

TITLE I
Village Administration

Article 1
Official Code

Section 1 **Title.** Upon adoption by the Board of Trustees, this Village Code shall constitute the official Village Code of the Village of Carbon Cliff. This Village Code of Ordinances shall be known and cited as the Carbon Cliff Village Code, is published by the authority of the Board of Trustees, and shall be kept up to date as provided in Section 3 under the direction of the Village Attorney, acting for the Board of Trustees. Any reference to the number of any section contained in this code shall be understood to refer to that position of the same number, its appropriate article and title heading, and to the general penalty clause relating, as well as to the section itself, when references are made to this Village Code by title in any legal document.

Section 2 **Acceptance.** This Village Code shall be received without further proof in all courts of the state as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Article 2, Section 1 of this title.

Section 3 **Amendments.** Any ordinance amending this Village Code shall set forth the title, chapter, and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendment or revision by ordinance shall be immediately forwarded to the codifiers, and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each replacement page shall be properly identified.

Section 4 **Interpretation.**

4.1 Intent to Defraud. Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

4.2 Liability of Employers and Agents. When the provision of any section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act but also the employer and all other persons concerned with or aiding or abetting the person, shall be guilty of the offense described and liable to the penalty set forth.

Section 5 **Alteration of Code Book.** No person shall alter, change, replace, or deface in any way section or any page of this Village Code in a manner that the meaning of any phrase or order made be changed or omitted. Replacement pages may be inserted according to the official when so authorized by the Village Board. The Village Clerk shall see that the replacement pages are properly inserted into the official copies maintained in the office of the clerk.

Any person having in his custody an official copy of this Village Code shall make every effort to maintain it in an up-to-date and efficient manner. Each person shall see to the immediate insertion of new or replacement pages when they are delivered from the office of the Village Clerk. Code books in the possession of officials and other interested persons shall remain the property of the Village and shall be returned to the office of the clerk when directed by the order of the Village Board of Trustees.

Section 6 **Rules of Construction.** In the construction of the Village Code, the following rules shall be observed, unless such construction would be inconsistent with the intent of the Board or contradictory to the context of the provisions.

6.1 Tense – words used in the present tense include the future.

6.2 May – is permissive.

6.3 Must – states a requirement.

6.4 Shall – is mandatory.

6.5 Gender – the masculine gender shall include the feminine and neuter genders.

Section 7

Catchlines and Notes. The catchlines of the several sections of the Village Code, titles, headings (chapter, division, article, section, and subsection), editor's notes, cross-references, and state law references, unless set out in the body of the section itself, contained in the Village Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

Article 2
Saving Clause

Section 1 **Repeal of General Ordinances.** All general ordinances of the Village passed prior to the adoption of this Village Code are repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming, or vacating streets, alleys, or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village; and all special ordinances.

Section 2 **Public Utility Ordinances.** No ordinances relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service, or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, except as the code may contain provisions for such matters; in which case this code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

Section 3 **Court Proceedings.** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture, or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding. So far as practicable, if any penalty, forfeiture, or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implications, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this chapter be deemed as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Village Code.

Article 3
General Penalty**Section 1** **General Penalty.**

- 1.1 Any person convicted of a violation of any section of this Village Code shall be fined in a sum not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred and Fifty Dollars (\$750.00). Any juvenile convicted of a violation of any section of this code may be fined in a sum not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred and Fifty Dollars (\$750.00) unless otherwise stated.
- 1.2 A person charged with a violation of an ordinance contained in the Village Code may waive any right to a hearing on the violation and pay a fine of Fifty Dollars (\$50.00) to the Village Clerk at Village Hall within eleven (11) business days of the date of the notice of violation in cases where there is no notice or conviction of the same code violation within the past twelve (12) month period.
- 1.3 In the event the Village Clerk does not receive payment as prescribed in Section 1.2 above within eleven (11) business days of the date of receipt of citation (date of issuance included), the Village may then file such ordinance violation with the Circuit Court in the Fourteenth Judicial Circuit for prosecution with such ordinance violation subject to the fines set out in Section 1.1 above.

