on any special assessment shall be held by the Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose whatever except as may have been provided in the ordinance for the improvement.
(’70 Code, § 2.12.040) (Ord. 2575, passed 2-10-82)

§ 31.54 APPROPRIATE FUNDS.

No money shall be paid by the Village Treasurer upon any warrant, bond, or coupon, except from the monies belonging to the particular fund or appropriation upon which such warrant shall have been drawn, nor shall money be transferred by the Treasurer from one fund to another after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, without the vote of a majority of the Board of Trustees.
(’70 Code, § 2.12.050) (Ord. 2575, passed 2-10-82)

§ 31.55 REPORTS.

(A) The Village Treasurer shall annually, prior to December 1, prepare and file with the Village Clerk an account of moneys received and expenditures incurred during the preceeding fiscal year, with the information provided in said account so filed being in compliance with 65 ILCS 5/3.1-35-65(a).

(B) The Treasurer shall, in addition to the annual report imposed upon him by the statutes of the state, on or before June 10 of each year, submit to the President and Board of Trustees a report in writing showing the amount of the several appropriations made by the Board of Trustees during the fiscal year; all sums of money which shall have been paid into and charged against the several funds; all expenditures out of all funds under proper heads and charges against the several funds; all unexpended balances in the several funds; and shall also show the balances of the several appropriations which have not been expended. In addition, he shall report as liability all bills which have been passed and allowed by the Finance Committee or by the Board of Trustees. He shall also in such report make a separate item of all taxes and monies he may have received from the Township Treasurer or County Treasurer at any time after January 1 of the year in which he makes his report to the date of his report.
(’70 Code, § 2.12.060) (Ord. 2575, passed 2-10-82; Ord. 5200, passed 10/3/02)

§ 31.56 CANCELING PAID WARRANTS.

The Treasurer shall cancel all warrants paid out and redeemed by him. Upon the rendering of any monthly report he shall cause the same to be accompanied by all warrants, duplicate receipts in detail for all monies received, and such other vouchers as will fully and entirely cover all his transactions for the month of such report. Upon examination and review of the Finance Committee, the Village Clerk shall take charge of the Treasurer's

report, warrants, and vouchers, and keep the same on file in his office.

('70 Code, § 2.12.070) (Ord. 2575, passed 2-10-82)

§ 31.57 VILLAGE FUNDS SEPARATE.

The Village Treasurer shall keep all monies belonging to the village in his hands separate and distinct from his own monies, and he is expressly prohibited from using, either directly or indirectly, the village money or warrants in his custody or keeping such monies for his own benefit or that of any person or persons whatever. He shall perform such other duties as may be prescribed by the laws of the state and the ordinances of the village.

('70 Code, § 2.12.080) (Ord. 2575, passed 2-10-82)

§ 31.58 DEPUTY TREASURER.

Pursuant to 65 ILCS 5/3.1-10-45, the Treasurer is hereby authorized to designate a subordinate to serve as Deputy Treasurer. Said Deputy Treasurer shall have all the powers and authority granted by State Statute or this Village code to the Treasurer. Said designation shall be made by way of letter, addressed to the President and Board of Trustees, with a copy to the Village Manager.

(Ord. 3797, passed 12/16/93)

EMPLOYMENT POLICIES

§ 31.65 RESIDENCY REQUIREMENTS.

(A) The Fire Chief and Deputy Fire Chiefs of the village, hired by the village subsequent to February 1987 are hereby required to reside within a

five-mile radius of Main and Wilson in Lombard, Illinois.

(B) All paid-on-call firefighters hired by the village subsequent to August 4, 1988 are hereby required to reside within or work within the fire protection district or the 60148 zip code area.

(C) All paid-on-call firefighters hired by the village may be exempted from the residency requirement by proving or have established their value to the village upon recommendation of the Fire Chief to the Village Manager and approval of the Manager.

(D) Any other employee of the village is allowed to establish residency anywhere within the state, but must be reasonably accessible to the village so that the employee is able to properly and adequately carry out his or her job duties or functions.

(Ord. 2595, passed 5-12-83; Am. Ord. 2801, passed 12-5-85; Am. Ord. 2871, passed 8-7-86; Am. Ord. 2927, passed 2-13-87; Am. Ord. 3080, passed 8-4-88)

§ 31.66 COMPENSATION SCHEDULE.

(A) Salary ranges and other wages authorized shall become effective as of passage of the annual compensation ordinance except wherein the Village Manager deems it reasonable to increase salary ranges retroactive to some other date and recommends such date for passage and approval by the corporate authorities.

(B) All salary increases shall be based upon merit as determined through completion of an employee performance evaluation as contained in the personnel manual. Full-time village employees shall be paid according to a range structure established pursuant to the annual compensation ordinance.

(C) (1) An employee may receive a salary below the minimum of his assigned range if he is evaluated below standard, or if he has not completed his first six months of employment prior to June 1 of each year. In the case of a probationary employee, he shall be brought to the range minimum either upon the successful completion of the first six months of employment as evidenced by a standard or above rating on his performance evaluation, or in a manner otherwise determined to be suitable by the Village Manager in accordance with recommendations of the applicable position classification job evaluation and salary plan.

(2) An employee may continue to receive a salary above the maximum of his range if as a result of a reclassification study, the range within which the employee is employed is changed. In the event the employee's salary is above the range, the salary shall be maintained without any increase until the salary falls within the range or shall be adjusted in a manner determined to be suitable by the Village Manager in accordance with recommendations of the applicable position classification job evaluation and salary plan.

(3) Those positions, if any, designated in the applicable job evaluation and salary plan, shall be paid in accordance with the provisions of any collective bargaining agreement between the village and the collective bargaining agent.

(D) Paid-on-call members of the Fire Department shall be paid at an hourly rate as established by ordinance.

(E) Crossing guards shall be paid at an hourly rate as established by ordinance. A workday shall consist of four hours per day.

(F) All rates of pay for overtime, premium pay, and other special pay shall be made according to the appropriate sections of the Personnel Manual effective upon the passage of this code or as amended from time to time.

(G) The Village Manager is authorized to set rates of pay for regular part-time, temporary, or emergency employees; said hourly rates are to be generally consistent with those being paid in the community for comparable activities and skills.

(Ord. 2956, passed 5-28-87; Am. Ord. 2970, passed 7-9-87; Am. Ord. 2998, passed 11-5-87; Am. Ord. 3057, passed 5-19-88; Am. Ord. 3065, passed 6-2-88; Am. Ord. 3068, passed 6-16-88; Am. Ord. 3076, passed 7-21-88; Am. Ord. 3155, passed 5-18-89; Am. Ord. 3171, passed 7-6-89)

§ 31.67 WAGE RATE FOR PUBLIC WORKS EMPLOYEES.

(A) To the extent and as required by "An Act Regulating Wages of Laborers, Mechanics and Other Workmen Employed in any Public Works by the State, County, City or by Any One Under Contract for Public Works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the most recent prevailing rate of wages for construction work in the DuPage County area, as determined by the Department of Labor of the State of Illinois, a copy of the most recent determination being incorporated herein by reference. The definition of any terms appearing this Section which are also used in the aforesaid Act, shall be the same as in said Act.

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

(C) The Village Clerk shall keep available for inspection by any interested party in the main office of this village this determination of such prevailing rate of wage.

(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 employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates. (Ord. 3069, passed 6-16-88; Am. Ord. 3168, passed 6-15-89, Ord. 3713, passed 6/22/93)

§31.68 STATE OFFICIALS AND EMPLOYEES ETHICS ACT

A. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (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 the 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 this Act, by any officer or employee of the Village, is hereby prohibited.

E. For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

F. To the extent allowed by law, 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 which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 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 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 declare the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

J. If the Illinois Supreme Court declares part of the Act unconstitutional, but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Ord. 4655, passed 6/17/99; Ord. 5484, passed 5/6/04)

§31.69 PSEBA AFFIDAVIT FOR COVERAGE

A. Pursuant to the Public Safety Employee Benefits Act, 820 ILCS 320/1, *et seq.* ("PSEBA"), the Village is obligated to provide health insurance benefits to public safety officers catastrophically injured or killed in the line of duty, as well as provide health insurance benefits to their spouses and dependants as prescribed by PSEBA. The Village is further obligated to ensure that PSEBA benefits are only provided to PSEBA-eligible recipients, and that all offsets to the Village's PSEBA liability are promptly applied.

B. In order for the Village to accurately determine its PSEBA liability in any given case, it is necessary for the Village to obtain all information relevant to PSEBA liability from an applicant for PSEBA

benefits. As such, all applicants for PSEBA benefits shall complete and execute a “PSEBA Affidavit for Coverage,” within fifteen (15) days of a request to do so by the Village Manager or his/her designee. The PSEBA Affidavit for Coverage provided for in this Section shall be in substantially the same form as the document attached to Ordinance No. 6824 as Exhibit A, and shall be provided to the applicant for PSEBA benefits by the Village Manager or his/her designee.” (Ord. 6824, passed 5/2/13)

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

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		32.048	Filling vacancies
		32.049	Temporary appointments
	<i>General Provisions</i>	32.050	Removal; discharge; demotion; suspension
		32.051	Probationary period
32.001	Continuation of existing departments and divisions	32.052	Secretary appointment; duties
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		32.054	Meeting and examination rooms
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	<i>Board of Building Appeals</i>		<i>Electrical Commission</i>
32.020	Created; qualifications; term	32.065	Created; membership; terms
32.021	Powers and duties	32.066	Powers
32.022	Commencement of term; removal; officers	32.067	Term
32.023	Notice of meeting	32.068	Inspection Division
32.024	Public hearing		
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	<i>Board of Local Improvements</i>		
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32.040	Created	32.085	Created
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Plan Commission

- 32.095 Created
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Zoning Board of Appeals

- 32.110 Membership; terms
- 32.111 Powers and duties
- 32.999 Penalty

GENERAL PROVISIONS**§ 32.001 CONTINUATION OF EXISTING DEPARTMENTS AND DIVISIONS.**

All departments and divisions thereof in existence on December 1, 1982 are established as the departments of the village and the divisions thereof, and are subject to the provisions of the ordinances heretofore adopted by the President and Board of Trustees creating and establishing such departments and divisions thereunder. The Village Manager shall appoint and remove all directors of departments. ('70 Code, § 2.10.050) (Ord. 2575, passed 2-10-82)

§ 32.002 RESIGNATION FROM BOARDS AND COMMISSIONS.

(A) Any duly appointed member of any board, commission, or committee of the village shall promptly notify the Village President or appointing officer of his or her desire not to remain as a member of that board, commission, or committee in written form. ('70 Code, § 2.60.010)

(B) Any duly appointed member of any board, commission, or committee, upon appointment to his or her position, acknowledges the importance of prompt and regular attendance of that board, commission, or committee's meetings. In the event any duly appointed member of any board, commission, or committee fails to attend three regularly scheduled meetings within one year, said person is deemed to have sent his written resignation to the Village President or appointing authority. ('70 Code, § 2.60.020)

(C) The secretary or other appropriate person of each board, commission, or committee shall, within 30 days of the third date missed within one year by a board, commission, or committee member, notify the Village President or appointing authority of the three missed sessions. ('70 Code, § 2.60.030)

(D) Within ten days of receipt of notice of three missed meetings, the President shall notify the three-time absent member of his implied resignation. The member will then have an additional 14 days within which to show good cause why his implied resignation should not be accepted. ('70 Code, § 2.60.040) (Ord. 2577, passed 2-24-83)

BOARD OF BUILDING APPEALS

§ 32.020 CREATED; QUALIFICATIONS; TERM.

(A) There is created a Board of Building Appeals which shall consist of five members who shall be appointed pursuant to the provisions of this subchapter by the President with the advice and consent of the Board of Trustees of the village.

(B) Members of the Board shall be chosen on the basis of their experience in one or more of the following occupations:

- (1) State of Illinois licensed engineer or architect.
- (2) Builder or person employed in the building construction trade.
- (3) Plumber.
- (4) Electrician.

(C) Appointments shall be for a term of three years, and each member so appointed shall be a resident of the village.
('70 Code, § 2.32.010) (Ord. 2575, passed 2-10-82)

§ 32.021 POWERS AND DUTIES.

The Board of Building Appeals shall have the following powers and duties:

(A) Prepare and recommend to the President and Board of Trustees of the village any changes or amendments to the Building Code deemed necessary for the proper development of the village.

(B) Hear appeals from decisions of the Community Development Director or Fire Chief or their designees regarding any clarification or interpretation of the provisions of the Building Code concerning materials, methods, systems, or arrangement of materials for construction permitted under the provisions of the Building Code, Fire Prevention Code and the Life Safety Code.

(C) Recommend the adaptability or safety of any building materials, methods, or arrangements of materials not provided for in the Building Code and which have not been previously approved for use to the Community Development Director or the Fire Chief or their designees; however, that nothing herein shall allow the Board of Building Appeals to approve any building materials, methods, or arrangements of materials specifically prohibited under the Building Code, Fire Prevention Code or the Life Safety Code.
('70 Code, § 2.32.020) (Ord. 2575, passed 2-10-82; Ord. 6372, passed 9/3/09))

§ 32.022 COMMENCEMENT OF TERM, REMOVAL, OFFICERS.

(A) All terms of the members shall commence on June 1.

(B) If any member, without reason, misses more than three meetings in any 12-month period, said member may be removed and replaced by the President and Board of Trustees.

(C) The President and Board of Trustees shall appoint a Chairperson annually, as of June 1.

(D) The Community Development Director or his designated departmental representative shall act as Secretary for the Board, and it shall be the duty of the Secretary to keep detailed records of all proceedings on file.

('70 Code, § 2.32.030) (Ord. 2575, passed 2-10-82)

§ 32.023 NOTICE OF MEETING.

The Board shall meet upon notice from the Chairperson or the Secretary within 15 days of the filing of an appeal, or at stated periodical meetings, as determined by the Board.

('70 Code, § 2.32.040) (Ord. 2575, passed 2-10-82)

§ 32.024 PUBLIC HEARING.

All hearings shall be open to the public, and all persons whose interest may be affected by the matter which is the subject of the appeal shall be given an opportunity to be heard.

('70 Code, § 2.32.050) (Ord. 2575, passed 2-10-82)

§ 32.025 DECISIONS OF BOARD.

The Board shall affirm, modify, or reverse the decision of the Community Development Director or Fire Chief or their designees by a majority vote of the three voting members, and such action shall be by resolution. Certified copies of the resolution shall be furnished to the appellant and to the Community Development Director or Fire Chief or their designees. An applicant may appeal the decision of the Board to the Board of Trustees by a written request for same filed with the Village Clerk within ten days after receiving written notice of the decision appealed from. An appeal from the decision of the Board of Trustees shall be in accordance with the terms of the Administrative Review Act of the state as amended from time to time.

('70 Code, § 2.32.060) (Ord. 2575, passed 2-10-82; Ord. 6372, passed 9/3/09)

BOARD OF LOCAL IMPROVEMENTS

§ 32.030 CREATED; ADOPTION OF STATE CODE.

(A) There is hereby created and established a Board of Local Improvements for the village which shall be composed of five individuals appointed by the President and Board of Trustees in the manner provided herein.

(B) The provisions of 65 ILCS 5/9-2-1 through 5-2-144 are hereby adopted by reference. ('70 Code, § 2.26.010) (Ord. 2575, passed 2-10-82; Am. Ord. 2862, passed 7-10-86)

§ 32.031 APPOINTMENT; TERMS OF OFFICE.

The five appointed members to the Board of Local Improvements shall be appointed as follows:

(A) Two elected officials of the village shall be appointed to the Board of Local Improvements by the President with the consent of the Board of Trustees. The elected officials so appointed shall serve on the Board of Local Improvements for a term of two years, said terms to begin on or about May 31 of odd numbered years and ending in two years thereafter.

(B) Three electors of the village shall be appointed by the President with the consent of the Board of Trustees. Each elector so appointed shall serve for a term of two years to end on or about May 31. Two electors shall be appointed in even numbered years and one shall be appointed in an odd numbered year.

(C) The Director of Public Works or his designee shall be an ex officio member of the Board of Local Improvements and serve as Secretary.

(D) The officers of the Board of Local Improvements shall consist of a President who shall be referred to as Chairperson and Vice President who shall be referred to as Vice Chairperson. All officers shall be elected on or about June 30 or as soon as thereafter is feasible and shall serve in such office until June 30 of the year next.

(E) Minutes shall be maintained by the Secretary with copies to the Village Clerk. Financial records of any assessments shall be kept by the Financial Department.
('70 Code, § 2.26.020) (Ord. 2575, passed 2-10-82; Am. Ord. 2862, passed 7-10-86)

§ 32.032 REGULAR MEETINGS.

The Board of Local Improvements shall hold regularly scheduled meetings. Notice of those regularly scheduled meetings shall be filed annually.
('70 Code, § 2.26.050) (Ord. 2575, passed 2-10-82)

§ 32.033 SPECIAL MEETINGS.

Special meetings of the Board of Local Improvements may be called at any time on call of the President or any three or more members. Such call shall be in writing and shall specify the business that will come before the meeting. The Secretary shall give two days' previous notice thereof in writing and as may be required by law to each member of the Board of Local Improvements.
('70 Code, § 2.26.060) (Ord. 2575, passed 2-10-82)

§ 32.034 MEETING PLACE.

All meetings of the Board of Local Improvements shall be held in the same building where the President and Board of Trustees hold their meetings unless otherwise provided for by the Board of Local Improvements.
('70 Code, § 2.26.070) (Ord. 2575, passed 2-10-82)

BOARD OF POLICE AND FIRE COMMISSIONERS

§ 32.040 CREATED.

A Board of Police and Fire Commissioners is created as provided by 65 ILCS 5/10-2.1-1 through 5/10-2.1-30. Said statutes are herewith adopted by reference.
('70 Code, § 2.16.010) (Ord. 2575, passed 2-10-82)

§ 32.041 APPOINTMENT; TERM OF OFFICE.

The Village President, with the consent of the Board of Trustees, shall appoint a Board of Police and Fire Commissioners. The Board shall consist of three members, whose term of office shall be three years and until their successors are appointed, except as provided in Ill. Rev. Stat., Ch. 24, § 10-2.1-2.
('70 Code, § 2.16.020) (Ord. 2575, passed 2-10-82)

§ 32.042 QUALIFICATIONS; REMOVAL.

The members of the Board shall possess the qualifications required of other officials of the village, shall take oath or affirmation of office and give bond in the same manner as other appointive officers of the village, and shall be subject to removal from office as such other officers. Members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within 30 days in his or their own defense, before a regular or special meeting of the Board of Trustees.
(’70 Code, § 2.16.030) (Ord. 2575, passed 2-10-82)

§ 32.043 APPOINTMENT TO POLICE AND FIRE DEPARTMENTS.

The Board of Commissioners shall appoint all officers and members of the Police and Fire Department of the village; however, all appointments to such Department other than that of the lowest rank shall be from the rank next below that to which the appointment shall be made. This section shall only apply to full-time firefighters and police officers other than the Chief of Police, Deputy Chief(s) of Police and the Fire Chief.
(passed 2-10-82; Ord. 4983, passed 6-7-01)

§ 32.044 RULES FOR APPOINTMENT AND REMOVAL.

The Board of Commissioners shall make rules to carry out the purpose of this subchapter for appointments and removals in accordance with its provisions, and the Board may from time to time make changes in such rules.
(’70 Code, § 2.16.050) (Ord. 2575, passed 2-10-82)

§ 32.045 PUBLICATION OF REGULATIONS.

All rules and any changes therein shall be forthwith printed for distribution and the Board shall give notice of the place or places where such printed rules may be obtained by publication in the official paper of the village. If there is no official paper then publication in a newspaper published in the village is required. Such publication shall specify the date, not less than ten days subsequent to the time of such publication, when such rules shall go into operation.
(’70 Code, § 2.16.060) (Ord. 2575, passed 2-10-82)

§ 32.046 EXAMINATIONS FOR APPLICANTS; NOTICE.

(A) All applicants for a position other than Police Chief, in the Police Department and Fire Chief, in the Fire Department, shall:

- (1) Be citizens of the United States;
- (2) Not be addicted to alcohol or drugs;
- (3) Be of good moral character; and
- (4) Qualify under 65 ILCS 5/10-2.1-6.

(B) Examinations for a position in the Police Department to all applicants, and shall be in conformance with state law.
(’70 Code, § 2.16.070)

(C) Notice of the time and place of every examination shall be given by the Board by publication for two weeks preceding such examination, in the official paper of the village, and such notice shall also be posted in a conspicuous place in the office of the Board for two weeks previous to such examination. If there is no official paper in the village, such publication may be made in any newspaper of general circulation published in the village. (’70 Code, § 2.16.080)
(Ord. 2575, passed 2-10-82)

§ 32.047 REGISTER OF ELIGIBLE PERSONS.

The Board of Commissioners shall prepare and keep a register of persons whose general average standing, upon examination, is not less than the minimum fixed by the rules of the Board, and who are otherwise eligible. Such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. ('70 Code, § 2.16.090) (Ord. 2575, passed 2-10-82)

§ 32.048 FILLING VACANCIES.

(A) Upon written certification of the Village Manager to the Board of Commissioners that a vacancy exists in any grade or rank of the Police or Fire Departments over which the Board has authority, such Board shall fill said vacancies as authorized by this subchapter and by state law. ('70 Code, § 2.16.095)

(B) The Board shall, by its rules, provide for promotion in the Police and Fire Departments on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among other members of the next lower rank as desire to submit themselves to such examination, and all promotions shall be made from the three having the highest rating. The method of examination and the rules governing the same shall be the same as provided for applicants for original appointment. ('70 Code, § 2.16.100) (Ord. 2575, passed 2-10-82)

§ 32.049 TEMPORARY APPOINTMENTS.

The Board of Commissioners may, in order to prevent a stoppage of public business, meet extraordinary exigencies, or prevent material impairment of the Police and Fire Departments, make temporary appointments, to remain in force until regular appointments may be made under the provisions of this chapter, and not in any event to exceed 60 days. ('70 Code, § 2.16.110) (Ord. 2575, passed 2-10-82)

§ 32.050 REMOVAL; DISCHARGE; DEMOTION; SUSPENSION.

The removal, discharge, demotion, or suspension of a police officer shall be in conformance with state law. ('70 Code, § 2.16.120) (Ord. 2575, passed 2-10-82)

§ 32.051 PROBATIONARY PERIOD.

(A) A probationary period of not less than two years shall be served by all members or officers of the Fire or Police Departments upon their original appointment to the Department. Upon request of the Fire or Police Chief, the Board of Police and Fire Commissioners may extend such probationary period for not to exceed six months. After successful completion of the probationary period, a written recommendation of the Fire or Police Chief shall be issued stating that the member or officer shall attain "certified" status and be listed by the Board of Commissioners in the official records as a "certified" member for that title.

(B) Any employee who is promoted shall serve a probationary period of one year. The promoted employee shall retain the right to reemployment with the rank from which he was

promoted and holds certified status. Upon successful completion of the probationary period, the promoted employee, upon the written request of the Fire or Police Chief, shall attain "certified" status in the new title and be listed by the Board of Commissioners in the official record of "certified" members for the new title, provided however that the promotional probationary period shall not be applicable to any officers or certified members promoted prior to April 1, 1977.
(*70 Code, § 2.16.130) (Ord. 2575, passed 2-10-82)

**§ 32.052 SECRETARY APPOINTMENT;
DUTIES.**

The Board of Commissioners may employ a secretary, or may designate one of its own members to act as such. The Secretary shall keep the minutes of the proceedings, be the custodian of all papers pertaining to the business of the Board, keep a record of all examinations held, and perform such other duties as the Board shall prescribe.
(*70 Code, § 2.16.140) (Ord. 2575, passed 2-10-82)

§ 32.053 HOLDING OTHER OFFICE.

No person holding any office under any municipality, or related by blood or marriage up to the degree of first cousin to any elected official of the village, shall be a member of the Board of Commissioners, and the acceptance of such office by such member shall be deemed and held as a resignation of his previously-held office by such member. Not more than two members of the Board shall belong to or be members of the same local political party, if any, and if none, then the same state or national party.
(*70 Code, § 2.16.150) (Ord. 2575, passed 2-10-82)

**§ 32.054 MEETING AND EXAMINATION
ROOMS.**

The President and Board of Trustees shall provide suitable rooms for the Board of Police and Fire Commissioners and shall allow all reasonable use of public buildings for holding examinations by the Board.
(*70 Code, § 2.16.160) (Ord. 2575, passed 2-10-82)

§ 32.055 COMPENSATION.

The Secretary shall be paid a reasonable compensation for his services, to be fixed by the President and Board of Trustees. The President and Board of Trustees shall also fix the compensation to be paid to members of the Board, but until the President and Board of Trustees shall make provisions therefor, the members of the Board shall serve without compensation.
(*70 Code, § 2.16.170) (Ord. 2575, passed 2-10-82)

§ 32.056 ATTORNEY.

A separate attorney from the prosecutor of the municipality shall represent the Board of Commissioners. The governing body has the authority to retain an attorney to represent the Board, after consultation with the Board.
(*70 Code, § 2.16.180) (Ord. 2575, passed 2-10-82)

ELECTRICAL COMMISSION

§ 32.065 CREATED; MEMBERSHIP.

There is hereby created an Electrical Commission which shall consist of six members who shall reside in the village and who shall be appointed by the President with the advice and consent of the Board of Trustees as follows: Chief Electrical Inspector shall be a member and ex officio Chairperson of the Commission. Of the five remaining, a registered professional engineer, a representative of an inspectional bureau maintained by Fire Underwriters or the Chief of the Fire Department, an electrical contractor, a journey electrician, and a representative of an electrical supply company shall be appointed. If there is no person residing in the village qualified under one of the above descriptions, the President may appoint another person to fill the position with the advice and consent of the Board of Trustees.
('70 Code, § 2.33.010) (Ord. 2575, passed 2-10-82)

§ 32.066 POWERS.

The Electrical Commission shall have the power and duty to prepare and recommend to the President and Board of Trustees of the village the following:

(A) Safe and practical standards and specifications for the installation, alteration, and use of electrical equipment designed to meet the necessities and conditions of the particular locality.

(B) Reasonable rules and regulations governing the issuance of permits by the Electrical Inspection Division.

(C) Reasonable fees for inspections by the Inspection Division of all electrical equipment installed or altered within the village.
('70 Code, § 2.33.020) (Ord. 2575, passed 2-10-82)

§ 32.067 TERM.

Each member of the Electrical Commission shall be appointed for a four-year term.
('70 Code, § 2.33.030) (Ord. 2575, passed 2-10-82)

§ 32.068 INSPECTION DIVISION.

There is hereby created in the village an Electrical Inspection Division within the Building Division. Said Division shall be under the control of the Community Development Director. The Electrical Inspection shall consist of an Electrical Inspector and such personnel as may from time to time be required. The Electrical Inspector shall be appointed by the Village Manager, and shall be responsible for completing all electrical inspections and enforcing the provisions of the Electrical Code of the village.
('70 Code, § 2.33.040) (Ord. 2575, passed 2-10-82; Ord. 6372, passed 9/3/09)

*HISTORICAL COMMISSION***§ 32.075 CREATED; MEMBERSHIP; TERMS; OFFICERS.**

(A) An Historical Commission of the village is hereby created.

(B) The Commission shall consist of 11 members appointed by the President and Board of Trustees.

(C) Appointments shall be for a period of four years and shall be made in January of odd-numbered years. All appointments made hereunder shall continue until a successor appointment has been duly made.

(D) Commissioners shall elect their own Chairperson and Secretary from their members, together with such other officers as they deem fit and pursuant to rules to be promulgated, adopted, and amended by the Commission.
(’70 Code, § 2.34.010) (Ord. 2575, passed 2-10-82)

§ 32.076 MEETINGS; ANNUAL REPORT.

(A) The Commission shall meet as provided in its rules, but not less than semi-annually.

(B) The Commission shall make an annual report to the corporate authorities in January of each year, or more often as it may deem fit, which report may make recommendations in keeping with the spirit of this subchapter, and the enabling statute providing for creation of this Commission.
(’70 Code, § 2.34.010) (Ord. 2575, passed 2-10-82)

§ 32.077 PUBLIC HEARINGS.

The Historical Commission shall have the authority to conduct public hearings upon its own motion, or on a citizen's petition therefore to implement the spirit of this subchapter for the purposes and uses set forth in 65 ILCS 5/11-48.2-2, and all modification and amendments thereof. Such hearings shall be pursuant to notice as is otherwise set forth in 65 ILCS 5/11-48.2-4. Upon the conclusion of such hearing, a recommendation shall be made within a reasonable time to the corporate authorities, which corporate authorities shall then take such action on the recommendation of the Commission as they may deem fit, necessary, and indicated.

(’70 Code, § 2.34.020) (Ord. 2575, passed 2-10-82)

§ 32.078 JUDICIAL REVIEW.

Any proceedings of the Historical Commission shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", and all amendments and implications thereof and rules adopted pursuant thereto by the state, if such action is taken by administrative decision as defined in 760 ILCS 20/14.

(’70 Code, § 2.34.030) (Ord. 2575, passed 2-10-82)

§ 32.079 HISTORICAL SITES; DESIGNATION AND MAINTENANCE.

(A) The Historical Commission shall have the authority to recommend the designation or rejection of sites having a special historical or community interest or value, thereby making the designation as a "landmark site" or "landmark district". These designations shall be made only with the written approval of the property owners; however, written

approval of the property owners shall not be required in the case of an “abandoned cemetery,” as said term is defined in 65 ILCS 5/11-49-1(d), in the event that the owners of the abandoned cemetery are unknown, or no longer in existense.

(B) The Commission shall have the authority to conduct a survey of sites within the village which may be eligible for said designation and maintain a register thereof. This list may include single structures or sites, portions of structures, groups of structures, man-made or natural landscape elements, works of art, or integrated combinations thereof.

(C) In making its recommendation for said designation, the Commission shall consider the following criteria concerning such sites:

(1) The character, interest, or value as part of the development, heritage, or cultural characteristics of the village.

(2) The identification with a person or persons who significantly contributed to the cultural, economic, social, or historical development of the village.

(3) The architectural significance of a building which is at least 50 years of age and is a good example of a specific architectural style containing distinctive elements of design, detail, materials, or craftsmanship, or is an example of a style which had an impact on the community. Such a building must retain much of its original architectural integrity.

(4) The archeological importance of a site which has yielded, or may be likely to yield, information important in pre-history or history.

(D) Upon reaching a preliminary conclusion that a site meets one or more of the criteria contained in the above division, the Commission shall schedule a public hearing on the question of said proposed designation, setting forth a date, time, and place and causing written notice, by certified mail, to be given to all property owners of record of said property and to the public through a local newspaper, not more

than 30 nor less than 15 days prior to said public hearing.

(1) The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as are prescribed by the above governing public hearings within the village, and by 65 ILCS 5/11-48.2-4.

(2) The Commission shall make a determination with respect to the proposed designation, in writing, 30 days after the hearing and shall forthwith transmit its recommendation to the Board of Trustees.

(3) If the Board of Trustees approves the designation, the Commission shall notify the Bureau of Inspectional Services and the Plan Commission of the official designation. The Commission shall also file with the County Recorder of Deeds and County Assessor a certified copy of the designation ordinance and send a certified copy of said ordinance and notice to the owner of record of said property by certified mail.

(E) (1) The Commission shall have the authority to review all proposed alterations, regardless of whether or not they require a building permit. Alterations shall be defined as any work that results in changes in the exterior form, shape, or appearance of a building designated as a "landmark site" which thereby destroys its original architectural integrity. No alterations will be made and no building permit issued in regard to property classified as a "landmark site" to any applicant without a certificate of appropriateness from the Historical Commission in the following instances:

(a) Where such permit would allow the alteration or reconstruction of any building designated as a "landmark site";

(b) Where such permit would allow the demolition of any building designated as a "landmark site", except that in the event of extensive damage because of fire, windstorm, or other natural causes, demolition shall be allowed upon the recommendation of the Building Commissioner;

(c) Where such a permit would allow the construction or erection of any addition to a building designated as a "landmark site"; or

(d) Where such permit would allow the erection of another building or buildings on property designated as a "landmark site."

(2) The Commission, in considering the appropriateness of any alteration, removal in part, new construction, reconstruction, restoration, remodeling, other modification of any building requiring a permit, shall consider among other things, the purpose of this subchapter, the historical and architectural value and significance of the "landmark site" or "landmark district", the exterior texture and/or material of the building or structure in question or its appurtenant fixtures, other buildings within a "landmark district", and the position of such building or structure in relation to the street or public way and to other buildings and structures.

(3) The Commission shall review an application for demolition and have the authority to delay said demolition for a period not to exceed six months, to enable the Commission to try to find a purchaser or alternate use for the building.

(4) Nothing in this subchapter shall be construed to prevent ordinary maintenance or repair of any exterior elements of any building or structure described as a "landmark site." REPAIRS shall be defined as any work where the purpose and effect of the work is to replace damaged or defective portions of a structure with like materials, thereby retaining the original architectural integrity. ORDINARY MAINTENANCE shall be defined as any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage. Interiors of buildings are only included when specifically designated in the siting ordinance.

(F) (1) A certificate of appropriateness must precede the issuance of any permit in regard to property classified as a "landmark site." Application

made to the Historical Commission must include copies of all detailed plans, designs, elevations, specifications, and documents relating thereto. The Commission shall meet with the applicant to approve, modify, or disapprove the application in whole or in part or suspend action.

(2) If the Commission finds the proposed work of a nature which meets the criteria established in division (E), it shall issue a certificate of appropriateness and forward it to the Building Commissioner. The Building Commissioner shall thereafter proceed with his own review of the application for a building permit. If the Commission finds that the proposed work does not meet the criteria, a certificate of appropriateness will not be issued. Written notice of the denial of the certificate of appropriateness, together with the reasons therefor, shall be given to the applicant.

(G) (1) Regulations and orders of the Commission issued pursuant to this subchapter shall be enforced by the Building Commissioner. Violations shall be punished as set forth in § 32.999.

(2) Any person aggrieved by a decision of the Commission may, within 30 days after receipt by certified mail of the notice of denial, apply to the Board of Trustees of the village for a review of the Commission's decision. He shall file with the Village Clerk a written notice requesting the Board to review said decision. Should the Village Board agree with the aggrieved and override the Historical Commission's recommendation, its action would constitute an automatic removal of the "landmark site" designation. ('70 Code, § 2.34.040) (Ord. 2575, passed 2-10-82; Ord. 6641, passed 9/1/11) Penalty, see § 32.999

LEGAL DEPARTMENT

§ 32.085 CREATED.

There is hereby created the Legal Department to be headed by the Village Attorney. The Village Attorney shall also be the Director of the Legal Department and shall be appointed and removed by the Village Manager in conformance with state statute. Additional clerical personnel may be appointed from time to time by the Village Manager to give clerical and docket assistance to the Village Attorney, as the Village Manager may deem necessary.
('70 Code, § 2.14.010) (Ord. 2575, passed 2-10-82)

§ 32.086 PREPARATION OF ORDINANCES AND LEGAL INSTRUMENTS.

The Village Attorney shall:

(A) Prepare or revise ordinances when so requested by the Board of Trustees.

(B) Prepare for execution, or approve as to form, all contracts and instruments to which the village is a party and approve as to form all bonds required to be submitted to the village.
('70 Code, § 2.14.020) (Ord. 2575, passed 2-10-82)

§ 32.087 REPRESENTATION OF VILLAGE.

The Village Attorney shall enforce all laws and act to protect the interests of the village, and to this end he shall:

(A) Advise the Board of Trustees or any village officer when thereto requested, upon all legal questions arising in the conduct of village business.

(B) Give his opinion upon any legal matter or question submitted to him by the Board of Trustees, or by the Village Manager.

(C) Attend all Board meetings in their entirety for the purpose of giving members of the Board any legal advice requested.

(D) Prepare all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a village ordinance or of any regulations adopted under authority of the statute, or upon the commission of a misdemeanor as declared by a statute or by virtue of its authority. In any prosecution for violation of any regulation adopted by any board or commission created under authority of any statute, the Village Attorney shall act under the directions of the Village Manager, subject to such paramount control as is given to the Board of Trustees by statute.

(E) Have charge of all legal services auxiliary to Board action in connection with the condemnation of property to public use, in the levying of assessments, and all other litigation.
('70 Code, § 2.14.030) (Ord. 2575, passed 2-10-82)

§ 32.088 REPORTS AND RECORDS.

(A) The Village Attorney shall make reports as follows:

(1) Immediately report the outcome of any litigation in which the village has an interest to the Village Manager and Board of Trustees.

(2) Make an annual report to the Village Manager and Board of Trustees as of the first day of

June of all pending litigation in which the village has an interest and the condition thereof.

(B) The Village Attorney shall keep records as follows:

(1) Keep a complete record of all suits in which the village had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.

(2) Keep a complete record of all written opinions furnished by him and of all certificates or abstracts of titles furnished by him to the village, or any department or official thereof.

(C) The Village Attorney shall deliver all records, documents, and property of every description in his possession belonging to his office or to the village, to his successor in office who shall give him duplicate receipts therefor, one of which he shall file with the Village Clerk.
(’70 Code, § 2.14.040) (Ord. 2575, passed 2-10-82)

PLAN COMMISSION

§ 32.095 CREATED.

A Plan Commission for the Village of Lombard, Illinois, is hereby created under the authority of 65 ILCS 5/11-12-4 et. seq.
(’70 Code, § 2.28.010) (Ord. 2575, passed 2-10-82, Ord. 3599, passed 9/17/92, Ord. 3691, passed 5/6/93)

§ 32.096 MEMBERSHIP.

Said Plan Commission shall consist of seven members (exclusive of the Director of Planning, who are ex-officio members). One of the members shall be designated as Chairman. All members of the Commission shall be electors of the Village and shall be appointed by the President and approved by the Board of Trustees, shall be subject to removal at any time by the President and Board of Trustees, shall serve without compensation and shall take an oath.

(’70 Code, § 2.28.020) (Ord. 2575, passed 2-10-82, Ord. 3599, passed 9/17/92, Ord. 3691, passed 5/6/93)

§ 32.097 TERMS; CHAIRPERSON; EXECUTIVE SECRETARY.

The terms of members shall be for a term of four years. All vacancies occurring in such Plan Commission shall be filled by appointment for the remainder of the unexpired term in the same manner as original appointments. The chairman of the Commission shall be so designated by the President subject to the approval by the Board of Trustees. He shall serve as chairman for a one-year term or until his successor has been appointed. The secretary to the Plan Commission shall be the Director of Planning.

(’70 Code, § 2.28.030) (Ord. 2575, passed 2-10-82, Ord. 3599, passed 9/17/92, Ord. 3691, passed 5/6/93)

§ 32.098 OTHER OFFICERS; COMPENSATION; TECHNICAL ADVICE.

As soon as possible after their appointment the members of the Plan Commission shall select a vice chairman and such other officers as may be deemed necessary. All the members and officers of the Plan Commission shall serve as such without

compensation, except that the recording secretary may receive such compensation as may be fixed from time to time by the Board of Trustees and provided for in any budget ordinance. If the Plan Commission deems it advisable to secure technical advice or service, it may do so upon authority from the Board of Trustees and appropriation by the Village therefore.