Section 2 **Application of Provisions.**

- 2.1 The penalty provided in this article shall be applicable to every section of this code the same as though it were a part of each and every separate section unless otherwise indicated. Any person convicted of a violation of any section of this code where a duty is prescribed or obligation imposed, or where any action which is of a continuing nature if forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.
- 2.2 In all cases where the same offense is made punishable or is created by different clauses or sections of this Village Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- 2.3 Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this article shall apply.

Section 3 **Liability of Officers.** No provision of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty unless the intent of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

Section 4 **Indemnification of Village Officials.**

- 4.1 To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and all other applicable laws, the Village President and Board of Trustees shall be indemnified, defended, and held harmless by the Village from and against all liabilities, expenses of defense and investigation, judgments, and amounts paid in a settlement which may be imposed upon or reasonably incurred or paid by such official in connection with or resulting from any claim made against him or her, or any action, suit, proceeding, or investigation in which he or she may be involved, by reason of being or having been elected or appointed to the Board of

Trustees as such official of the Village and as a result of conduct within the scope of the duties of office, whether or not he or she continues to be such official at the time of such claim, action, suit, proceeding, or investigation.

- 4.2 The indemnity provided for in Subsection 4.1 shall not extend to any of the following:
- A. Any liability or cost with respect to any matter as to which such official is finally adjudged to be guilty of bad faith or actual malice or willful and wanton misconduct in the performance of the duties of such official;
 - B. Any payment, expense, or cost arising out of a settlement of any claim, action, suit, or proceeding, unless 1) such settlement shall be approved by the court having jurisdiction over such claim, action, suit, or proceeding, with the express knowledge of the existence of the indemnification provided hereby, or 2) such settlement shall have been made upon the written opinion of the Village's Attorney or independent legal counsel to the effect that there is no reasonable ground for any finding of bad faith or of actual malice or willful and wanton misconduct on the part of such official and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit, or proceeding to a final conclusion;
 - C. Any claim, action, suit, proceeding, or investigation in respect of which such official has failed to deliver notice to the Village as provided in this subsection. Notice, for the purposes of this subsection, means a written notice signed by such official and identifying, in reasonable detail, the particular claim, action, suit, proceeding, or investigation and the date upon and the manner in which such official first learned of the pendency of such claim, action, suit, proceeding, or investigation. It shall be sufficient delivery of the notice if the notice shall be mailed by registered mail, postage prepaid, addressed to the Village, Village Hall, attention: Village President, provided such mailing takes place no later than the first of the following to occur: 1) twenty (20) days after the date upon which such official first learned of the pendency of such claim, action, suit, proceeding, or investigation; or 2) twenty (20) days prior to the date upon which any response to the claim, action, suit, proceeding, or investigation is required by law;
 - D. Any proceeding brought by the Village or any liability or judgment payable to the Village itself;
 - E. The cost of independent legal representation in any such action, suit, or proceeding if the Village offers or otherwise indicates its willingness to provide a legal defense with respect to such claim, action, suit, proceeding, or investigation.
- 4.3 In the event the Village shall not have employed independent legal counsel to have charge of the defense of any such claim, action, suit, proceeding, or investigation or such claim, action, suit, proceeding, or investigation is asserted against both the Village and such official, and such official shall have reasonably concluded that there may be defenses available to him which are different from or additional to those available to the Village (in which case the Village shall not have the right to direct the defense of such action on behalf of such official), legal and other expenses incurred by such official shall be borne by the Village.
- 4.4 The foregoing rights of indemnification shall apply to any criminal action or proceeding if the indemnified person had no reasonable cause to believe the conduct (which must be within the scope of the duties of office) was unlawful. The termination of any action or proceeding by judgment or settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that the person did not act in good faith and in a manner reasonably believed to be in or not opposed to best interests of the Village, and with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.

- 4.5 The foregoing rights of indemnification shall be in addition to any other rights to which such official may otherwise be entitled as a matter of law.

**Article 4
Definitions**

Whenever the following words or terms are used in this code, they shall have such meaning as ascribed to them below, unless the context specifically indicates otherwise.

Agent	A person acting on behalf of another.
Alley	Shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
Board	Shall mean the Board of Trustees of Carbon Cliff, Illinois.
Clerk	Shall mean the Village Clerk of Carbon Cliff, Illinois.
Code	Shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
County	Shall mean Rock Island County, Illinois.
Employees	Whenever reference is made in this code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Carbon Cliff."
Fee	A sum of money charged by the Village for the carrying on of a business, profession, or occupation.
Fiscal Year	The "fiscal year" of the Village shall coincide with the calendar year, and begin on January 1 and end on December 31 of each year.
License	The permission granted for the carrying on of a business, profession, or occupation.
Measure	Shall mean an ordinance, amendment, resolution, or motion.
Misdemeanor	Any offense for which a sentence to a term of imprisonment other than a penitentiary for less than one year may be imposed.
Month	Shall mean a calendar month.
Oath	Shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases, the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn."
Occupant, Tenant	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
Offense	Any act forbidden by any provision of this Village Code or the omission of any act required by the provisions of this Village Code.
Officers	Whenever reference is made in this Village Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Carbon Cliff."
Operator	The person who is in charge of any operation, business, or profession.
Ordinances	Shall mean the ordinances of the Village of Carbon Cliff, Illinois, as embodied in the Code of Ordinances, ordinance not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.

Owner	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of a part of such building or land.
Person	Is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.
Personal Property	Includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished and every right or interest therein.
Potable Water	Is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.
Preceding, Following	Shall mean next before and next after, respectively.
President	Shall mean the President of the Board of Trustees of the Village of Carbon Cliff.
Property	Shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
Property Line	The line marking the boundary between any street and the lots or property abutting thereon.
Property Owner	Shall mean a person owning private property in the Village as shown by the Rock Island County Supervisor of Assessment's plats of the Village.
Public Place	Shall include in its meaning but is not restricted to any Village-owned open place, such as parks and squares.
Public Property	Shall mean any and all property owned by the Village or held in the name of the Village by any of the departments, commissions, or agencies within the Village government.
Public Way	Shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfares.
Retailer	Unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities directly to the consumer.
Right-Of-Way	The privilege of the immediate use of the roadway or other property.
Sidewalk	Shall mean that portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.
State	Shall mean the State of Illinois.
Statutes, Laws	Shall mean the latest edition of the Illinois Revised Statutes.
Street	Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.
Tenant	As applied to a building or land shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.
Townhouse	A single-family attached dwelling in a row of at least three (3) such units in which each unit has its own ground floor access, a unit may or may not be located over another unit, and

each unit is separated from any other unit by one or more vertical common fire-resistant walls, or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership, or could be in the future.

Village

Shall mean the Village of Carbon Cliff, Illinois.

Village Code

Shall mean the Code of Ordinances of the Village of Carbon Cliff, Illinois.

Wholesaler

The terms "wholesaler" and "wholesale dealer" as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

In Writing, Written

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

Year

Shall mean a calendar year.

**Article 5
Village Officers**

Section 1 Election. The President of the Board of Trustees shall be elected for a four (4) year term and shall serve until his successor is elected and qualified as is provided by statute.

Section 2 Date of Inauguration. Newly elected officers of the Village shall be inaugurated on the first regular or special meeting of the corporate authorities in the month of June following their election.

Section 3 Duties. The President of the Board of Trustees shall be the chief executive officer of the Village of Carbon Cliff and shall preside over the meetings of the Board of Trustees, and shall perform such duties as may be required by statute or ordinance. The President shall have supervision over all of the executive officers and employees of the Village and shall have the power and authority to inspect all books and records pertaining to Village affairs and kept by any officers and employees of the Village at any reasonable time.

Section 4 Appointment of Officers. The President of the Board of Trustees shall appoint, by and with the advice and consent of the Board of Trustees, all officers of the Village whose election and appointment is not otherwise provided. Any vacancy occurring in an appointive office shall be filled in the same manner.

Section 5 Designation of Officer's Duties. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the President of the Board of Trustees. The President of the Board of Trustees shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.

Section 6 Acting President. In the event of a vacancy in the office of President of the Board of Trustees, the Board of Trustees may appoint one of its members as Acting President to serve until the vacancy is filled at a regular or special election as is provided by law.

Section 7 Formal Occasions. The President of the Board of Trustees shall act for and on behalf of the Village on formal occasions and receptions; but in his absence or inability to attend to any such function, the Board of Trustees may select any other Village officer to so act.