('70 Code, § 2.28.040) (Ord. 2575, passed 2-10-82, Ord. 3599, passed 9/17/92, Ord. 3691 passed 5/6/93)

§ 32.099 POWERS.

The Planning and Zoning shall have the power to:

(A) o prepare and recommend to the Board of Trustees a comprehensive plan of present and future development or redevelopment of the Village and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits, which plan shall be known, after its adoption by the Village Board, as the official plan of Lombard, or parts thereof. Such plan shall include reasonable requirements in reference among other items, to streets, alleys, public service facilities, parks, playgrounds, school grounds, and other public grounds, which shall be observed whenever such territories are subdivided or resubdivided after the adoption of such plans;

(B) o prepare and recommend to the Board of Trustees from time to time such changes in the plan or parts thereof as may be deemed necessary by the Board of Trustees or by the Plan Commission;

(c) To prepare and recommend to the Board of Trustees from time to time, plans for specific improvements in pursuance of such official plan;

(D) To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to

further the making of such improvements, and generally to promote the realization of the official plan; and,

(E) To exercise such other powers germane to the above powers as may be conferred by the Board of Trustees.

(F) Any additional powers granted by the Illinois Compiled Statutes.

('70 Code, § 2.28.050) (Ord. 2575, passed 2-10-82, Ord. 3599, passed 9/17/92, Ord. 3691 passed 5/6/93)

§ 32.100 MAPS OR PLATS.

No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the village, and in contiguous unincorporated territory outside of and distant not more than one and one-half miles from such limits, after the adoption of the official plan, shall be entitled to record or shall be valid unless the subdivision or resubdivision thereon shown shall provide for streets, alleys, public service facilities, parks, playgrounds, school grounds, and other public grounds in conformity with any requirements applicable thereto, on such official plan or part thereof.

('70 Code, § 2.28.060) (Ord. 2575, passed 2-10-82)

§ 32.101 QUORUM, VOTING AND MEETINGS.

Four voting members of the Plan Commission shall constitute a quorum but no final action shall be taken on any measure before it, except with the concurrence of four of the voting members present at such meeting.

('70 Code, § 2.28.070) (Ord. 2575, passed 2-10-82, Ord. 3599, passed 9/17/92, Ord. 3691 passed 5/6/93)

§32.102 MEETINGS

Regular meetings of the Plan Commission shall be held on the third Monday of each month at 7:30 p.m. in the Board Room of the Village Hall.
(Ord. 4542, passed 9/17/98)

ZONING BOARD OF APPEALS**§ 32.110 MEMBERSHIP; TERMS.**

(A) The Zoning Board of Appeals shall consist of seven members who shall serve a term of five (5) years. One of the members so appointed shall be named as chairperson at the time of his appointment. All members shall be appointed by the President and approved by the Board of Trustees.

(B) The terms of the members shall commence on the date of their appointment, and may be terminated for cause and after a public hearing by the President and Board of Trustees acting jointly.
(Ord. 3691, passed 5/6/93)

§ 32.111 POWERS AND DUTIES.

(A) Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by state statute and ordinance.

(B) The Board shall hear and decide appeals from and review any order, requirement, decision, or

determination made by an administrative official charged with enforcement of any zoning ordinance.
(*70 Code, § 2.30.020) (Ord. 2575, passed 2-10-82, Ord. 3691 passed 5/6/93)

§ 32.999 PENALTY.

Regulations and orders of the Historical Commission issued pursuant to §§ 32.075 through 32.079 shall be enforced by the Building Commissioner, and any violation shall be punishable by a fine of not less than \$50 nor more than \$750.
(*70 Code, § 2.34.040) (Ord. 2575, passed 2-10-82, Ord. 4104, passed 12/7/95)

CHAPTER 33: FIRE DEPARTMENT

Section		33.48	Cardio Pulmonary Resuscitation (CPR) Instructor Affiliation Fee
	<i>General Provisions</i>		<i>Firefighters' Pension Fund</i>
33.01	Creation; composition	33.50	Membership
33.02	Offices & Ranks Created/Number/Special Requirements	33.51	Duties
33.03	Vacancies	33.52	Reimbursement for Costs & Expenses involved in Hazardous Materials Response
33.04	Report in regard to department rules and regulations	33.53	False Fire Alarms
33.05	Entering firehouses	33.60	Foreign Fire Insurance Tax Board
33.06	Fees for public education and training classes	33.99	Penalty
33.07	Liability of village		
33.08	Records		
	<i>Officers</i>		<i>GENERAL PROVISIONS</i>
33.20	Appointment of Fire Chief		
33.21	Fire Chief; powers and duties		
33.22	Assistant Fire Chief; powers and duties	§ 33.01	CREATION; COMPOSITION.
33.23	Present officers continue in office		
33.24	Residential Dwelling Proximity Requirement		The Fire Department of the village is hereby created and established. It shall consist of a Fire Chief and such other officers and personnel as shall be determined by this chapter. There shall be no other offices in the Fire Department other than those enumerated in this chapter, and there shall be no rank for any member of the Fire Department other than set forth in this chapter. (’70 Code, § 2.22.010) (Ord. 2575, passed 2-10-82)
	<i>Duties</i>		
33.30	Departmental duties		
33.31	Obedience to orders		
33.32	Duties of spectators		
33.33	Enforcement of chapter		
	<i>Service</i>		
33.40	Outside corporate limits	§ 33.02	OFFICES AND RANKS CREATED – NUMBER - SPECIAL REQUIREMENTS.
33.41	Authority		
33.42	Rates for extended service		
33.43	Inspections required		
33.44	Priority of village service		
33.45	Fire protection user fees		(A) The various offices and ranks listed below are hereby created:
33.46	Termination of extended services		
33.47	User Fees for Emergency Medical Service and Transportation Service		

- (1) Battalion Chief
- (2) Lieutenant
- (3) Firefighter

(B) The number authorized to serve in each rank shall be as determined annually in the Budget Ordinance adopted by the Village.

(C) Battalion Chiefs shall:

(1) have no less than five (5) years of service in the rank of Lieutenant;

(2) be an Illinois licensed Emergency Medical Technician; and

(3) have either:

(a) an Associated Degree in Fire Science and a Fire Officer I Certification from the Office of the State Fire Marshal, or

(b) an Associated Degree in any major and a Fire Officer II Certification from the Office of the State Fire Marshal.
('70 Code, § 2.22.040) (Ord. 2575, passed 2-10-82; Am. Ord. 2720, passed 1-24-85; Ord. 3346, passed 12-6-90, Ord. 3442, passed 8/15/91; Ord. 4913, passed 1/4/01; Ord. 6638, passed 8/18/11)

§ 33.03 VACANCIES.

The number of vacancies in each grade, as listed in § 33.02, shall only be filled upon the written certification of the Village Manager to the Board of Police and Fire Commissioners. Such certification shall set forth the number of vacancies in each grade or rank that are to be filled as the Village Manager shall deem necessary from time to time.
('70 Code, § 2.22.055) (Ord. 2829, passed 2-27-86)

§ 33.04 REPORT IN REGARD TO DEPARTMENT RULES AND REGULATIONS.

The Fire Chief shall provide a copy of the current orders, rules and regulations of Fire Department, as promulgated by the Fire Chief pursuant to the authority granted by Section 33.21 of this Code, to each member of the Board of Trustees and each member of the Board of Fire and Police Commissioners, and shall provide any revisions to said orders, rules and regulations to said individuals at least once every three (3) months thereafter.
('70 Code, § 2.22.180) (Ord. 2598, passed 5-26-83; Ord. 5335, passed 8-21-03)

§ 33.05 ENTERING FIREHOUSES.

It is unlawful for any person or persons to enter the Fire Department houses or any place where the equipment and apparatus of the Fire Department is stored, at any time, except on business pertaining to the Fire Department or other village business.
('70 Code, § 2.22.110) (Ord. 2575, passed 2-10-82) Penalty, see § 33.99

§ 33.06 FEES FOR PUBLIC EDUCATION AND TRAINING CLASSES.

(A) The fee charged to Village residents for public education and training classes given by the Village's Fire Department shall be the sum of the actual costs of the following items, to the extent provided relative to each particular course:

- 1. book(s);
- 2. consumer material;
- 3. student supplies; and
- 4. one-half of the cost of the instructor(s) supplied by the Village based upon seven (7) students.

(B) The fee charged to non-Village residents for public education and training classes given by the Village's Fire Department shall be the same as charged to Village residents, except that the entire cost of the instructor(s) supplied by the Village shall be charged based upon seven (7) students.

(C) The fee charged for Instructor Classes shall be the actual cost of the class with no exclusions based upon four (4) students.

(D) Notwithstanding the foregoing, the fee charged to members of a not-for-profit organization participating in a public education or training class given by the Village's Fire Department shall be capped at the actual cost of student supplies and consumable material.

(E) The department shall maintain a class fee schedule and a minimum student level for each class.

(F) All fees shall be rounded to the nearest dollar. (Ord. 2725, passed 2-14-85, Ord. 4165, passed 5/16/96; Ord. 5199, passed 9/19/02; Ord. 6082, passed 9/6/07)

§ 33.07 LIABILITY OF VILLAGE.

Neither the village nor any member of the Fire Department shall be under any liability for any failure to respond to a call for service to any of the premises covered by the terms of this chapter or for any act performed, or failure to act, when responding to such a call or on the premises in response thereto. ('70 Code, § 2.22.160) (Ord. 2575, passed 2-10-82)

§ 33.08 RECORDS.

The Fire Chief shall keep or cause to be kept a record of all meetings of the company and the attendance of the members, a record of all fires, and, during the last week in April of each year, file with the Village Clerk a full report of such records and attendance and fires, which report shall be under oath as may be necessary to satisfy and supplement the audits or accounts of the village Finance Department. ('70 Code, § 2.22.060) (Ord. 2575, passed 2-10-82)

OFFICERS

§ 33.20 APPOINTMENT OF FIRE CHIEF.

(A) The Village Manager is authorized to appoint and remove the Fire Chief. In the event the Fire Chief is removed, the Village Manager shall file with the corporate authorities the reasons for such removal, which removal shall not become effective unless confirmed by a majority vote of the corporate authorities.

(B) If a member of the Department is appointed Fire Chief, prior to being eligible to retire on pension, he shall be considered as on furlough from the rank he held immediately prior to his appointment as Chief. If he resigns as Chief or is discharged as Chief prior to attaining eligibility to retire on pension, he shall revert to and be established in such prior rank, and thereafter be entitled to all the benefits and emoluments of such prior rank, without regard as to whether a vacancy then exists in such rank. ('70 Code, § 2.22.020) (Ord. 2575, passed 2-10-82)

§ 33.21 FIRE CHIEF; POWERS AND DUTIES.

The Fire Chief shall have the control of the Fire Department, the members thereof, and the care and custody of all fire apparatus belonging to the village. The Fire Chief shall promulgate such orders, rules, and regulations for the conduct of the Department and the members thereof as to him shall seem fit and proper.
('70 Code, § 2.22.030) (Ord. 2575, passed 2-10-82)

§ 33.22 ASSISTANT FIRE CHIEF; POWERS AND DUTIES

(A) The Village Manager is authorized to appoint and remove an Assistant Fire Chief, who shall be a non-sworn, administrative officer of the Fire Department.

(B) The Assistant Fire Chief shall perform the duties and exercise the powers, as directed by the Village Manager and the Fire Chief.

(Ord. 6638, passed 8/18/11)

§ 33.23 PRESENT OFFICERS CONTINUE IN OFFICE.

All persons heretofore duly appointed and now acting as an officer of any grade, shall continue to act in such capacity as though appointed pursuant to the terms of this chapter.
('70 Code, § 2.22.050) (Ord. 2575, passed 2-10-82)

§ 33.24 RESIDENTIAL DWELLING PROXIMITY REQUIREMENT.

(A) The following members of the Fire Department shall be required to reside within the Village or within four (4) miles of any point on the corporate boundary of the Village:

- (1) Fire Chief
- (2) Assistant Fire Chief
- (3) Battalion Chief

(B) Any person promoted or appointed to a position covered by this Section who does not meet the requirement of this Section at the time of promotion or appointment, shall have one (1) year to come into compliance with this Section from the date of promotion or appointment. The Village Manager shall have the discretion to grant said persons additional time to come into compliance with this Section based on a showing of hardship.
(Ord. 6638, passed 8/18/11; Ord. 6750, passed 9/6/12)

DUTIES

§ 33.30 DEPARTMENTAL DUTIES.

It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of such fires, and to render rescue and emergency first-aid service.
('70 Code, § 2.22.070) (Ord. 2575, passed 2-10-82)

§ 33.31 OBEDIENCE TO ORDERS.

Any firefighter on duty who shall neglect or refuse to obey the orders of a superior officer shall, if a full-time firefighter, be subject to the disciplinary procedures in accordance with state law.
('70 Code, § 2.22.080) (Ord. 2575, passed 2-10-82)

§ 33.32 DUTIES OF SPECTATORS.

Every male or female person above the age of 18 years who is present at a fire shall be subject to the orders of the fire officer in command at such fire, shall render all assistance in his power, and shall conduct himself in such manner as he may be directed in the extinguishment of the fire and in the removal and protection of property.

('70 Code, § 2.22.090) (Ord. 2575, passed 2-10-82)
Penalty, see § 33.99

§ 33.33 ENFORCEMENT OF CHAPTER.

It shall be the duty of all officers of the Fire Department and all police officers of the village to ensure that the provisions of this chapter are enforced, and to arrest on view any person who is found violating any of the provisions of this chapter, or who hinders, resists, or refuses to obey any such officer in the discharge of his duty. To that end, all such officers are vested with the usual power and authority of police officers.

('70 Code, § 2.22.100) (Ord. 2575, passed 2-10-82)

SERVICE**§ 33.40 OUTSIDE CORPORATE LIMITS.**

Members and equipment of the Fire Department are authorized to go outside the corporate limits of the village for the purpose of rendering aid to other fire departments, or within the territorial limits of the Glenbard Fire Protection District or such other areas

as may have contracted for fire protection with the corporate authorities of this village from time to time hereafter, or for the purpose of extinguishing fires or rendering emergency first-aid in the case of accidents. However, the Fire Department shall not render such service outside the corporate limits except upon orders of the Chief or Deputy Chief of the Fire Department or as provided in § 33.41.

('70 Code, § 2.22.120) (Ord. 2575, passed 2-10-82)

§ 33.41 AUTHORITY.

(A) The members of the Fire Department are authorized and directed to render firefighting service to owners or occupants of premises outside the corporate limits of the village within the area described in the following section, on the terms and conditions set forth in this section.

(B) The area covered by this section shall include all the land lying within the following described boundaries, as follows: commencing at the intersection of Route 53 with North Avenue; thence westerly along North Avenue to the DuPage River; thence southerly long the DuPage River to the centerline of St. Charles Road; thence easterly along St. Charles Road to its intersection with Route 53; thence northerly along Route 53 to the place of beginning.

(C) Such service shall be rendered only to premises the owner of which shall have signed an agreement to abide by and accept the terms of this chapter, and who has paid the rates herein prescribed. That agreement may be in the following form:

"To the Village of Lombard:

I hereby request that the Village extend its fire-fighting service to the property owned by me, used for the purpose of _____,
at _____,
for one year, beginning with the date hereof. Payment for services rendered by the Village in relation to my property shall be made by me within fifteen (15) days of the date of any such bill, with

interest accruing on the unpaid balance of any such bill after said fifteenth (15th) day at the rate of one and one half percent (1 1/2%) per month, with the minimum interest charge being for a one (1) month period. I understand that should a bill for services remain unpaid for more than sixty (60) days after its due date, the Village shall have no obligation to provide further services to my property, and this agreement shall immediately terminate.

I further accept all the terms and conditions of the ordinances of the Village governing such service, and such terms and conditions are a part of the agreement with the Village.

Dated this _____ day of _____, 19__."

(D) The rights created by accepting the provisions hereof and paying the charge prescribed shall run with the land and the benefits thereof shall accrue to any person acquiring title to any premises covered thereby, provided such person shall sign an agreement accepting the provisions of this chapter. ('70 Code, § 2.22.121) (Ord. 2575, passed 2-10-82, Ord. 4217, passed 9/19/96)

§ 33.42 RATES FOR EXTENDED SERVICE.

The charge for extended service shall be computed at the rate of seventy-five and no/100 dollars (\$75.00) per hour, or portion thereof, per vehicle and twenty and no/100 dollars (\$20.00) per hour, or portion thereof, per firefighter responding to a call for assistance. An additional charge may be added to reimburse the Village for any extraordinary expenses for materials used in rendering such services. Payment for services rendered shall be made to the Village within fifteen (15) days of the date of the mailing of a bill therefore by the Village. Late payments shall accrue interest at the rate of one and one half percent (1 1/2%) per month, with the minimum interest charge being for a one (1) month period. The contract for said services, as provided for in Section 33.41(C) above, shall run for a period of one (1) year, may be renewable for like periods upon action by the Board of Trustees, and shall terminate prior to the normal expiration date if a bill

for services remains unpaid for more than sixty (60) days from the due date.

('70 Code, § 2.22.130) (Ord. 2575, passed 2-10-82; Am. Ord. 3001, passed 11-19-87, Ord. 4217, passed 9/19/96)

§ 33.43 INSPECTIONS REQUIRED.

No such service shall be offered to cover any premises that have not been inspected by the Fire Chief and found to be in proper condition and free from undue hazards. All premises covered in accordance with the terms of this chapter shall be open to inspection by the Fire Chief of the village, or by anyone else designated by the President or Board of Trustees, at any time.

('70 Code, § 2.22.140) (Ord. 2575, passed 2-10-82; Am. Ord. 3001, passed 11-19-87)

§ 33.44 PRIORITY OF VILLAGE SERVICE.

The Fire Department shall not leave the village in rendering service under this chapter at any time when it is actually responding to an alarm within the village or fighting a fire therein, and no service shall be rendered to premises outside the village unless at the time one complete unit of firefighting apparatus and sufficient members of the Fire Department to operate it remain in the village.

('70 Code, § 2.22.150) (Ord. 2575, passed 2-10-82)

§ 33.45 FIRE PROTECTION USER FEES.

(A) When used in this section the following phrases shall have the following meanings:

(1) NON-STRUCTURE RELATED FIRE. A grass, brush, rubbish, automobile, or other minor fire.

(2) STRUCTURE-RELATED FIRE. Any fire involving a house, portion thereof, garage, barn, storage shed, or utility building.

(B) A fee is hereby imposed upon any person requesting or using the emergency fire protection services of the village Fire Department outside the corporate limits of the village, and not through any type of inter-governmental mutual aid agreement.

(C) The fee imposed for structure-related fires shall be \$500.

(D) The fee imposed for non-structure related fires shall be \$100.

(E) In the event the fees listed in division (C) and division (D) are not paid within 90 days of date of billing, an additional processing charge of \$25 will be due and owing for division (C) fees and an additional charge of \$15 shall be due and owing for division (D) fees. The additional processing charge shall be reassessed on a semi-annual basis (i.e. every six months) in the event payment is not made within six months after the first penalty payment was due. (Ord. 2697, passed 9-13-84)

§ 33.46 TERMINATION OF EXTENDED SERVICES.

The contract for supply and extended services outside the corporate limits of the village may be canceled by the village at any time by refunding the proportionate part of the rate paid by the unexpired term, with written notice of such termination being sent by certified mail to the property owner. Termination shall occur within 30 days after hearing of the certified letter and notice. ('70 Code, § 2.22.170) (Ord. 3001, passed 11-19-87)

§ 33.47 USER FEES FOR EMERGENCY MEDICAL SERVICE AND TRANSPORTATION SERVICE

User fees for emergency medical service and emergency medical transportation service shall be as set forth in Sections 91.20 and 91.21 of this Code. (Ord. 4236, passed 10/17/96)

§ 33.48 CARDIO PULMONARY RESCUSITATION (CPR) INSTRUCTOR AFFILIATION FEE

(A) Any Lombard area CPR instructor may affiliate with the Village's Fire Department in its capacity as a CPR Community Training Center, for the purpose of obtaining support services, upon payment of an annual fee of twenty-five and no/100 dollars (\$25.00).

(B) The annual fee set forth in subsection (A) above shall not be applicable to any Village employee who is a CPR instructor teaching CPR classes in his/her capacity as a Village employee. (Ord. 4479, passed 6/4/98)

FIREFIGHTERS' PENSION FUND

§ 33.50 MEMBERSHIP.

There shall be a Board of Trustees of the Firefighter's Pension Fund, consisting of five (5) members: two (2) active firefighters, one (1) retired firefighter and two (2) members appointed by the Village President as required by State statute. The members of the Board to be selected from the active

and retired firemen shall be elected at the time and in the manner provided by statute.

('70 Code, § 2.24.010) (Ord. 2575, passed 2-10-82; Ord. 5868, passed 5/18/06)

§ 33.51 DUTIES.

The Board of Trustees of the Firefighters' Pension Fund shall have control of the management of all funds belonging to or designated by law as part of the Firefighters' Pension Fund, and of the administration of such funds, and all other rights, powers, and duties as are now provided by statute, as such statute may be amended from time to time hereafter.

('70 Code, § 2.24.020) (Ord. 2575, passed 2-10-82)

§ 33.52 REIMBURSEMENT FOR COSTS AND EXPENSES INVOLVED IN HAZARDOUS MATERIALS RESPONSES

(A) That the recitals as set forth in the whereas clauses of Ordinance No. 3347, adopted on December 20, 1990, are incorporated herein by reference as if fully set forth herein.

(B) That any recipient of any hazardous materials response, by the Lombard Fire Department, shall be responsible for reimbursing the Village for the actual costs and expenses of the Village as a result of said hazardous materials response. For purposes of this Section "actual costs and expenses" shall also include the actual costs and expenses and any other municipality of agency that renders aid to the Lombard Fire Department in relation to said hazardous materials response.

(C) Upon completion of a hazardous materials response, the Village shall tender an itemized written bill to the recipient which sets forth the actual costs

and expenses relative to said hazardous materials response.

(D) For purposes of this Section, the "recipient" of a hazardous materials response shall be defined as the owner(s) and/or tenant(s) of the building and/or real or personal property in relation to which the hazardous materials response has taken place.

(E) For purposes of this Section, a "hazardous materials response" shall be defined as any response by the Lombard Fire Department, alone or in conjunction with any other governmental fire department(s) or agencies who are rendering aid to the Lombard Fire Department in relation to said response, in regard to an incident involving the spilling, leaking or escape of any hazardous substance from any container intended for the storage or transportation of said hazardous substance, or in regard to any fire or explosion involving a hazardous substance. For purposes of this Section, "hazardous substance" shall be defined as in 415 ILCS 5/3.14, except that petroleum products and natural gas shall be considered "hazardous substances" for purposes of this Section 33.52. (Ord. 3347, passed 12/20/90)

§ 33.53 FALSE FIRE ALARMS

(A) Definitions:

(1) False Fire Alarm: The activation of a fire alarm system, which indicates the existence of any emergency fire situation, when, in fact, no such emergency exists, but shall not include the activation of a fire alarm system resulting from any of the following causes:

a. violent conditions of nature, including, but not limited to, tornado, earthquake, high winds, flooding and lightning, verified by the Fire Department;

b. electrical service interruption verified by the Fire Department;

c. plumbing or electrical malfunctions verified by the Fire Department;

d. telephone line interruption or corruption, from the property to the fire alarm receiving point, verified by the Fire Department;

e. a manual activation when the action was based upon a good faith belief that a fire emergency existed, and said good faith belief is verified by the Fire Department; or

f. the fire alarm is activated by a governmental agency or department of a governmental agency that determined the fire alarm scenario to be credible.

(2) Fire Alarm User: The owner of the property served by a fire alarm system, and any individual, partnership, corporation, organization or other entity occupying or on the property with permission of the owner.

(3) Fire Alarm System: A system, as required by, or voluntarily installed in compliance with, Chapter 150 of this Code, consisting of components and circuits arranged to monitor the status of an alarm and detection system that is installed for the purpose of alerting others to a fire.

(4) Calendar Year: The period commencing on January 1st and ending on December 31st of each year.

(5) False Fire Alarm Fee: The monetary charge payable to the Village pursuant to subsection B. below, to defray the expenses of responding to false fire alarms.

(B) False Fire Alarm Fees: The schedule of actions to be taken and fees to be charged to fire alarm users, for false fire alarms, shall be as follows:

(1) First false fire alarm in any calendar year: no action other than the notice required by subsection D. below (but see 4. below as to intentional false fire alarms).

(2) Second false fire alarm in any calendar year: a warning letter, advising the fire alarm user that the next false fire alarm will result in a charge, along with the notice required by subsection D. below (but see 4. below as to intentional false fire alarms).

(3) Each false fire alarm in any calendar year, in excess of two (2), shall result in a false fire alarm charge of one hundred and no/100 dollars (\$100.00).

(4) If the false fire alarm is given intentionally, then an additional false fire alarm charge of five hundred and no/100 dollars (\$500.00) shall be assessed, even in regard to a first or second false fire alarm in any calendar year.

(C) Payment of False Fire Alarm Fees: The fire alarm user shall pay the Village any amount assessed pursuant to subsection B. above within thirty (30) days after the mailing of a statement, by the Village, for the false fire alarm fee.

(D) Notices of False Fire Alarms: Within five (5) working days after the Fire Department responds to a false fire alarm, the Fire Department shall cause written notification to be given to the fire alarm user that a false fire alarm has been documented relative to the property

(E) Appeal of False Fire Alarm Charge:

(1) Within fifteen (15) days after the receipt of a bill for a false fire alarm charge, the fire alarm user may file with the Finance Director a written request to reconsider whether the fire alarm was a false fire alarm. Such request shall include all facts upon which the fire alarm user bases the fire alarm user's contention that the fire alarm was not a false fire alarm.

(2) Within ten (10) days after receipt of a written request for reconsideration, the Finance Director or his/her designated representative shall determine whether or not the fire alarm shall be classified as a false fire alarm, and notify the fire alarm user of his/her decision in writing. If it is the determination of the Finance Director that the fire alarm shall be classified as a false fire alarm, the false fire alarm fee shall be paid in full within thirty (30) days following such notification.
(Ord. 6499, passed 6/17/10)

FOREIGN FIRE INSURANCE TAX BOARD**§ 33.60 Foreign Fire Insurance Tax Board**

(A) The Village of Lombard Foreign Fire Insurance Tax Board (Board) is hereby created to consist of seven (7) trustees, with the Fire Chief of the Lombard Fire Department serving as a trustee, along with six (6) trustees who shall be elected at large by the sworn members of the Lombard Fire Department, from the members of the Lombard Fire Department. If there is an insufficient number of candidates to fill all the trustee positions, the number of trustees comprising the Board may be reduced, but not to fewer than three (3) trustees. The officers of the Board shall consist of a Chairperson and a Treasurer, who shall be elected annually by the trustees.

(B) The term "member of the Lombard Fire Department" as used in this Section, shall mean any full-time sworn firefighter, paid-on-call firefighter or officer of the Village of Lombard Fire Department, including the Fire Chief and all promoted positions. No probationary employee of the Lombard Fire Department may hold a trustee position during the period of his/her probation.

(C) Elections of the trustees of the Board shall be held prior to June 1st in even numbered years. The officers of the Board shall be elected annually from the trustees, and take office on June 1st and shall serve up to and including May 31st of the following year. The elections of the trustees and the officers of the Board shall be held in accordance with guidelines and procedures established by the Board.

(D) A Village of Lombard Fire Department Foreign Fire Insurance Tax Fund is hereby created and all revenue received by the Village of Lombard from the foreign fire insurance tax shall be deposited in the Fund and shall be held and expended according to the following procedures:

(1) The Village Treasurer shall provide the Treasurer of the Board a monthly accounting of receipts and expenditures of the Fund.

(2) By December 31st of each year the trustees of the Board shall approve a preliminary budget for the expenditure of the funds received pursuant to the foreign fire insurance tax. The trustees of the Board shall, no later than April 1st, adopt a final budget for the collection and expenditure of the foreign fire insurance tax, to be approved by ordinance by the President and Board of Trustees in order to comply with the statutory mandate of a prior appropriation for all expenditures. The final budget may be amended at any time by a majority vote of the trustees of the Board with the concurrence of the President and Board of Trustees consistent with established practice. Expenditures shall be made only for items specifically described in the final budget as originally adopted or subsequently amended.

(3) The Board shall have the power to approve the expenditure of monies from the Fund for the maintenance, use and benefit of the Department. Any expenditure in excess of five thousand dollars (\$5,000) shall be subject to the approval of the President and Board of Trustees, provided, however, said expenditure shall be approved if it is for the maintenance, use and benefit of the Department.

(4) Any expenditure made from the Fund shall be made in accordance with Village of Lombard rules and regulations, practices and ordinances, as may be amended from time to time, which govern the procurement of goods and services.

(5) No expenditure shall be made from the Fund without approval of the Board.

(6) The Board Treasurer shall give a bond in an amount equal to three (3) times the amount of foreign fire insurance tax revenue to the President and Board of Trustees to ensure the faithful performance of the Board Treasurer of his duties imposed by law and by Board rules and regulations. Fees for said bond shall be paid from the funds collected from the foreign fire insurance tax.

(7) The Board Treasurer shall be responsible for paying the service charge levied by the Illinois Municipal League for the collection of the foreign fire insurance tax from the proceeds of the foreign fire insurance tax, provided such fee is chargeable by state law; and provided that the service charge has not already been retained by the Illinois Municipal League prior to disbursement of the tax.

(8) As part of the Village's annual audit, the Fund shall be audited to verify that expenditures from the Fund, by the Board, have been made only for the maintenance, use and benefit of the Lombard Fire Department.

(E) The Board shall, in accordance with the Open Meetings Act, establish a regular time and place for its meetings. The Chairperson shall preside at the meetings. The Board shall keep a record of all resolutions, proceedings and actions of the Board, and these records shall be open to the public. The affirmative vote of a majority of the trustees of the Board then holding office shall be required for the approval of business before the Board. Special meetings, with appropriate notice, may be called by the Chairperson or by no less than two (2) trustees of the Board. Any person shall be entitled to appear to be heard on any matter before the Board.

(F) The Board may promulgate written rules and regulations governing Board matters so long as such rules and regulations are not inconsistent with any applicable law. All rules and regulations promulgated by the Board must be approved by a majority of the President and Board of Trustees in the same manner as for passage of Village ordinances. All rules and regulations shall be posted in each fire station, the Lombard Village Hall, and a copy provided to the Village Clerk. Before any rule or regulation shall become effective, such rule or regulation shall be filed with the Village Clerk and shall be made available for public inspection. Rules or regulations of the Board shall become effective when the ordinance approved by the President and Board of Trustees becomes law. The Board shall maintain a record of all Board rules and regulations, which shall be available for public inspection.

(G) At no time shall the actions of the Board or its officers interfere with the rights of the Fire

Chief, the composition of the Lombard Fire Department, the Lombard Board of Fire and Police Commissioners, or in any way impede the ordinary operation of the Lombard Fire Department. (Ord. 3527, passed 3/19/92; Ord. 6501, passed 6/17/10)

§ 33.99 PENALTY.

(A) The penalty for the violation of § 33.05 shall be a fine of not less than \$10 nor more than \$750. ('70 Code, § 2.22.110)

(B) Any person refusing to obey such orders as provided for in § 33.32 shall, upon conviction, be fined in any sum not exceeding \$750, provided no person shall be bound to obey any such officer unless that officer's official character is made known to such person. ('70 Code, § 2.22.090) (Ord. 2575, passed 2-10-82, Ord. 4104, passed 12/7/95)

CHAPTER 34: POLICE DEPARTMENT

Section

GENERAL PROVISIONS

General Provisions

§ 34.01 CREATION; COMPOSITION.

- 34.01 Creation; composition
- 34.02 Ranks created
- 34.03 Vacancies
- 34.04 Compensation
- 34.05 Report in regard to department rules and regulations
- 34.06 Access and review of criminal history
- 34.07 Fingerprinting Services

The Police Department of the village is hereby created and established. It shall consist of a Chief of Police and such other officers and personnel as shall be determined by this chapter. There shall be no other offices in the Police Department of the village other than those enumerated in this chapter, and there shall be no rank for any member of the Police Department other than as set forth in this chapter. ('70 Code, § 2.18.010) (Ord. 2575, passed 2-10-82)

Officers

- 34.20 Appointment of Chief of Police
- 34.21 Powers and duties of Police Chief
- 34.22 Present officers continue in office
- 34.23 Oath
- 34.24 Removal from office
- 34.25 Police officers as witnesses
- 34.26 Police officer furnishing bail
- 34.27 Residential Dwelling Proximity Requirement

§ 34.02 RANKS CREATED.

The various offices and ranks listed below are hereby created, with appointments to fill any vacancies in said ranks, as certified in writing by the Village Manager, to take place as set forth below:

Duties and Powers

- 34.35 Duties of officers; supervision
- 34.36 Arrest powers
- 34.37 Aiding Fire Department

(A) Deputy Chief: Pursuant to 65 ILCS 5/10-2.1-4, the Deputy Chief position shall be an exempt rank immediately below that of Chief of Police. The Chief of Police shall appoint the Deputy Chief(s) from any rank of sworn, full-time officers of the Village's Police Department. The individual(s) selected to fill the Deputy Chief position shall have at least five (5) years of full-time service as a Police Officer with the Village's Police Department. The Deputy Chief(s) shall serve at the discretion of the Chief of Police and, if removed from the position of Deputy Chief by the Chief of Police, shall revert to the rank held immediately prior to the appointment to the Deputy Chief position. There shall be no more

Pension Fund

- 34.45 Membership
- 34.46 Duties
- 34.99 Penalty

than two (2) Deputy Chief positions within the Police Department.

(B) Lieutenant: Appointed by the Board of Fire and Police Commissioners upon certification of a vacancy by the Village Manager pursuant to Section 34.03 below.

(C) Sergeant: Appointed by the Board of Fire and Police Commissioners upon certification of a vacancy by the Village Manager pursuant to Section 34.03 below.

(D) Police Officer: Appointed by the Board of Fire and Police Commissioners upon certification of a vacancy by the Village Manager pursuant to Section 34.03 below.

The number authorized to serve in each rank shall be as determined annually in the Budget Ordinance adopted by the Village.
(’70 Code, § 2.18.040) (Ord. 2575, passed 2-10-82; Am. Ord. 2829, passed 2-27-86; Am. Ord. 3095, passed 9-15-86; Am. Ord. 3126, passed 2-16-89, Ord. 3443, passed 8/15/91; Ord. 4983, passed 6-7-01)

§ 34.03 VACANCIES.

Except as provided in subsection 34.02(A) above, the number of vacancies in each rank, as set forth in Section 34.02 above, shall only be filled upon written certification of the Village Manager to the Board of Fire and Police Commissioners. Such certification shall set forth the number of vacancies in each rank that are to be filled, as the Village Manager shall deem necessary from time to time.
(’70 Code, § 2.18.070) (Ord. 2575, passed 2-10-82; Am. Ord. 2829, passed 2-27-86; Ord. 4983, passed 6-7-01)

§ 34.04 COMPENSATION.

Every member of the Police Department shall receive such compensation as the President and Board of Trustees shall from time to time determine. From and after December 1, 1980 and until otherwise changed by the President and the Board of Trustees, the Police Chief and all other officers shall receive the salary as provided in the current salary schedule adopted by the President and the Board of Trustees.
(’70 Code, § 2.18.100) (Ord. 2575, passed 2-10-82)

§ 34.05 REPORT IN REGARD TO DEPARTMENT RULES AND REGULATIONS.

The Police Chief shall provide a copy of the current orders, rules and regulations of Police Department, as promulgated by the Police Chief pursuant to the authority granted by Section 34.21 of this Code, to each member of the Board of Trustees and each members of the Board of Fire and Police Commissioners, and shall provide any revisions to said orders, rules and regulations to said individuals at least once every three (3) months thereafter.
(’70 Code, § 2.18.150) (Ord. 2575, passed 2-10-82; Ord. 5335, passed 8-21-03)

§ 34.06 ACCESS AND REVIEW OF CRIMINAL HISTORY.

The rules and regulations promulgated pursuant to law by the Law Enforcement Assistance Administration of the United States Department of Justice and the Illinois Department of Law Enforcement shall govern the rights of individuals to access and review of said criminal history records. The fee charged for such review shall be \$20 or more as determined by the Village Manager, and shall be payable at the time of submission of an application for access and review of said criminal history records.

('70 Code, § 2.18.160) (Ord. 2575, passed 2-10-82)

regard as to whether a vacancy then exists in such rank.

('70 Code, § 2.18.020) (Ord. 2575, passed 2-10-82)

§ 34.07 FINGERPRINTING SERVICES

The costs for fingerprinting services to be provided for anyone other than persons being booked or fingerprinted pursuant to a violation of a federal, state or local law shall be as follows:

(A) Lombard Residents: Five and no/100 dollars (\$5.00) per set of prints.

(B) Non-Residents: Twenty-Five and no/100 dollars (\$25.00) per set of prints.
(Ord. 3276, passed 7/26/90)

OFFICERS

§ 34.20 APPOINTMENT OF CHIEF OF POLICE.

(A) The Village Manager is authorized to appoint and remove the Chief of Police. In the event the Chief of Police is removed, the Village Manager shall file with the corporate authorities the reasons for such removal, which removal shall not become effective unless confirmed by a majority vote of the corporate authorities.

(B) If a member of the Department is appointed Chief of Police prior to being eligible to retire on pension, he shall be considered as on furlough from the rank he held immediately prior to his appointment as Chief. If he resigns as Chief or is discharged as Chief prior to attaining eligibility to retire on pension, he shall revert to and be established in such prior rank, and thereafter be entitled to all the benefits and emoluments of such prior rank, without

§ 34.21 POWERS AND DUTIES OF POLICE CHIEF.

The Police Chief shall have the custody, care, and control of the public property of the Police Department, subject to the supervision of the Village Manager, and of all firearms and other equipment. He shall be the head of the Police Department and shall promulgate such orders, rules, and regulations for the conduct of the Department and the subordinate members thereof as to him shall seem fit and proper; which orders, rules, and regulations shall be subject to and not in conflict with the rules and regulations of the Board of Police and Fire Commissioners of the village. The Police Chief shall have authority and responsibility for fiscal management of the Police Department subject to the direction of the Village Manager. He shall devote his whole time to the municipal affairs of the village, preserve the peace, order, safety, and cleanliness thereof, and to this end he shall execute and enforce all village ordinances and all orders of the Village Manager. He shall be charged with the duty of protecting the rights of persons and with the protection of property in the village.

('70 Code, § 2.18.030) (Ord. 2575, passed 2-10-82; Am. Ord. 3095, passed 9-15-88)

§ 34.22 PRESENT OFFICERS CONTINUE IN OFFICE.

All persons fully appointed and acting as an officer of any grade as of February, 1982, shall continue to act in such capacity as though appointed pursuant to the terms of this chapter.