Section 8 Clerk – Appointment – Term. Pursuant to the provision of Section 3-5-9, Chapter 24, Ill. Rev. Stat. (1983), the Village Clerk shall be appointed by the Village President with the concurrence of the Village Board. The Village Clerk shall serve a one (1) year term, or until his successor is appointed and qualified, as provided by statute. (Rev. Ord. 84-21, 9-18-84) The clerk shall:

8.1 Keep accounts showing all monies received by him and the source and disposition thereof and such other accounts as may be required by statute or ordinance; further, he shall turn over such monies received by him on behalf of the Village to the Village Treasurer promptly upon receipt of same, and with such monies, he shall give a statement as to the source thereof.

8.2 Keep a register of all licenses and permits issued and payments thereon; a record showing all of the officers and regular employees of the Village; and such other records as may be required by the Board of Trustees.

8.3 Seal and attest all Village contracts, licenses, permits, and such other documents as shall require this formality.

8.4 File the minutes and records of the Board of Trustees and its committees and subcommittee's proceedings.

8.5 Such other duties and functions as may be required by statute or ordinance.

Section 9 Code Enforcement Officer.

- 9.1 Creation of Office: Appointment. There is created the office of Code Enforcement Officer, an executive officer of the Village is hereby created. The Code Enforcement Officer shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold his office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified.
- 9.2 Duties and Responsibilities. The Code Enforcement Officer shall have the following duties and responsibilities:
- A. Shall be responsible for the enforcement of the Code of Ordinances of the Village of Carbon Cliff, including, but not limited to, removing all public nuisances, including junk, abandoned vehicles, weeds, and unkempt property, and as directed by the President and Board of Trustees of the Village.
 - B. Shall be responsible for issuing Village Code violations.
- 9.3 Employment. The Code Enforcement Officer shall be employed on a part-time basis and shall work under the direction of the President of the Village.
- 9.4 Compensation. The compensation for the Code Enforcement Officer shall be fixed annually by the Village Board of Trustees as per the annual budget ordinance.

Section 10

Village Collector. The position of Village Collector shall be filled by appointment by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. The Village Collector shall serve a one (1) year term, or until his successor is appointed and qualified, as provided by statute. The Village Collector shall have the following listed duties:

- 10.1 Compute, bill, and collect all special assessments for the Village.
- 10.2 Compute, bill, and collect all water usage statements for the Village.
- 10.3 Compute, bill, and collect all garbage collection fees for the Village.
- 10.4 Compute, bill, and collect all sewerage usage statements for the Village.
- 10.5 File all liens for unpaid water, sewerage usage statements, and garbage collection fees.
- 10.6 File all delinquent special assessments for the Village with the County Clerk by August 1st of each year.
- 10.7 Act as secretary of the Public Works Hearing Committee.
- 10.8 Maintain and keep up-to-date records of the Village's special assessment roll, water and sewerage usage statements, and garbage collection fees.
- 10.9 To attend meetings of the Public Works Committee as requested and provide the said committee with assistance and information as necessary.
- 10.10 Such other duties as from time to time may be mutually agreed upon by the Board of Trustees and the Village Collector.

Section 11**Treasurer.**

- 11.1 General Duties. The treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid to the Village either directly from the person paying the money or from the hands of such other officer or employee as may receive

it, and he shall pay out money only on vouchers or orders properly signed by the president and clerk.

- 11.2 Deposit of Funds. He shall deposit the Village funds in such depositories as may be selected from time to time as is provided by law, and he shall keep the deposit of the Village money separate and distinct from his own money, and shall not make private or personal use of any Village money.
- 11.3 Records. He shall keep the records showing all money received by him, showing the source from which it is received and the purpose for which it is paid, and he shall keep records at all times showing the financial status of the Village.
- 11.4 Accounting. The treasurer shall keep such books and accounts as may be required by statute or ordinance, and he shall keep them in the manner required by the Board of Trustees.

Section 12 Maintenance Operator.