('70 Code, § 2.18.050) (Ord. 2575, passed 2-10-82; Am. Ord. 3095, passed 9-15-88)

('70 Code, § 2.18.120) (Ord. 2575, passed 2-10-82)

§ 34.23 OATH.

(A) Every member of the Police Department, before entering upon his duties as such, shall take and subscribe an oath of office in substantially the following form:

"I solemnly swear that I shall support the Constitution of the United States and the Constitution of the State of Illinois and that I will faithfully discharge the duty of the office of (naming the specific office) to the best of my ability."

(B) This oath shall be subscribed and sworn to before some officer authorized by the state to administer oaths, and shall be filed in the office of the Village Clerk.

('70 Code, § 2.18.080) (Ord. 2575, passed 2-10-82)

§ 34.24 REMOVAL FROM OFFICE.

Except for the Police Chief and the Deputy Chief(s) of Police, no officer of the Police Department shall be removed from office except in accordance with state statutes and the rules and regulations of the Board of Police and Fire Commissioners of the village.

('70 Code, § 2.18.090) (Ord. 2575, passed 2-10-82; Ord. 4983, passed 6/7/01)

§ 34.25 POLICE OFFICERS AS WITNESSES.

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

§ 34.26 POLICE OFFICERS FURNISHING BAIL.

No member of the police force shall become or furnish bail for any person arrested for violation of any ordinance of the village, or of criminal laws of the state.

('70 Code, § 2.18.130) (Ord. 2575, passed 2-10-82) Penalty, see § 34.99

§ 34.27 RESIDENTIAL DWELLING PROXIMITY REQUIREMENT.

(A) The Police Chief shall be required to reside within the Village or within four (4) miles of any point on the corporate boundary of the Village.

(B) Any person appointed to the office of Police Chief who does not meet the requirement of this Section at the time of appointment, shall have one (1) year to come into compliance with this Section from the date of appointment. The Village Manager shall have the discretion to grant said persons additional time to come into compliance with this Section based on a showing of hardship.

(Ord. 6637, passed 8/18/11; Ord. 6750, passed 9/6/12)

DUTIES AND POWERS

**§ 34.35 DUTIES OF OFFICERS;
SUPERVISION.**

(A) The duties of all officers shall be to give their attention to the affairs of the village, preserve the peace, order, safety, cleanliness of the village, and to otherwise enforce the statutes of the state, village, the ordinances of the village, and the orders of the Police Chief and Village Manager.

(B) Such officers shall be under the direction and supervision of their respective superior officers and the Police Chief, and shall at all times be subject to the rules and regulations of the Board of Police and Fire Commissioners, as provided by the statutes of the state.

('70 Code, § 2.18.060) (Ord. 2575, passed 2-10-82)

§ 34.36 ARREST POWERS.

All police officers shall have all powers of arrest and detention as provided by the statutes of the state.

('70 Code, § 2.18.110) (Ord. 2575, passed 2-10-82)

§ 34.37 AIDING FIRE DEPARTMENT.

It shall be the duty of the police force to aid the Fire Department by giving alarms in case of fire, and by clearing the streets or grounds in the immediate vicinity of the fire so that the members of the Fire Department shall not be hindered or obstructed in the performance of their duties.

('70 Code, § 2.18.140) (Ord. 2575, passed 2-10-82)

PENSION FUND

§ 34.45 MEMBERSHIP.

There shall be a Board of Trustees of the Police Pension Fund, consisting of two members appointed by the Village President, two members of the regular police force elected by the active members of the Police Department, and a member elected by and among the beneficiaries of the Fund.

('70 Code, § 2.20.010) (Ord. 2575, passed 2-10-82)

§ 34.46 DUTIES.

The Board of Trustees of the Police Pension Fund shall have control of the management of all funds belonging to or designated by law as part of the Fund, and of the administration of such funds, and all other rights, powers, and duties as are now provided by statute, and as such statute may be amended from time to time hereafter.

('70 Code, § 2.20.020) (Ord. 2575, passed 2-10-82)

§ 34.99 PENALTY.

Violation of § 34.26 shall be a misdemeanor with a penalty of not less than \$25, nor more than \$750.

('70 Code, § 2.18.130) (Ord. 2575, passed 2-10-82, Ord. 4104, passed 12/7/95)

CHAPTER 35: VILLAGE POLICIES

Section

Miscellaneous

Acquisition of Property by Village

- 35.01 Authority
- 35.02 Effective date
- 35.03 Approval required

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Disposition of Village Personal Property

- 35.10 Authority
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- 35.12 Disposition of proceeds

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- 35.57 Non-Resident Senior Citizen RTA
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- 35.20 Purchasing agent; appointment
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- 35.28 Designated official
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Competitive Bidding and Variation
Requests

ACQUISITION OF PROPERTY BY VILLAGE

§ 35.01 AUTHORITY.

The President and Board of Trustees are authorized and directed to obtain property, including real property, on a cash basis without the necessity of purchasing said real property in installments or under articles of agreement for purchase of said property. ('70 Code, § 3.18.010) (Ord. 1820, passed 8-8-74)

Lost, Stolen, and Unclaimed Property

- 35.35 Police Department as custodian
- 35.36 Owner identification
- 35.37 Record; sale
- 35.38 Perishable, bulky, or dangerous
property
- 35.39 Disposition of proceeds
- 35.40 Weapons

§ 35.02 EFFECTIVE DATE.

Said property may be obtained by the village upon the expiration of ten days from the date of publication of the adopted ordinance by the President and Board of Trustees, which publication shall be no

later than 15 days after the adoption of said ordinance.
('70 Code, § 3.18.020) (Ord. 1820, passed 8-8-74)

§ 35.03 APPROVAL REQUIRED.

The acquisition of property to be hereafter acquired by the village, including real property and including offers to purchase condemnation matters and other matters, shall be by approval of a majority of the President and Board of Trustees then holding office.
('70 Code, § 3.18.030) (Ord. 1820, passed 8-8-74)

DISPOSITION OF VILLAGE PERSONAL PROPERTY

§ 35.10 AUTHORITY.

When, in the opinion of a majority of the Corporate Authorities of the Village then holding office, any personal property owned by the Village is no longer necessary or useful to, or in the best interests of the Village, such majority of the Corporate Authorities then holding office, at any regular or special meeting may, by ordinance or resolution:

(A) Authorize the sale of specified personal property in such manner as they designate, with or without advertising the sale;

(B) Authorize any municipal officer to convert specified personal property into some other form that is useful to the village; or

(C) Authorize any municipal officer to convey or turn in any specified personal property as part payment on a purchase of a similar article. However, no article shall be turned in as part of the purchase price on any purchase except upon receipt of competitive bids in the manner prescribed by ordinance or resolution, after notice to all bidders that the article will be turned over as part of the purchase price.
('70 Code, § 3.16.010) (Ord. 1151, passed 1-17-66; Am. Ord. 1943, passed 4-8-76, Ord. 3875, passed 6/16/94)

§ 35.11 MINIMUM PRICE.

The village authorities may designate in the ordinance or resolution prescribed in § 35.10, a minimum sales price.
('70 Code, § 3.16.030) (Ord. 1151, passed 1-17-66)

§ 35.12 DISPOSITION OF PROCEEDS.

The proceeds of the sale of personal property owned by the village shall be deposited in the General Fund of the village unless otherwise prescribed in the ordinance or resolution referred to in § 35.10.
('70 Code, § 3.16.040) (Ord. 1151, passed 1-17-66; Am. Ord. 1943, passed 4-8-76)

PURCHASING**§ 35.20 PURCHASING AGENT;
APPOINTMENT.**

(A) There is hereby established the position of Purchasing Agent. The Purchasing Agent shall supervise purchasing by all departments of the village, maintain lists of qualified vendors, prepare specifications, purchase supplies and equipment as required, oversee bidding requirements, and carry out all other such duties as required by the Village Manager or Board of Trustees. ('70 Code, § 3.32.010)

(B) The Purchasing Agent shall be appointed and subject to removal by the Village Manager. In the absence of a Purchasing Agent, the Village Manager shall act as Purchasing Agent. The Village Manager may delegate the various responsibilities of the Purchasing Agent to department heads or employees. ('70 Code, § 3.32.020)
(Ord. 2265, passed 3-8-79)

§ 35.21 PURCHASING MANUAL.

The Village Manager shall prepare and maintain, or have prepared and maintained, a purchasing manual. Said manual shall be subject to approval by the Board of Trustees.
(('70 Code, § 3.32.030) (Ord. 2265, passed (3-8-79)

§ 35.22 RESTRICTIONS.

No purchase of materials, supplies, equipment, or services which will, or can reasonably be expected

to exceed an amount as established in 65 ILCS 5/8-9-1 in any 12-month period shall be made without prior approval to the lowest competitive bidder by the Board of Trustees, proper advertising, and acceptance of sealed bids, with the following exceptions:

(A) Emergency services. For purposes of this subchapter, the term EMERGENCY shall mean any situation brought about by accident, equipment failure, act of God, or other unforeseen circumstances, requiring an immediate commitment of funds for services or materials in order to maintain or restore a safe level of service to the public. The expenditure of funds for such emergency situations shall receive prior approval of the Village Manager or, in the absence of the Manager or his designee, prior approval of the appropriate department head. Any such expenditure shall be reported, in writing, to the Board of Trustees by the Village Manager. Said report shall include the nature of the emergency, items or services purchased, and actual or estimated cost.

(B) Utilities. The purchase of telephone service, gas for heating, electricity, or any service or material covered by a franchise agreement.

(C) Professional services. The Board of Trustees may negotiate contracts for professional services such as, but not limited to engineering, accounting, architectural, or legal services, or any other professional services, wherein the ethical code of the profession involved prohibits or discourages involvement in normal bidding procedures.

(D) Local improvements. Expenditures for local improvement under the direction of the Board of Local Improvements.
(('70 Code, § 3.32.040) (Ord. 2265, passed 3-8-79; Am. Ord. 2905, passed 12-18-86)

§ 35.23 ADVERTISING.

Prior to entering into any contract for goods or services as outlined in § 35.22, village shall advertise for bids at least once in a newspaper of general circulation in the village, said advertisement to be published not less than ten days prior to the bidding

date. All such bids shall be filed in sealed envelope by the date and time, and at the place, specified in the advertisement.

('70 Code, § 3.32.050) (Ord. 2265, passed 3-8-79)

§ 35.24 BID BOND REQUIRED.

(A) The Board of Trustees shall require the submission of a bid bond, cashier's check, certified check, or other approved security in an amount equal to 10% of the bid in the following instances, as a guarantee that the successful bidder will sign a contract.

(1) The bid is for a construction project.

(2) Any other bid for which the Village Manager deems it necessary to protect the interest of the village.

(B) The bid bond shall be returned upon successful execution of the contract by one party, or upon rejection of all bids and readvertisement for new bids.

(C) Any bidder who requests to have his bid withdrawn due to an error must submit the request in writing to the Village Manager, stating the specific reasons for the request, and the request for withdrawal must be before the award of such bid. Failure to comply with these requirements will be cause for the forfeiture of the bid security. ('70 Code, § 3.32.060) (Ord. 2269, passed 3-8-79; Am. Ord. 2635, passed 10-27-83)

§ 35.25 ACCEPTANCE OF BID.

(A) The Board of Trustees shall accept the bid of the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:

(1) The ability, capacity, and skill of the bidder to perform the contract to provide the service required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(4) The quality of performance of previous contracts of services;

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

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(7) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(9) The number and scope of conditions attached to the bid;

(10) Whether the bidder has a place of business in the Village;

(11) Responsiveness to the exact requirements of the invitation to bid;

(12) Ability to work cooperatively with the Village and its administration; and

(13) Past records of the bidder's transactions with the Village or with other entities as evidence of the bidder's responsibility, character, integrity, reputation, judgment, experience, efficiency and cooperativeness. (Ord 3519, passed 2/20/92)

§ 35.26 WAIVER OF COMPETITIVE BIDDING.

The Board of Trustees, by a two-thirds vote of all the Trustees then holding office, may waive the foregoing bidding procedures and enter into a contract or agreement.('70 Code, § 3.32.080) (Ord. 3477, passed 11/21/91)

§ 35.27 MULTI-YEAR CONTRACTS.

The Board of Trustees may enter into multi-year contracts for the purchase of goods or services if, in their opinion, to do so is in the best interest of the village. However, no such contract other than a franchise agreement or the purchase or lease of real property, shall be entered into for a period in excess of five years. ('70 Code, § 3.32.090) (Ord. 2265, passed 3-8-79)

§ 35.28 DESIGNATED OFFICIAL.

Upon authorization of the village to enter into a contract or agreement, the Board of Trustees shall designate the officer or employee to execute the contract or agreement. Any such execution shall be attested to by the Village Clerk. ('70 Code, § 3.32.100) (Ord. 2265, passed 3-8-79)

§ 35.29 REQUIRED DISCLOSURES - WAIVER OF COMPETITIVE BIDDING AND VARIATION REQUESTS.

A. Prior to the taking of a roll call vote on any motion to waive competitive bidding in accordance with Section 35.26 of the Code, or to authorize a variation from any provision of the Village Code other than in regard to a single-family zoned parcel, the Village President and each Trustee shall be required to publicly disclose any business relationship with the proposed contractor/vendor or the petitioner during the preceding two (2) years, provided the Village President or Trustee, as the case may be, has knowledge of said business relationship and said business relationship falls into one of the following categories:

1. A company in relation to which the Village President or Trustee is either an owner or employee has engaged in a business transaction or transactions with the contractor/vendor or petitioner and said business transaction(s) involved an aggregate amount, during any twelve (12) month period, of in excess of Two Hundred and No/100 Dollars (\$200.00); or

2. The Village President or Trustee has received goods or services valued at, in the aggregate, in excess of Two Hundred and No/100 Dollars (\$200.00) from said contractor/vendor or petitioner, during any twelve (12) month period, at a price less than normally charged to other customers of said contractor/vendor or petitioner.

3. The Village President or Trustee has received campaign contributions, as defined by 10 ILCS 5/9-1.4, from said contractor/vendor or petitioner, either personally or through a political committee, as defined by 10 ILCS 5/9-1.9, in an aggregate amount, during any twelve (12) month period, in excess of Two Hundred and No/100 Dollars (\$200.00).

B. If, within the six (6) month period following the waiving of competitive bidding, or the authorization of a variation from any provision of the Village Code other than in regard to a single-family zoned parcel, the Village President or any Trustee

enters into a business relationship with the contractor/vendor who was awarded the contract, or the petitioner who was granted the variation, that would have required public disclosure under subsection A above had said business relationship been entered into prior to the Village Board vote on the waiving of competitive bidding or the granting of the variation, the Village President or Trustee, as the case may be, shall, at the next regular Village Board meeting, publicly disclose said business relationship.

C. Any person found to be in violation of this Section shall be fined not less than Fifty and No/100 Dollars (\$50.00) nor more than One Hundred and No/100 Dollars (\$100.00) for each offense.
(Ord. 4160, passed 4/25/96)

LOST, STOLEN, AND UNCLAIMED PROPERTY

§ 35.35 POLICE DEPARTMENT AS CUSTODIAN.

The Police Department of the village, under the direction of the Chief of Police, shall act as custodian of all property seized or taken by the police. All officers and members of the Department into whose possession may come any property seized or taken shall deliver the same to the said custodian unless the property is required for immediate use as evidence in any case, and in such event, a report and inventory of same shall be forwarded at once to the said custodian.
(Ord. 1945, passed 4-8-76)

§ 35.36 OWNER IDENTIFICATION.

Any property seized by the police shall be retained in the custody of the custodian referred to in § 35.35, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession of such property, and who shall return such property to the owner or other

person entitled to possession thereof upon reimbursement for all reasonable expenses of custody.
(Ord. 1945, passed 4-8-76)

§ 35.37 RECORD; SALE.

(A) The custodian shall keep a record of all property which may be seized or otherwise taken possession of by the Police Department. If such property shall not be claimed by the rightful owner thereof and possession surrendered to such owner within six months from the date of the final disposition of the court proceedings in connection with which such property was seized or otherwise taken possession of or, in case there are no court proceedings, then if such property shall not be claimed by the rightful owner thereof and possession surrendered to such owner within six months from the date of such seizure or taking by the police, the custodian shall proceed to dispose of said property. If such property is deemed to be salable, the custodian shall cause to be published in a daily newspaper of the city a notice of sale at public auction of such property, describing the property in general terms and not by individual item and shall give notice that if such property is not claimed by the rightful owner or owners thereof within ten days from the date of such publication, such property will be sold at public auction at such place as the Chief of Police may direct and in such manner as to expose to the inspection of bidders all property so offered for sale.

(B) No member of the Police Department, directly or indirectly, shall participate in the bidding for, or purchase of such unclaimed property. However, unclaimed property, if deemed by the Chief of Police to be of use to any city department, may be retained for use of such department. Further, any such unclaimed property deemed by the custodian to be unsalable shall be confiscated and destroyed.
(Ord. 1945, passed 4-8-76)

§ 35.38 PERISHABLE, BULKY, OR DANGEROUS PROPERTY.

If any property seized or taken possession of by the police force shall be of a perishable nature or so bulky or of such nature as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in § 35.37, the custodian, upon certifying such fact to the Chief of Police and setting forth his reasons why such property should not be retained for the period hereinabove fixed before disposing of same, shall with the approval of the Chief of Police cause such property, if deemed by the custodian to be salable, to be advertised forthwith in a daily newspaper of the city, and shall sell such property at public auction at any time after three days have elapsed from the seizure or taking possession thereof. However, if any such property is deemed to be unsalable or dangerous, it shall be disposed of as refuse or in such other reasonable manner as may be deemed by the custodian.

(Ord. 1945, passed 4-8-76)

§ 35.39 DISPOSITION OF PROCEEDS.

The proceeds of any sale or sales so made, after deducting the cost of storage, advertising, selling, and other expenses incident to the handling or selling of such property, shall be paid by such custodian to the Village Treasurer, who shall apply the same to the General Fund of the village.

(Ord. 1945, passed 4-8-76)

§ 35.40 WEAPONS.

None of the provisions of this subchapter shall apply to pistols, revolvers, bowie knives, dirks, slingshots, metallic knuckles, or other deadly weapons of like character. All such weapons, except those that

the Chief of Police shall deem to be of use to the Police Department and retain for the use of said Department, shall within six months after their receipt, be taken by either said custodian or his duly appointed deputy, and the Chief of Police or his duly appointed deputy to be disposed of according to procedures adopted by the Police Department.

(Ord. 1945, passed 4-8-76)

MISCELLANEOUS

§ 35.50 PRE-ANNEXATION HEARINGS.

(A) All requests for pre-annexation hearings pursuant to 65 ILCS 5/11-15.1-1 et seq. shall be in writing and shall designate the name, address, and telephone number of the applicant or his attorney upon whom notices may be served, together with a copy of the proposed pre-annexation agreement and a brief outline of the testimony which the applicant intends to present at the requested public hearing. The applicant will not be limited to the required outline, but may present additional material in evidence, if he so desires, at the hearing.

(B) Upon receipt of such application, the Village Manager shall advise the Board of Trustees of the contents of same, and the Village Board shall designate a time and place for public hearing in accordance with state law. The Board may designate that at such time any necessary public hearings by the Plan Commission and/or the Zoning Board of Appeals be heard simultaneously with the hearing of the corporate authorities. Such public hearing may be continued from time to time by the appropriate motion of any of the public bodies participating in such public hearing, but only as to themselves.

(C) Each application for public hearing shall be accompanied by a preliminary fee of \$100. At the conclusion of said hearings, including continuances, the Village Treasurer shall certify to the Village Manager the amount of all costs, including publication, legal, and court reporter (including transcript, if ordered). Thereafter, the Village Manager shall cause an additional billing to be sent to the applicant, which additional billing shall be paid before the corporate authorities execute the pre-annexation agreement or modification thereof. The amount so due and owing shall be collectable as an action in debt, even if the application is not acted upon favorably.

(D) In the event the Plan Commission or Zoning Board of Appeals participates in such public hearing in an original joint session with the corporate authorities, no additional fee will be required, as set forth in § 36.21.
(Ord. 1155, passed 2-7-66)

necessary and appropriate for the operation of its village government, to petition the Court of the 18th Judicial Circuit, DuPage County, Illinois or other appropriate court at any time after the filing of a petition to condemn or in the nature of an eminent domain proceeding that, subsequent to the filing of said complaint and prior to the determination as to the amount of compensation which the owners and persons with an interest in said property may otherwise be entitled to, for an immediate or at some specified later date vesting of fee simple title (or such lesser estate, interest, or easement as may be required) to the real property or specified portion thereof which is the subject matter of the proceeding, and to be authorized to take possession of and use said property if such possession and use without the vesting of title are sufficient to permit the petitioner to proceed with the projected project until final ascertainment of compensation. Said power and right of the municipality (otherwise referred to as the power of "quick-take") may be exercised upon approval of the court and upon written motion of the village providing the owners and other persons with an interest in said property with five days notice prior to its written petition requesting said vesting of title.

§ 35.51 RECAPTURE AGREEMENTS RATIFIED.

All recapture agreements, resolutions, and ordinances previously entered into or passed by the corporate authorities and relating to recoupmnt from abutting property owners and users of sewer or water line extensions, be and the same are hereby ratified, readopted, and confirmed.
(Ord. 1723, passed 12-4-72)

(B) No land or interest therein used by or necessary for the operation of any common carrier engaged in interstate commerce or any other public utility subject to the jurisdiction of the Illinois Commerce Commission shall be obtained and taken without first securing the approval of the Illinois Commerce Commission.

(C) The above described motion for "quick-take" and acquisition power shall conform with state law as to the form for those governmental units presently possessing said rights and as otherwise set forth in the eminent Domain Act, 735 ILCS 5/7-101

(D) Hearing and notice concerning said hearing shall be as otherwise provided for by law including those provisions set forth in the Eminent Domain Act, 735 ILCS 5/7-102.
(Ord. 1906, passed 11-20-75)

§ 35.52 EMINENT DOMAIN.

(A) The village, by and through its appropriate representatives, shall have the power and right in the exercise of its eminent domain powers as otherwise provided for by law and in regard to the acquisition of land or interests therein for the purposes deemed

§ 35.53 FEE FOR BAD CHECKS.

The drawer of each check that is returned to the Village of Lombard due to insufficient funding of a checking account, an account being closed, stop payment checks or other various reasons, shall pay a fee of twenty five dollars (\$25.00). (Ord. 2409, passed 8-14-80, Ord. 4309, passed 5/15/97)

§35.57 NON-RESIDENT SENIOR CITIZEN RTA PASSES

The fee for the processing and issuance of a non-Village resident senior citizen Regional Transportation Authority (RTA) free ride pass shall be five and no/100 dollars (\$5.00). (Ord. 6547, passed 11/4/10)

§ 35.54 DELINQUENT MONETARY PAYMENTS-COLLECTION COSTS.

In light of the fact that the Village incurs substantial expenses in the collection of delinquent monetary amounts due the Village, including third party collection costs, in addition to all other delinquent payment penalties and interest charges provided for by this Code, the actual third party collection costs and charges incurred by the Village in the collection of any such delinquent monetary amounts shall be added to any delinquent monetary amount due the Village, other than fines imposed by a Court, fines imposed pursuant to the Village's Administrative Adjudication Program under Chapter 73 of this Code or any local tax subject to Section 98.110 of this Code.

(Ord. 6192, passed 6/5/08)

§ 35.55 FINGERPRINTING SERVICES.

The cost for fingerprinting services to be provided for anyone other than persons being booked or fingerprinted pursuant to a violation of a state or federal statute shall be \$5 per set of prints.

(Ord. 2851, passed 5-22-86)

§35.56 APPROVAL OF VILLAGE EXPENSES WHEN A REGULAR BOARD MEETING IS CANCELED

REPEALED-Ord. 4747, passed 12/2/99)

CHAPTER 36: FINANCE AND REVENUE

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GENERAL PROVISIONS**§ 36.01 FISCAL YEAR.**

Effective January 1, 2013, and thereafter, the Village's fiscal year shall coincide with the calendar year. In light of this change from the Village's current June 1st through May 31st fiscal year:

- (A) The 2011-2012 fiscal year shall be from June 1, 2011 through May 31, 2012;
- (B) The 2012 fiscal year shall be from June 1, 2012 through December 31, 2012; and
- (C) The 2013 fiscal year, and all fiscal years thereafter, shall be from January 1st through December 31st, thereby coinciding with the calendar year.

('70 Code, § 3.04.010) (Ord. 1233, passed 2-20-67; Ord. 6652, passed 10/6/11)

§ 36.02 AUDIT.

The Board of Trustees shall cause an independent audit of all the accounts of the village to be made by a certified public accountant at the close of each fiscal year. Such accountant shall be selected by the Board of Trustees and such audit shall be conducted independently of the Village Manager. Full reports of such audit shall be filed in the public records of the village.

('70 Code, § 2.10.070) (Ord. 2575, passed 2-10-82)

§ 36.03 CHECKS DRAWN ON VILLAGE FUNDS.

All checks and warrants issued by the Village shall be countersigned by two Village representatives. The first of said two representatives shall be either the Treasurer or the Deputy Treasurer.

The second of said two representatives shall be either the Village Manager, the Village President or the Assistant Village Manager.

(Ord. 2074, passed 6-9-77; Am. Ord. 2310, passed 7-24-79; Ord. 4721, passed 10/7/99)

§ 36.04 WORKING CASH FUND.

(A) There is hereby created for the village a fund which shall be known and designated as a "Working Cash Fund". ('70 Code, § 3.12.010)

(B) Such fund shall be administered in accordance with the provisions of the Illinois Revised Statutes to such matters pertaining. ('70 Code, § 3.12.020)

(C) The funds received from the annual levy for such purpose shall be kept separate and apart from all other village funds and shall be accounted for separately from such other funds. ('70 Code, § 3.12.030)

(Ord. 917, passed 8-31-61)

§ 36.05 BUDGET AMENDMENTS/ REVISIONS

The Corporate Authorities hereby delegate authority to heads of departments, boards or commissions to delete, add to, change or create sub-classes within object classes budgeted previously to the department, board or commission. By a vote of two-thirds (2/3) of the members of the President and Board of Trustees then holding office, the annual budget for the Village may be revised by deleting, adding or changing budgeted items. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

('70 Code, § 3.05.010) (Ord. 1949, passed

4-22-76, Ord. 3876, passed 6/16/94; Ord. 4623, passed 4/15/99)

**§ 36.06 BUDGET ACT PROVISIONS
ADOPTED.**

(A) The Budget Act, 65 ILCS 5/8-2-9.1 through 5/8-2-9.7 & 5/8-2-9.9 through 5/8-2-9.10 is hereby adopted as the municipal budget procedure for the village in lieu of the annual appropriation. A copy of said material is attached as Exhibit 1 to Ord. 2571, and shall be kept in the office of the Village Clerk.

(B) The following provisions also are incorporated in the municipal budget procedure: The Village Manager shall recommend the maximum number of personnel assigned to each department to the Board of Trustees who shall determine the number of personnel assigned to each department prior to the start of each fiscal year. In no case shall the number of personnel be increased without the prior approval of the Board of Trustees. (Ord. 2571, passed 1-20-83)

§36.07 ACCOUNTS PAYABLE

Payments in regard to accounts payable shall be made on a weekly basis by the Finance Department, notwithstanding the fact that the President and Board of Trustees only hold regular meetings twice a month. When, as a result of the weekly payment of accounts payable, accounts payable are paid prior to formal approval by the President and Board of Trustees, said payments shall be included on the next Village Board meeting agenda for ratification by the President and Board of Trustees. (Ord. 4747, passed 12/2/99)

GENERAL OBLIGATION BONDS

§ 36.10 PROCEDURES.

It is in the best interests of the village that procedures be established for incurring debt and issuing bonds payable from ad valorem property taxes. The President and Board of Trustees may, therefore, borrow money for lawful purposes and in evidence of such borrowing, issue general obligation bonds payable from ad valorem taxes to be levied without limitation as to rate or amount against all taxable property situated within the village. Such bonds may be issued without the submission of the question of their issuance to the electors of the village. The procedures for the adoption of the ordinance authorizing the issuance of such bonds shall be in accordance with ILCS Ch. 65 and said procedures shall be substantially as hereinafter provided. ('70 Code, § 3.06.010) (Ord. 2158, passed (3-9-78)

§ 36.11 PURPOSE.

The President and Board of Trustees shall adopt an ordinance (hereinafter designated as the "bond ordinance") describing the public purpose or purposes to be served by such borrowing and in such bond ordinance shall make a finding and determination that such borrowing of money is necessary and pertains to the government and affairs of the village, is for a lawful public purpose or purposes, and is in the public interest, which finding and determination shall be deemed conclusive. ('70 Code, § 3.06.020) (Ord. 2158, passed 3-9-78)

§ 36.12 ORDINANCE PROVISIONS; SALE.

(A) The bond ordinance shall indicate the amount of money necessary to be borrowed, the amount of bonds to be issued in evidence thereof, shall fix the details of such bonds, including their date, number, denomination and maturity, which cannot exceed 40 years from the date of said bonds, and their maximum rate of interest, which shall not exceed 7% per annum. The bonds shall be sold in such manner as may be determined in the bond ordinance. If the bonds are authorized to bear interest at the maximum rate, they shall be sold at a price of not less than par and accrued interest. If the bonds are authorized to bear interest at a rate less than the maximum interest rate, they may be sold at a price of less than par, but in any event, at such a price that the interest cost to the village of the money received by it from the proceeds of the sale of said bonds shall not exceed the maximum interest rate per annum, computed to the average maturity of all bonds sold as a single issue according to standard tables of bond values.

(B) A contract for the sale of such bonds may be entered into prior to the adoption of the bond ordinance or the bond ordinance may provide for the subsequent sale of the bonds therein authorized. In the event of such subsequent sale and if the bonds bear interest at a rate or rates less than that authorized in such bond ordinance, prior to the delivery of such bonds the taxes levied in such bond ordinance shall be abated by that amount representing the savings resulting from the sale of such bonds at a lower rate of interest than authorized in such bond ordinance. ('70 Code, § 3.06.030) (Ord. 2158, passed 3-9-78)

§ 36.13 EXECUTION OF BONDS.

The bond ordinance shall authorize the execution of the bonds therein authorized on behalf of the village by signature of the President and

attested by the Village Clerk; shall determine whether such bonds to be issued shall be registered in the name of the owner as to principal only or whether the same shall be fully registered as to both principal and interest; shall indicate the place or places of payment of the principal and interest maturing on said bonds; and shall set forth the form of bond.

('70 Code, § 3.06.040) (Ord. 2158, passed 3-9-78)

§ 36.14 LEVY OF TAXES.

(A) The bond ordinance shall make provision for the payment of such bonds, both principal thereof and interest thereon until maturity, by the levy of a direct annual tax upon all the taxable property within said village sufficient for such purpose. A copy of such bond ordinance, as adopted, certified to by the Village Clerk, shall be filed in the office of the County Clerk. Such bond ordinance, as so filed, shall constitute the authority for the County Clerk in and for each of the years for which taxes are levied in said bond ordinance, to extend such taxes for collection against all the taxable property situated within the village. The taxes so levied in and by such bond ordinance shall be extended annually by the County Clerk, in accordance with law, without limitation as to rate or amount and such taxes shall be in addition to and in excess of any and all other taxes levied or authorized to be levied by the President and Board of Trustees.

(B) Such taxes so levied shall not be subject to repeal or abatement in any manner whatsoever until such time as all the bonds authorized under the terms of said bond ordinance and issued shall have been paid in full, both principal thereof and interest thereon up to and including the date of maturity; however, the President and Board of Trustees, having funds available, may appropriate same and order their payment in trust to the paying agent for any maturities of bonds or interest thereon, in which event the taxes so levied to pay such principal or interest may be abated by ordinance of the President and Board of Trustees and placed on file with the County Clerk.

('70 Code, § 3.06.050) (Ord. 2158, passed 3-9-78)

§ 36.15 APPROPRIATION.

The provisions of any bond ordinance shall constitute an appropriation of the amounts required as therein referred to and described and upon the delivery of the bonds therein authorized, the proceeds thereof shall be used solely and only for the purpose or purposes for which the bonds were authorized. Upon the adoption of any bond ordinance authorizing the issuance of bonds and providing for the levy of taxes therefor, the same shall be published by the Village Clerk as provided in the Illinois Municipal Code.

('70 Code, § 3.06.060) (Ord. 2158, passed 3-9-78)

(B) The issuance fee to be charged by the Village for the refunding of any Industrial Revenue Bonds previously issued by the Village is hereby established at one-eighth (1/8) of one percent (1%) of the amount of the refunding Bond issue. Said issuance fee, plus any legal fees incurred by the Village relative to the issuance of said Bonds, shall be paid by the person or entity requesting the issuance of the refunding Bonds prior to the closing on the refunding Bonds.

(Ord. 4008, passed 4/20/95; Ord. 4910, passed 1/4/01)

PETITION FEES

§ 36.16 ILLINOIS MUNICIPAL CODE SUPERSEDED.

Pursuant to the authority granted by Section 6 of Article VII of the Constitution of Illinois (1970), the procedures hereby established for the issuance of general obligation bonds, as herein provided for, shall be controlling and shall be complied with by the President and Board of Trustees in the borrowing of money through the issuance of general obligation bonds of the village, notwithstanding anything to the contrary contained in the provisions of the ILCS Ch. 65, and all acts amendatory thereof and supplementary thereto and any other law or laws of the state.

('70 Code, § 3.06.070) (Ord. 2158, passed 3-9-78)

§ 36.20 APPLICABILITY.

The fees set forth in § 36.21 shall be applied to the review of all Plats of Subdivision, Consolidation or Resubdivision, all annexation petitions, appeal, variation petitions, rezoning petitions, conditional use petitions, and planned development petitions, whether involving the Zoning Code, the Sign Regulation Code, or the Subdivision and Development Code.

('70 Code, § 3.30.010) (Ord. 2150, passed 1-26-78, Ord. 3450, passed 9/19/91)

§ 36.17 INDUSTRIAL REVENUE BONDS

(A) The issuance fee to be charged by the Village for the original issuance of Industrial Revenue Bonds is hereby established at one-quarter (1/4) of one percent (1%) of the amount of the Bond issue. Said issuance fee, plus any legal fees incurred by the Village relative to the issuance of said Bonds, shall be paid by the person or entity requesting the issuance of the Bonds prior to the closing on the Bonds.

§ 36.21 FEE SCHEDULE.

(A) Any annexation petition filed shall be accompanied by the following fees:

- | | | |
|-----|-----------------------------------|---------|
| (1) | One Single-family residential lot | no fee* |
| (2) | All others | \$450 |

*If the petitioner has previously withdrawn a petition for annexation relative to the property in question, or if a petition for annexation relative to the property in question was denied within the last three years, a \$200 fee will be charged with the submittal of an annexation petition for the same property.

(B) An appeal of Administrative action shall be accompanied by the following fees (fees shall be refundable if the appeal is upheld):

- (1) One Single-Family Residence \$350.00
- (2) All Others \$600.00

(C) Any application for a variation to the Zoning Ordinance or the Subdivision and Development Ordinance shall be accompanied by the following fees:

- (1) One Single-Family Residence
 - (a) Principal Building (first variation) \$350.00
 - (b) Accessory Structures (first variation) \$250.00
 - (c) Fences (first variation) \$250.00
 - (d) Each additional variation after the first variation \$100.00
- (2) More Than One Single-Family Residence or Any Non-Residential Use

- (a) Principal Building (first variation) \$600.00
- (b) Accessory Structures (first variation) \$450.00
- (c) Signs (first variation) \$450.00
- (d) Fences (first variation) \$300.00
- (e) Each additional variation after the first variation \$100.00

(D) Any application for a conditional use shall be accompanied by the following fees:

- (1) All conditional uses (first conditional use) \$600.00
- (2) Each additional conditional use after the first conditional use \$100.00

(E) Any application for a Planned Development shall be accompanied by a fee of \$600.00 plus \$50.00 per acre or portion thereof.

(F) Any site plan approval or amendment to a Planned Development shall be accompanied by a fee as follows:

- (1) Site Plan Approval (principal structures) \$500.00
- (2) Planned Development Amendment \$600.00

(G) Any application for a map amendment or a text amendment to the zoning ordinance shall be accompanied by a fee as follows:

- (1) Map Amendment for One Single-Family Residence (except that there shall be no fee for the annexation and rezoning of one single-family residence) \$400.00
- (2) All other map amendments \$600.00 plus \$50.00 per acre or portion thereof
- (3) Text Amendments \$600.00

(H) Any request for continuance of a public hearing not agreed to by staff, shall be accompanied by, or the petitioner shall supply within two (2) days of making the request, a fee for such continuance as follows:

- (1) One Single-Family Residence \$75.00 per request
- (2) All Others \$300.00 per request

(I) In addition to all other fees established by this Code, all filings of a preliminary or final Plat of Subdivision, Consolidation or Resubdivision, including provision of public streets or access easements, or applications for rezonings (other than for one, single-family residence); variations and conditional uses related to parking, vehicular drive-through services, or other matters impacting vehicular circulation or traffic generation; or a

Planned Development shall be accompanied by a deposit of \$1,000.00 to be used for traffic impact analysis services. If the Village's costs for such services exceeds the deposit, the applicant shall reimburse the additional costs incurred by the Village. If such costs are less than the deposit, the Village shall return the difference to the applicant. The total cost incurred by the applicant for such services shall not exceed \$10,000.00. Until such time that the Village has received final payment of all traffic advisory services fees, no permits for the use or development of land shall be issued.

(J) Fees for filing plats, for engineering plan review and public improvement inspection and planning review shall be as follows:

(1) Any filing and review of Plats of Subdivision, including Plats of Subdivision, Resubdivision, Consolidation, Easement Dedication, Easement Abrogation or Vacation of a Public Right-of-Way, shall be subject to the following fees:

a. All Administrative Plats of Subdivision and Plats of Consolidation for one single-family residents - \$125.00 for the first page, plus \$50.00 for each additional page.

b. All other Administrative Plats of Subdivision and Plats of Consolidation - \$150.00 for the first page, plus \$50.00 for each additional page.

c. All Minor and Major Plats of Subdivision or Resubdivision (Preliminary or Final) - \$300.00 plus \$50.00 per acre or portion thereof

d. All Final Plats (with preliminary plat approval) - \$300.00.

e. Plats of Easement Dedication, Easement Abrogation or Vacation of a Public Right-of-Way - \$150.00 for the first page, \$50.00 for each additional page.