- 12.1 Creation of Position. There is created the position of the Maintenance Operator.
- Duties and Responsibilities.
- A. The Maintenance Operator shall be responsible for performing the maintenance and labor tasks of the Water and Sewer Departments, Streets/Alleys, Parks, Building & Grounds, and shall be responsible for maintenance and repairs of all Village-owned vehicles and equipment, and shall perform such other duties as prescribed by the Director of Community & Administrative Services, Village Board of Trustees, of Village President from time to time.
- B. Minimum qualifications: Class C/CDL driver's license.
- 12.2 Direction. All maintenance operators established in Section 12.1 shall work under the direction of the Director of Community and Administrative Services.
- A. The Director of Community and Administrative Services has the authority to take disciplinary action, including the recommendation to the Village Board to terminate employment, however, the decision to terminate employment will be decided by the Board of Trustees.
- 12.3 Selection. Candidates for the position of maintenance operators established in Section 12.1 shall be selected by the Director of Community and Administrative Services and shall be employed with the consent and approval of the President of the Board of Trustees, and the Board of Trustees.
- 12.4 Employment. The maintenance operators established in Section 12.1 shall be employed on a full-time basis.
- 12.5 Compensation. The compensation for the maintenance operators' positions established in Section 12.1 shall be fixed annually by the Village Board of Trustees as per the annual appropriations ordinance.

Section 13 Village Attorney.

- 13.1 Creation of Office: Appointment. There is created the office of Village Attorney, an executive office of the Village. The attorney shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall serve a one (1) year term, or until his successor is appointed and qualified, as provided by statute.

Special Counsel. The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters if no Village Attorney has been appointed; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the Village Attorney.

Suits and Actions. The attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against or by any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village.

Judgments. It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees entered in favor of the Village, and of all similar interlocutory orders.

Advice. The attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting it whenever requested to do so by any Village official. Upon request by the President or the Board, he shall reduce any such opinion to writing.

Special Assessments. It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

Section 14 Director of Community and Administrative Services.

- 14.1 Creation of Office: Appointment. There is created the office of Director of Community and Administrative Services, an executive office of the Village. The Director of Community and Administrative Services shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold his office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified.
- 14.2 Duties and Responsibilities. The director of community and administrative services shall have the following duties and responsibilities:
- A. Serve as finance director of the Village. He shall aggressively pursue, monitor, and maintain an investment strategy for the Village funds that net the highest possible rate of return in accordance with the Village's written investment policy. He shall report on investments at least quarterly. He shall assist the Budget Officer, as necessary in preparing, maintaining, and monitoring the annual budget for the Village.
 - B. Assist with annexation plans for the Village.
 - C. Develop and implement, with the concurrence of the Board of Trustees, a plan to attract new business to the Village.
 - D. Develop and implement with the concurrence of the Board of Trustees a plan to improve and/or expand the Village's infrastructure.
 - E. Shall serve as the zoning officer of the Village, and shall have all powers and duties as specified in Article XV, Section 151, of the Village Zoning Ordinance.
 - F. Shall serve as the secretary of the Planning Commission and Board of Appeals of the Village, and shall perform all duties as specified in Article XV, Section 154, of the Village Zoning Ordinance.
 - G. Shall coordinate the services of the building, mechanical, plumbing, and electrical inspectors of the Village. As such, this office shall supervise the building,

mechanical, plumbing, and electrical inspectors, and shall issue all permits, and ensure all inspections are made and filed.