(2) Engineering plan review and inspection of public improvements shall be subject to the following fees:

a. First engineering review and comments on engineering plan – one percent (1%) of

engineer's estimated cost of all public improvements as defined in Title 15, Chapter 15, Section 154.703 of this Code plus \$500.00.

b. Subsequent engineering plan reviews and comments necessary for same project – at cost of time and materials as billed by staff or consultant.

c. Inspection of project improvements – three percent (3%) of engineer's estimated cost all public improvements as defined in Title 15, Chapter 15, Section 154.703 of this Code. Inspections conducted after 5:00 p.m. on weekdays and at any time on weekends and holidays, when available, shall be billed at a rate of \$100.00 per hour with a minimum of one (1) hour charged to the permittee beginning at the scheduled starting time, including no-shows. Said inspection fee shall be in addition to the normal three percent (3%) fee referenced in the first sentence of this subsection.

d. The engineering review and inspection fee for a new single family residence shall be \$125.00 per lot for each vacant lot that is part of a major plat of subdivision and \$360.00 per lot for an infill or teardown lot.

e. No construction permits shall be issued by the Village until all engineering plan review fees have been paid.

f. No occupancy certificates shall be issued by the Village until all outstanding engineering fees have been paid.

(3) All major plats of subdivision and major developments, as defined in Title 15, Chapter 15, Section 154.703, shall be subject to the following planning review fee:

a. A fee of 0.25% of total improvements costs (includes all public and private improvements, exclusive of interior buildout/improvement costs) for the first \$4,000,000.00. and 0.13% for total development costs above \$4,000,000.00.

b. No construction permits shall be issued by the Village until all planning review fees have been paid.

c. No occupancy certificates shall be issued by the Village until all outstanding planning review fees have been paid.

(K) A fee of \$100.00 will be charged for each public notice sign which must be posted prior to a public hearing.

(L) All fees shall be cumulative and no consideration, review or hearing shall be given or scheduled until all applicable fees are paid. All fees payable pursuant to this Section shall be paid at the time of filing and shall be in cash or check payable to the Village of Lombard.

(M) The Director of Community Development of the Village of Lombard shall have the sole authority to determine whether any fee has been collected in error and if such a determination is made, the fee shall be returned to the applicant.

(N) Publication, Court Reporter and Cost Recovery Fees

1. Any filing which requires notification to be published within a newspaper of general circulation in the Village, shall also be subject to a \$200.00 fee for each required public hearing notification.

2. Any public hearing filing to be heard by the Lombard Plan Commission, shall also be subject to a \$35.00 court reporter fee.

3. Any other fee, as defined and made applicable pursuant in Title 1, Chapter 16 of this Code, shall also be paid by the applicant/petitioner.

(O) Reimbursement of Public Hearing Fees

1. When a petition is withdrawn prior to publication of a legal notice, the entire public hearing fee shall be refunded minus \$25.00 to cover the cost of check reimbursement.

2. When a petition is withdrawn after the publication of a legal notice, but prior to the public hearing, the entire public hearing fee shall be refunded minus \$25.00 to cover the cost of check reimbursement and minus the \$200 newspaper publication fee.

3. When a petition is withdrawn after a public hearing, no refund shall be given. (Ord. 4518, passed 8/20/98; Ord. 4520, passed 8/20/98; Ord. 4949, passed 4/5/01; Ord. 5434, passed 2/19/04; Ord. 5610, passed 3/3/05; Ord. 6468, passed 4/15/10; Ord. 6505, passed 8/19/10).

§36.22 WAIVER.

The fees set forth in § 36.21 shall not be applicable to any governmental unit or to any charitable organization as defined in "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof and Making an Appropriation Therefor", 225 ILCS 460/1. Any other application may request waiver of any fees from the President and Board of Trustees who, upon demonstration of hardship caused by such fees, may waive such fees. ('70 Code, § 3.30.030) (Ord. 2150, passed 1-26-78, Ord. 3450, passed 9/19/91)

Downtown Improvement and Renovation Grant Program

§36.30 DEFINITION.

There shall be established in the Village of Lombard a Downtown Improvement and Renovation Grant Program (the "Grant Program") which shall be administered by the Director of Community Development (the "Director" with approval from the Economic & Community Development Committee) in accordance with the standards set forth in this Chapter.

§36.31 FUNDING.

Each year, commencing in 1998 and continuing until the termination of the existence of the Tax Increment Financing District established by the Village in 1989 (the 'TIF District') pursuant to the Tax Increment Allocation Financing Act (the 'Act') or until sufficient funds obtained from the sale of bonds pursuant to the Act (the 'Bond Proceeds') or tax revenues accumulated pursuant to the Act that are available for such purposes ('Incremental Property Tax Revenues') are no longer available, the Village

shall, pursuant to the approved Village budget, allocate a certain amount from the Bond Proceeds or available Incremental Property Tax Revenues to be expended in the form of matching, reimbursement grants to business and/or property owners who meet the eligibility standards for improving the facades of their buildings in the TIF District. Funds shall be granted for amounts up to fifty percent (50%) of the improvement cost to a maximum per project to be established yearly, based on the total funds available. (Ord. 4159, passed 4/25/96, Ord 4509, passed 7/23/98)

§36.32 APPLICATIONS FOR GRANTS.

A. Any property owner or lessee of business or residential property who wishes to undertake façade improvements, improve signage, or improve existing parking to facilitate additional use of same for the Village may apply for a matching, reimbursement grant under this Chapter by completing an application supplied by the Director provided that the principal structure located on the property is at least 20 years old. Applications shall be eligible for acceptance if received by a date established by the Director and if they meet the following eligibility criteria:

1. The building or property must be located within the limits of the TIF District.
2. The applicant is either a commercial, office, residential or mixed-use building owner (excluding single-family residences) or a commercial, office, or residential tenant which has obtained consent of the building's owner to the project as evidenced by the building owner's signature on the application form.
3. The cost of the project is at least \$500.
4. The improvements involve certain exterior renovation and/or restoration projects as determined by the Economic & Community Development Committee and listed in the informational packet supplied with the application. General maintenance items are not eligible.

B. Applications shall contain at least the following information: an estimate of the project

costs, a detailed description of the project, a description of the building involved including ownership information and market value, lease information, if applicable, names and addresses of the applicants, names and addresses of the architect and/or contractor involved and the estimated amount of the repair, renovation, and/or restoration.

§36.33 REQUIREMENTS FOR GRANT APPLICATION APPROVAL.

Recipients of grants shall be chosen from eligible applicants based on the characteristics of the project as described in the grant application and materials submitted therewith. The Economic and Community Development Committee (ECDC) shall have the authority to approve grant applications, as provided for within Sections 36.30 to 36.36 of this Code, in an amount of less than \$10,000. The Board of Trustees has the authority to approve grant requests of \$10,000 or greater.
(Ord. 6725, passed 5/17/12)

§36.34 DISBURSEMENT OF GRANT FUNDS

A minimum of three estimates must be submitted for the work to be performed. No grant funds shall be disbursed unless all building improvements are undertaken in compliance with all applicable provisions of the Village Code and until the Village receives an affidavit from the grant recipient containing his or her sworn statement that he or she has paid at least fifty percent (50%) of the approved cost of the project. Original paid receipts from contractors amounting to at least fifty percent (50%) of the approved project cost must be attached to the affidavit and no disbursement of grant funds shall be made until such receipts are received. The Village will then release 50% of the approved grant with proper documentation. No further disbursement shall be made thereafter until an affidavit containing a sworn statement that the project is complete is received together with attached paid receipts for the remaining project costs. Upon filing of such affidavit and receipts, the grant percentage of the amounts which will result in payment of no more than the originally approved grant amount shall be disbursed.

§36.35 RESTRICTIONS.

Current or future owners or lessees of buildings which have been improved through use of funds obtained through this Grant Program shall not alter the facade or substantially change the use of the building for three (3) years after completion of the improvements without written approval from the Director.

§36.36 PENALTY.

Any person, firm or corporation who or which shall violate Section 36.35 of this Chapter shall be subject to a fine upon conviction thereof of not less than \$100.00 nor more than \$750.00, and each day such violation is permitted to continue shall constitute a separate offense.
(Ord. 4020, passed 5/18/95)

Downtown Relocation Grant Program

§36.40 DEFINITION

A. Establishment: There shall be established in the Village of Lombard a Downtown Relocation Grant Program (the 'Relocation Program') which shall be administered by the Director of Community Development (the 'Director') in accordance with the standards set forth in this Chapter.

B. Purpose: The purpose of the Relocation Program is to provide for retention of business impacted by Redevelopment Agreements within the downtown tax increment financing district ('TIF District') adopted by the Village Board and future redevelopment of the affected property. This is intended to complement and support the Village's plans to maintain a quality TIF District. The redevelopment of particular parcels of land and the retention of viable merchants is crucial to maintaining an economically strong TIF District area; a commercial area where the image, appearance and environment encourage the attraction of shoppers. The intention of this program is to provide financial resources to assist impacted business owners re-establish their business within the Village of Lombard and in an area which is appropriate to that use.

§36.41 ELIGIBILITY

A. Eligible Applicants: Eligible applicants for a Relocation Program grant must own a commercial business that is located in a property in which a Village Redevelopment Agreement in the TIF District has been executed. Notwithstanding the foregoing, no owner of a commercial business located in a property in which a Village Redevelopment Agreement in the TIF District has been executed shall be eligible for a Relocation Program grant if that owner currently holds title, or is the holder of a beneficial interest in a trust that holds title, to the property that is the subject of the Redevelopment Agreement, or was the titleholder, or holder of a beneficial interest in a trust that conveyed the property to the current title holder. Program eligibility may be limited based upon the individual Redevelopment Agreement for the affected property. The Redevelopment Agreement terms and conditions shall supersede the terms of the Relocation Program.

B. Eligible Costs: Eligible costs may include: rent differential for a like or similar location (square footage, quality, location, visibility) for either six months or the balance of the lease whichever is greater, moving costs (truck rental or professional mover), initiation and hook up of new utility services, set up costs of equipment, new equipment required by a governmental body, interior remodeling of new location, exterior signs, stationery and business cards, and other moving incidentals. Professional, legal, architectural and permit fees may be included in the relocation costs.

C. Determination of Eligibility: The Director shall determine whether applications and costs are eligible for consideration for a Relocation Program grant.

§36.42 GRANT AMOUNTS

A. Amount: Once approved, applications for the Relocation Program are eligible to receive grants as follows:

1. For business utilizing under 1,000 sq.ft., 100 percent reimbursement for eligible costs of the first \$5,600. The Relocation Program provides for 60 percent reimbursement of eligible costs between \$5,601 and \$16,800.

2. For business utilizing 1,000 sq.ft. or more, 100 percent reimbursement for eligible costs of the first \$10,000. The Relocation Program provides for 60 percent reimbursement of eligible costs between \$10,001 and \$15,000.

B. Approval: Grants under \$10,000 may be approved by the Director. Grants \$10,000 and over require approval of the Lombard Board of Trustees.

§36.43 CONFORMANCE

All improvements must conform to all building and zoning codes of the Village of Lombard and to criteria developed for the Relocation Program. The business owner must comply with all local, state and federal ordinances, laws, rules and regulations.

§36.44 PROCEDURAL REQUIREMENTS

A. Procedures: An applicant must first meet with the Director for advice and technical assistance. A checklist is to be followed when applying for the Relocation Program. The applicant will submit a preapplication accompanied by any remodeling, signage or façade plans, including sample materials, color samples and detailed cost estimates of the eligible expenses. All plans must follow appropriate design guidelines and code requirements. Improvements made prior to the approval of the application and execution of an agreement may be ineligible. The business owner must complete the preapplication, and be prepared to comply with all federal, state and local regulations.

B. Other Programs: Participation in the Relocation program does not limit additional participation in other programs such as the Downtown Improvement and Façade Program or the Village of Lombard Low Interest Loan Program.

(Ord. 4555, passed 11/5/98; Ord. 5378, passed 11/6/03)

Downtown Restaurant Forgivable Loan Program**§36.50 ESTABLISHMENT OF PROGRAM**

There shall be established in the Village of Lombard a Downtown Restaurant Forgivable Loan Program

(the "Loan Program") which shall be administered by the Director of Community Development (the "Director") with approval from the Economic and Community Development Committee in accordance with the standards set forth in Sections 36.51 through Sections 36.56 below.

§36.51 FUNDING

Each fiscal year, commencing with the 2005-2006 fiscal year and continuing until the termination of the Lombard Downtown TIF District and the Lombard St. Charles Road TIF District I (West) (the "Eligible TIF Districts") or until debt instrument proceeds or incremental revenues in relation to said Eligible TIF Districts (hereinafter collectively referred to as "TIF Funds") are no longer available, the Village Board may, as part of the approved Village budget, allocate a certain amount from the TIF Funds to be expended in the form of forgivable loans to businesses and/or property owners who meet the eligibility standards for a storefront or office space renovation for use as a restaurant in the Eligible TIF Districts (the "Forgivable Loan"). Forgivable Loans may be granted in amounts up to one third (1/3) of the improvement cost to a maximum per project to be established yearly, based on the total TIF Funds available.

§36.52 APPLICATIONS FOR GRANTS

A. Any property owner or business operator within the Eligible TIF Districts who wishes to undertake storefront or office space renovation for use as a restaurant (hereinafter the "Project") may apply for a Forgivable Loan by completing an application supplied by the Director. Applications shall be eligible for consideration provided that they meet the filing deadline established by the Director and provided the Project meets the following eligibility criteria:

(1) The building must be located within the limits of the Eligible TIF Districts;

(2) The applicant must be either a commercial, office, or mixed-use building owner or a commercial, office, or mix-use building tenant who has obtained the building owner's consent, relative to the Project and application for the Forgivable Loan,

evidenced by the building owner's signature on the application form.

(3) The cost of the Project must be no less than five hundred and no/100 dollars (\$500.00); and

(4) The Project must involve eligible improvements as determined by the Director and as set forth in the Downtown Restaurant Forgivable Loan Program Policy, dated March, 2005 and approved by the Village Board Ordinance No. 5641, adopted May 5, 2005. (hereinafter the "Policy")

B. Applications shall contain such information as required by the Economic and Community Development Committee from time to time, including but not limited to, an estimate of the Project costs; a business plan for the proposed restaurant; a description of the building involved, including ownership information and market value, as well as lease information, if applicable; the names and addresses of the applicants; and the names and addresses of the architect and/or contractor being used in relation to the proposed Project.

§36.53 FORGIVABLE LOAN APPROVAL

Recipients of Forgivable Loans shall be chosen based on the characteristics of the Project, the potential benefit to the economic welfare of the Eligible TIF Districts and the amount of TIF Funds that are available. The detailed criteria for Forgivable Loan Eligibility are established by, and set forth in the Policy, as amended from time to time by the Village Board.

§36.54 DISBURSEMENT OF FORGIVABLE LOAN FUNDS

A minimum of three (3) estimates must be submitted for the Project. No Forgivable Loan funds shall be disbursed unless all building improvements are undertaken in compliance with all applicable provisions of the Village Code and until the Village receives an affidavit from the loan recipient containing his or her sworn statement that he or she has paid at least two-thirds (2/3) of the approved cost of the Project. Original paid receipts from contractors amounting to at least two-thirds (2/3) of the approved Project cost must be attached to the affidavit and no disbursement of Forgivable Loan

funds shall be made until such receipts are received. Upon receipt of the approved affidavit and receipts, the Village will release fifty percent (50%) of the approved Forgivable Loan fund, subject to proper documentation. No further disbursement shall be made thereafter until an affidavit containing a sworn statement that the approved Project is complete is received, together with attached paid receipts for the remaining approved Project costs. Upon filing of such affidavit and receipts, the balance of the Forgivable Loan funds shall be disbursed, and a lien shall be recorded against the property on which the Project was undertaken, in the amount of the Forgivable Loan.

§36.55 LIEN CONDITIONS

A. Upon final payment of Forgivable Loan Funds, lien shall be placed on the property on which the Project is to occur as a guarantee for the loan. Current or future owners or lessees of buildings which have been improved through use of funds obtained through this Loan Program shall not operate any business other than a restaurant, within the building area improved by the Project, for ten (10) years after completion of the Project without written approval from the Director.

B. The conditions associated with the lien on the property are as follows:

(1) One-tenth (1/10) of the Forgivable Loan amount is forgiven for each full year after the recording of the lien that a restaurant is operated at the Project location.

(2) That at anytime a business other than a restaurant operates at the Project location, the lien becomes permanent (no more amortized “forgiveness”) and the Village will record a document to this effect.

(3) In the event that any business other than a restaurant operates at the location of the Project, the balance of the loan must be immediately repaid by the recipient or the property owner.

(4) The release of the lien will be recorded by the Village after ten (10) years from the date the lien was recorded no business other than a restaurant has operated at the premises or after repayment of the

remaining loan amount by the recipient or the property owner.

C. Conditions associated with the lien may be waived in whole or in part by the Village Board upon a recommendation to do so from the Economic and Community Development Committee.
(Ord. 5640, passed 5/5/05)

Public Art Program

§36.60 PURPOSE

There shall be established in the Village of Lombard a Downtown Public Art Program (hereinafter the “Program” for purposes of Sections 36.60 through 36.63 of this Code) which shall be administered by the Director of Community Development with approval from the Economic and Community Development Committee in accordance with the standards set forth in Sections 36.60 through 36.63 of this Code. The purpose of the Program is to increase the economic viability of Downtown Lombard by attracting visitors and, in turn, new businesses wanting to capture the market of those visitors. The Program will allow for the purchase of artwork to be placed on or adjacent to the public right-of-way. This Program is intended to complement and support the Village’s plans to maintain a quality Downtown. The intention of the Program is to create a more viable and attractive area through this private/public partnership initiative.

§36.61 DEFINITIONS

For the purpose of Sections 36.60 through 36.63 of this Code the following definitions shall apply unless the context clearly indicates or requires a different meaning:

A. **BOARD** means the President and Board of Trustees of the Village.

B. **COMMITTEE** means the Economic and Community Development Committee.

C. **DIRECTOR** means the Director of Community Development.

D. **PROGRAM** means the Downtown Public Art Program.

E. **ELIGIBLE TIF DISTRICTS** means the Lombard Downtown TIF District and the Lombard St. Charles Road TIF 1 (West)

F. **PUBLIC ART COLLECTION** means the entirety of works of art in public places that have been acquired by the Village of Lombard through the Program.

G. **TIF FUNDS** means debt instrument proceeds or incremental revenues in relation to the Eligible TIF Districts.

H. **WORK(S) OF ART** means any work of visual art, including but not limited to, a mural, fresco, sculpture, mosaic, works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media. For projects which involve no structure, "Work of Art" may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term "Work of Art" does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above.

§36.62 FUNDING

A. Each fiscal year, commencing with the 2005-2006 fiscal year and continuing until the termination of the Eligible TIF Districts or until TIF Funds are no longer available, the Village Board may, as part of the approved Village budget, allocate a certain amount from the TIF Funds to be expended for the purchase of Works of Art to be placed on property owned by the Village or property in relation to which the Village has rights for use, in the Eligible TIF Districts.

B. Other Funds – Public Sector: Additional sources for funding the acquisitions of Works of Art may be identified, and additional funds solicited, from sources other than TIF Funds. In this regard:

1. The Program may seek private or public donations of funds or other services including in-kind

services or items necessary for the development of the Program.

2. The Economic and Community Development Committee shall make recommendations to the Village Board relative to pursuing, or accepting assistance/contributions from, said other sources of funds.

§36.63 APPLICATIONS TO THE PROGRAM

Based on funding available, staff will bring proposals for the purchase of Works of Art to the Economic and Community Development Committee, who shall recommend purchases to the Village Board. (Ord. 5644, passed 5/19/05)

Downtown Retail Business Grant Program

§36.70 ESTABLISHMENT OF PROGRAM

There shall be established in the Village of Lombard a Downtown Retail Business Grant Program (the "Grant Program") which shall be administered by the Director of Community Development (the "Director") with approval from the Economic & Community Development Committee in accordance with the standards set forth in Sections 36.70 through Sections 36.74 below.

§36.71 FUNDING

Each fiscal year, commencing with the 2005-2006 fiscal year and continuing until the termination of the Lombard Downtown TIF District and the Lombard St. Charles TIF 1 West District (the "Eligible TIF Districts") or until debt instrument proceeds or incremental revenues in relation to said Eligible TIF Districts (hereinafter collectively referred to as "TIF Funds") are no longer available, the Village Board may, as part of the approved Village budget, allocate a certain amount from the TIF Funds to be expended in the form of grants to businesses and/or property owners who meet the eligibility standards for a business in the Eligible TIF Districts (the "Grant").

A Grant may be awarded in amounts up to one half (1/2) of the improvement cost to a maximum per project to be established yearly, based on the total TIF Funds available.

§36.72 APPLICATIONS FOR GRANTS

A. Any property owner or business operator within the Eligible TIF Districts who wishes to start a new business or expand an existing business (hereinafter the “Project”) may apply for a Grant by completing an application supplied by the Director. Applications shall be eligible for consideration provided that they meet the filing deadline established by the Director and provided the project meets the following eligibility criteria:

1. The building must be located within the limits of the Eligible TIF Districts;

2. The applicant must be either a commercial, office, or mixed-use building owner or a commercial, office, or mixed-use building tenant who has obtained the building owner’s consent relative to the Project and application for the Grant evidenced by the building owner’s signature on the application form; and

3. The Project involves eligible improvements as determined by the Director of Community Development as set forth in the Downtown Retail Business Grant Program Policy dated January 11, 2011 and approved by the Village Board Ordinance No. 6752, adopted January 20, 2011 (hereinafter “the Policy”).

(Ord. 6335, passed 5/21/09; Ord. 6572, passed 1/20/11)

§36.73 GRANT APPROVAL

Recipients of Grants shall be chosen based on the characteristics of the Project, the potential benefit to the economic welfare of the Eligible TIF Districts and the amount of TIF Funds that are available. The detailed criteria for Grant Eligibility are established

by and set forth in the Program Policy, as amended from time to time by the Village Board.

§36.74 DISBURSEMENT OF GRANT FUNDS

No Grant funds shall be disbursed unless all Project-related activities are undertaken in compliance with all applicable provisions of both the Program Policy and Village Code and until the Village receives an affidavit from the Grant recipient containing his or her sworn statement that he or she has paid the approved cost of the Project. Original paid receipts must be attached to the affidavit. Upon receipt of the approved affidavit and receipts, the Village will release Grant Funds in accordance with the Program Policy, subject to proper documentation.

(Ord. 5737, passed 10-6-05; Ord. 6335, passed 5/21/09; Ord. 6572, passed 1/20/11)

LOCAL TOURISM GRANT PROGRAM

§36.80 ESTABLISHED

There shall be established in the Village of Lombard a Local Tourism Grant Program (the “Local Tourism Grant Program”) which shall be administered through the office of the Village Manager, with recommendations from the Community Promotion and Tourism Committee, in accordance with the standards set forth in Sections 36.80 through 36.83 of this Code

§36.81 FUNDING

Each year, the Village shall, pursuant to the approved Village budget, allocate a certain amount from the Hotel/Motel Tax Fund to be expended in the form of grants to organizations or entities who meet the eligibility standards for promoting tourism and conventions within, or otherwise attracting overnight nonresident visitors to the Village of Lombard.

§36.82 APPLICATIONS FOR GRANTS

(A) Any organization or entity that desires to receive funding under the Local Tourism Grant Program may apply by completing an application supplied by the Village. An application shall be eligible for acceptance if received by the applicable due dates established on an annual basis, and if the application meets the following eligibility criteria:

(1) The event to be funded or some portion thereof, must occur within the limits of the Village of Lombard, or otherwise attract overnight nonresident visitors to the Village;

(2) The event must contribute to the Local Tourism Grant Program intent of promoting tourism and conventions within, or otherwise attracting overnight nonresident visitors to the Village of Lombard, thereby generating increased lodging and tourism revenues within the Village; and,

(3) The application, event and proposed grantee meet the guidelines for the Local Tourism Grant Program, and the grantee agrees to comply with any post-event provisions of the guidelines, with said guidelines to be approved by the Lombard Board of Trustees from time to time, upon recommendation from the Community Promotion and Tourism Committee.

(B) Applications shall, at a minimum, contain the following information, as required by the Community Promotion and Tourism Committee: a detailed description of the proposed event, an estimate of the event costs, general information regarding the event applicant, and information on the impact of the proposed event upon tourism and conventions within, and/or the attraction of overnight nonresident visitors to the Village of Lombard as well as the event on the local economy.

(C) Applications shall be reviewed by the Village's Community Promotion and Tourism Committee, who shall make a recommendation to the Lombard Board of Trustees relative to the approval of the funding requests set forth in the applications.

§36.83 GRANT APPROVAL

Recipients of Local Tourism Grants shall be chosen from eligible applicants based on the characteristics of the event as described in the grant application and materials submitted therewith. Grants awarded under this Local Tourism Grant Program require approval by the Lombard Board of Trustees.

(Ord. 6874, passed 10/3/13)

CHAPTER 37: PUBLIC RECORDS

Section

- 37.01 Purpose
- 37.02 Ordinances, resolutions, and minutes
- 37.03 Financial records
- 37.04 Personnel files
- 37.05 Public works records
- 37.06 Accident reports
- 37.07 Other records
- 37.08 Freedom of Information Act
- 37.09 Duplication costs
- 37.10 Certification costs
- 37.11 Original Village Records

§ 37.03 FINANCIAL RECORDS.

All reports and records of the obligation, receipt, and use of public funds by the village shall be available for public inspection during normal business hours at the Village Hall provided that the Director of Finance receives a notice in writing stating the approximate time at which the records are to be inspected. The notice to the Director of Finance shall be at least 24 hours in advance of the inspection. ('70 Code, § 2.48.030) (Ord. 2575, passed 2-10-82)

§ 37.01 PURPOSE.

The village is incorporated to serve the residents of the village and to transact business for the public. The records of these public transactions shall be open to inspection and scouting by the public unless there is a compelling reason for keeping a record private. ('70 Code, § 2.48.010) (Ord. 2575, passed 2-10-82)

§ 37.02 ORDINANCES, RESOLUTIONS, AND MINUTES.

All ordinances, resolutions, and minutes which are taken at open meetings of the corporate authorities shall be available for inspection during normal business hours at the Village Hall. ('70 Code, § 2.48.020) (Ord. 2575, passed 2-10-82)

§ 37.04 PERSONNEL FILES.

Personnel files shall not be inspected by the public and shall only be disclosed to village officers when such inspection is necessary to the performance of their official duties or to any person pursuant to a subpoena or court order. Such request must be noted by the keeper of personnel and records, the person in whose name the file is kept, and what reason for the inspection. ('70 Code, § 2.48.040) (Ord. 2575, passed 2-10-82)

§ 37.05 PUBLIC WORKS RECORDS.

The final reports of projects, engineering studies, and approved plats shall be available during normal business hours at the Public Works building provided that the Director of Public Works receives a notice in writing stating the approximate time at which the records are to be inspected and setting forth the records which are to be inspected. The notice to the Director of Public Works shall be at least 24 hours in advance of the inspection. ('70 Code, § 2.48.050) (Ord. 2575, passed 2-10-82)

regulations in regards to the Freedom of Information Act.

§ 37.06 ACCIDENT REPORTS.

Final reports of the Police Department regarding accidents which occurred within the corporate limits of the village shall be available to persons involved in the accident which is reported and to their insurance companies.

('70 Code, § 2.48.060) (Ord. 2575, passed 2-10-82)

(D) Until such time as the Village Manager appoints another individual or other individuals to serve as the Village's Freedom of Information Officer(s), the Deputy Village Clerk shall serve as the Village's Freedom of Information Officer. The Freedom of Information Officer(s) shall be assisted by those individuals within each Village Department as designated from time to time by the Village Manager.

(Ord. 2677, passed 6-28-84; Ord. 6428, passed 1/7/10)

§ 37.07 OTHER RECORDS.

The Village Manager shall exercise discretion in determining whether records, reports, or permits other than those listed in this chapter shall be disclosed; however, any documents which are the subject of a subpoena or court order shall be disclosed as directed by the subpoena or court order.

('70 Code, § 2.48.070) (Ord. 2575, passed 2-10-82)

§ 37.08 FREEDOM OF INFORMATION ACT.

(A) The rules and regulations regarding the Freedom of Information Act are hereby adopted in substantially the form as contained in Exhibit A attached to ordinance 2677, copies of which are on file in the office of the Village Clerk.

(B) The Village Manager is hereby authorized to make any necessary administrative rules and regulations to implement said Freedom of Information Act and the request for documents.

(C) The Village Manager is hereby authorized to make any necessary wording changes to the rules and regulations set forth in Exhibit A referred to in division (A) of this section above which do not affect the intent or legal interpretation of these rules and

§ 37.09 DUPLICATION COSTS.

(A) Copies of public records shall be provided by the office of the Village Manager and fees shall be charged in accordance with the following schedule:

<i>Public Record</i>	<i>Fee</i>
Maps or plats	\$3.00 per page
Police accident reports	\$5.00 per report
Fire incident reports	\$5.00 per report
Duplication of black and white Village records that are letter size (8 ½ x 11) or legal size (8 ½ x 14)	Except in regard to requests for commercial purposes, in which case the actual cost to copy shall be charged, the first 50 pages shall be at no charge, with any pages in excess of 50 at \$0.15 per page
Duplication of Village records that are in color, or are not letter size (8 ½ x 11) or legal size (8 ½ x 14), except as noted elsewhere in this chart	Actual cost to copy
Certification of records	\$1.00 per certification
Ambulance reports	\$5.00 per report
Bound zoning ordinance	\$20.00 per ordinance
Zoning map	\$3.00 per map
Bound Subdivision & Development ordinance	\$15.00 per ordinance
Bound sign ordinance	\$10.00 per ordinance
Bound comprehensive plan	\$15.00 per plan
Electronic Medium	Actual cost of disc or

tape
 Accident Reconstruction Report \$20.00

pursuant to a Court subpoena, or upon the direction of the Village Clerk for purposes of reproduction.

(B) Where the Village determines that, because of the number of copies requested or nature of the type of copies requested, the copy work must be done by an entity other than the Village, the Village's actual costs for said copying shall be charged.

(C) Where a request for a public record(s) is received by facsimile, or requested to be sent by facsimile, the Village's actual costs incurred in receiving and/or sending said facsimile shall be charged in addition to the aforementioned fees.

('70 Code, § 2.50.010) (Ord. 2575, passed 2-10-82; Am. Ord. 2658, passed 3-22-84; Am. Ord. 2851, passed 5-22-86, Ord. 3447, passed 9/5/91; Ord. 6428, passed 1/7/10)

§ 37.10 CERTIFICATION COSTS.

The Village Clerk shall charge \$1 per certification.
 ('70 Code, § 2.50.020) (Ord. 2575, passed 2-10-82)

§ 37.11 ORIGINAL VILLAGE RECORDS

So as to prevent the loss of original Village records, documents, video tapes and audio tapes, the removal of original Village records, documents, video tapes and audio tapes from the Village building at which they are located shall be subject to the following conditions:

(A) Original minutes, audio recordings and video recordings of meetings of the Village Board or any Board, Committee, Commission or Sub-Committee of the Village shall not be removed from the Village building at which they are located except

(B) All original Village records, documents, video tapes and audio tapes, as maintained by Central Records, except those specified in Subsection A above, may only be removed from the Village building at which they are located by an officer or employee of the Village and only after said officer or employee has evidenced the removal of said original Village record, document, video tape and/or audio tape in writing on a form provided by the Village Clerk.

(C) The Village Clerk shall develop a logging system to keep track of original Village records, documents, video tapes and audio tapes, maintained by Central Records, that are removed from Central Records pursuant to Subsection B above.

(D) Notwithstanding the foregoing, original Village records, documents, video tapes and audio tapes, maintained by Central Records, may be transferred from one Village building to another, if Village business so requires, by Village officers and/or employees, but shall be returned to their original location at the end of each business day unless there is compliance with Subsection B above.
 (Ord. 3474, passed 11/7/91)

CHAPTER 38: BUSINESS DISTRICTS

Section

- 38.01 Findings
- 38.02 Designation
- 38.03 Powers

§ 38.01 FINDINGS.

Pursuant to public hearings held on October 6, 2005 and October 20, 2005, the President and Board of Trustees hereby find that it is essential to the economic and social welfare of the Village that business districts be maintained and revitalized by assuring opportunities for development or redevelopment and by attracting sound and stable commercial growth, thereby enhancing the tax base of the Village and employment opportunities within the Village.

§ 38.02 DESIGNATION.

The President and Board of Trustees may designate specific areas of the Village as business districts when they find that such a designation will facilitate the maintenance and revitalization of the area in accordance with Section 38.01 above.

§ 38.03 POWERS.

In carrying out development or redevelopment within a designated business district, the President and Board shall have those powers set forth in 65 ILCS 5/11-74.3-3, 5/11-74.3-5 and 5/11-74.3-6, as well as such other powers to facilitate development and redevelopment within a designated business district as allowed by law.

(Ord. 5775, passed 11/17/05)

CHAPTER 39: PUBLIC WORKS DEPARTMENT

Section

- 39.01 Creation; composition
- 39.02 Appointment of Director of Public Works
- 39.03 Director of Public Works; General Powers and Duties
- 39.04 Director of Public Works; Specific Powers and Duties

§ 39.01 CREATION; COMPOSITION.

The Public Works Department of the Village is hereby created and established. It shall consist of a Director of Public Works and such other employees as may be provided for by the Corporate Authorities of the Village.

§ 39.02 APPOINTMENT OF DIRECTOR OF PUBLIC WORKS.

The Village Manager is authorized to appoint and remove the Director of Public Works as set forth within the adopted Village Human Resource Manual. The Village is a statutory manager form of government, meaning that the Village Manager can hire and fire department heads without the need for Village Board approval.

§ 39.03 DIRECTOR OF PUBLIC WORKS; GENERAL POWERS AND DUTIES

The Director of Public Works shall have the control of the Public Works Department, the members thereof, and the care and custody of all building, infrastructure and equipment belonging to the Village. The Director of Public Works shall promulgate such orders, rules, and regulations for the conduct of the Public Works Department and the members thereof, as allowed by law, as he/she shall deem fit and proper.

§ 39.04 DIRECTOR OF PUBLIC WORKS; SPECIFIC POWERS AND DUTIES

The Director of Public Works shall be in charge of all public works activities including, but not limited to, facility maintenance, fleet management, engineering, refuse and recycling, and design and construction of public improvements. In addition to those duties assigned by the Corporate Authorities or the Village Manager, the Director of Public Works shall be responsible for:

- (A) The engineering, design, supervision and construction of all public improvements including, but not limited to, paving, sidewalks, storm drainage systems, water supply and distribution systems, traffic control and other municipal engineering improvements;

- (B) On-site supervision of the construction of public improvements;
- (C) The submittal of technical engineering reports, ordinances and regulations as required;
- (D) The preparation of preliminary cost estimates for public improvements;
- (E) The maintenance and supervision of all work on Village owned property; including all streets, parkways, sidewalks, municipal buildings and all other property of the Village not specifically assigned to some other officer or employee;
- (F) The care, maintenance and operation of the Village water distribution system, the street lighting system and all streets and sidewalks and the drainage thereof;
- (G) The maintenance of any pavement, building, lighting system, sanitary sewer system, water mains and any appurtenances thereto, and all other maintenance work conducted by the Village;
- (H) The supervision of the collection and disposal of refuse, recycling and yardwaste;
- (I) The condition of all motor vehicles and other equipment of the Village, and of all buildings or places in which the same are housed or kept;
- (J) The performance of such other duties and functions as shall from time to time be provided for in this Code, as a responsibility of the Public Works Department;
- (K) The administration of Chapters 50 and 51 of the Code;
- (L) The presentation of a Capital Improvement Plan to the Public Works Committee and Corporate Authorities in accordance with applicable Village policies; and
- (M) The providing of staff support assistance to other departments, as well as the Public Works Committee, the Board of Local Improvements, the Environmental Concerns Committee, the Transportation and Safety Committee and other committees that address public works activity within the Village.”

(Ord. 6559, passed 12/16/10)

CHAPTER 40: COMMUNITY DEVELOPMENT DEPARTMENT

Section

- 40.01 Creation; composition
- 40.02 Appointment of Director of
Community Development
- 40.03 Director of Community Development;
General Powers and Duties
- 40.04 Director of Community Development;
Specific Powers and Duties

§ 40.01 CREATION; COMPOSITION.

The Community Development Department of the Village is hereby created and established. It shall consist of a Director of Community Development and such other employees as may be provided for by the Corporate Authorities of the Village.

§ 40.02 APPOINTMENT OF DIRECTOR OF COMMUNITY DEVELOPMENT.

The Village Manager is authorized to appoint and remove the Director of Community Development as set forth within the adopted Village Human Resource Manual. The Village is a statutory manager form of government, meaning that the Village Manager can hire and fire department heads without the need for Village Board approval.

§ 40.03 DIRECTOR OF COMMUNITY DEVELOPMENT; GENERAL POWERS AND DUTIES.

The Director of Community Development shall have the authority and responsibility to control the Community Development Department, and its respective employees. The Director of Community Development shall promulgate such orders, rules, and regulations for the conduct of the Community Development Department and the members thereof, as allowed by law, as to he/she shall deem fit and proper.

§ 40.04 DIRECTOR OF COMMUNITY DEVELOPMENT; SPECIFIC POWERS AND DUTIES.

The Director of Community Development shall be in charge of all community development activities including, but not limited to, contributing to the development, redevelopment, maintenance and enhancement of the quality of life for residents and businesses in the Village. In addition to those duties assigned by the Corporate Authorities or the Village Manager, the Director of Community Development shall be responsible for:

- (A) Providing staff assistance to residents, tenants and property owners through the processing, review, approval and inspection of private development plans and projects;

programs, and development agreements;

- (B) Administering the provisions set forth within the Title 15 of the Code as well as any other duties assigned to the Department of Community Development or Director of Community Development, pursuant to other provisions of the Code;
- (C) Providing for the monitoring, inspection and/or enforcement of the Building Code, Zoning Ordinance, Sign Ordinance and applicable sections of the Municipal Code dealing with nuisances, including code violation investigation, issuance of citation and/or violation notices, and processing same for court or administrative adjudication action when necessary;
- (D) Promoting the sound growth and development of the Village through the development and administration of the Village Comprehensive Plan;
- (E) Overseeing and implementing the activities and recommendations pertaining to the physical growth of the Village through establishment of an annexation strategy plan, as well as administering the extraterritorial jurisdictional rights of the Village as set forth within the Illinois Compiled Statutes;
- (F) Serving as the Building Commissioner of the Village;
- (G) Advancing the economic viability of the Village through the administration of economic development plans and programs including, but not limited to, Tax Increment Finance (TIF) District activities, grant
- (H) Facilitating intergovernmental cooperation and the coordination of the Village's interaction with private, local and regional transportation agencies serving the public transportation needs of the community;
- (I) Providing staff support assistance to other departments as well as the Zoning Board of Appeals, the Plan Commission, the Economic and Community Development Committee, the Board of Building Appeals, the Electrical Commission, the Historical Commission and other established committees that address development activity within the Village;
- (J) Administering the relevant provisions of the DuPage County Development and Stormwater Ordinance pertaining to private development activity in the Village;
- (K) Managing the proper design and installation of private infrastructure and public improvements associated with private development activity;
- (L) Administering Village grant programs designed to address private stormwater drainage concerns; and
- (M) Coordinating and managing activities associated with the Village's Geographic Information Systems (GIS)."

(Ord. 6559, passed 12/16/10)