- H. Shall serve as secretary of the Building Board of Appeals.
- I. Shall serve, at the option of the T.I.F. Commissions, as executive director of Tax Increment Financing District No. I Commission, and the Tax Increment Financing District No. II Commission.
- J. Shall coordinate and serve as the point of contact for all development, redevelopment, and construction projects within the Village. Shall recommend financing alternatives to the Board of Trustees for Village projects as directed.
- K. Shall serve as the local 9-1-1 coordinator, and as such shall issue addresses for all new construction; shall update addresses in cooperation with the postmasters of Carbon Cliff, East Moline, and Silvis; and shall cooperate with the 9-1-1 coordinator for Rock Island County.
- L. Shall serve as the Village's representative on the Rock Island County Waste Management Agency.
- M. Shall coordinate and prepare a quarterly newsletter for the residents and businesses of the Village.
- N. Shall serve as the human resource officer of the Village and as such shall perform the duties of the plan benefits coordinator, local government health plan representative, and risk management coordinator.
- O. Shall serve as purchasing agent for the Village.
- P. Shall oversee the implementation, and enforcement, and shall keep current the Village's Comprehensive Plan, Subdivision Ordinance, Mobile Home Park Ordinance, Storm Water, Soil Erosion, and Sediment Control Ordinance, The Uniform Building Code, The National Electrical Code, The Plumbing Code, and the Uniform Mechanical Code.
- Q. Shall serve as administrative assistant to the Village President for administrative functions.
- R. Shall perform other duties as assigned by the appointive authority from time to time.
- S. Shall attend all Village Board meetings, committee meetings, Plan Commission meetings, Zoning Board of Appeals meetings, Building Board of Appeals meetings, Tax Increment Financing District No. I Commission meetings and Tax Increment Financing District No. II Commission meetings.
- T. May attend any appropriate training sessions, conferences, and meetings to stay abreast of current legislation, procedures, programs, grants, and the like as they pertain to the Village, and may enhance or expand current operations and, with the concurrence of the Board of Trustees, actively pursue programs and grants for the Village.
- U. Shall serve as treasurer of the Village, and shall perform all duties as specified in Title I, Article 5, Section 11.1, shall deposit funds as specified in Title I, Article 5, Section 11.2, shall keep records as specified in Title I, Article 5, Section 11.3 and shall keep books and accounts as specified in Title I, Article 5, Section 11.4.

- 14.3 Employment. The director of community and administrative services shall be employed on a full-time basis and shall work under the direction of the President of the Village.
- 14.4 Fair Labor Standards Status. The director of community and administrative services shall be exempt from the Fair Labor Standards Act.
- 14.5 Compensation. The compensation for the director of community and administrative services shall be fixed annually by the Village Board of Trustees as per the annual appropriations ordinance.

Section 15 Budget Officer.

- 15.1 Creation of Office of Budget Officer/Designation. There is created the Office of Budget Officer, an executive officer of the Village. The budget officer shall be designated by the Village President with the approval of the corporate authorities. The budget officer may hold another municipal office, either elected or appointed and may receive compensation for both offices. He shall serve at the pleasure of the Village President, or until his successor is designated and qualified.
- 15.2 Oath and Bond. The budget officer shall take an oath and post a bond as provided by 65 ILCS 5/8-2-9.2.
- 15.3 Powers and Duties. The budget officer shall have the powers and duties enumerated in 65 ILCS 5/8-2-9.2 as now in effect or as hereafter amended.

Section 16 Village Prosecutor.

- 16.1 Creation of Office of Village Prosecutor: Appointment. There is created the office of Village Prosecutor, an executive office of the Village. The Village Prosecutor shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold his office, unless sooner discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified. The Village Prosecutor may be the same appointed officer occupying the office of Village Attorney.
- 16.2 Duties and Responsibilities. The Village Prosecutor shall have the following duties and responsibilities:
- A. To prepare all charges and complaints against, and shall appear in the appropriate court in the prosecution of every person charged with a violation of the Village Code, a Village Ordinance, or any regulations adopted under the authority of the Village, or with the commission of a misdemeanor as declared by the corporate authorities, or by virtue of its authority.
 - B. He shall advise and assist all Village officers or employees having first obtained consent from the Village President, on questions of law, in filing complaints, making arrests, and preparing for the prosecution of ordinance violations.
 - C. He shall also perform such other duties as may be required of him from time to time by the Village President.

Section 17 Administrative Assistant.

- 17.1 Creation of the Office of Administrative Assistant: Appointment. There is created the office of Administrative Assistant, an executive office of the Village. The Administrative Assistant shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. He shall be appointed annually and shall hold office, unless sooner

discharged, until the end of the municipal year for which he is appointed or until his successor is appointed and qualified.

17.2 Duties and Responsibilities. The Administrative Assistant shall have the following duties and responsibilities:

- A. Shall perform all duties associated with the position of Village Clerk as outlined in Title 1, Article 5, Section 8 of the Village Code.
- B. Shall perform all duties associated with the position of Village Collector as outlined in Title 1, Article 5, Section 10 of the Village Code.
- C. Shall perform such other duties and functions as may be required by State statute, ordinance, or assigned by the Director of Community & Administrative Services, the Village Board of Trustees, or the Village President.
- D. Shall report and work directly under the Director of Community & Administrative Services.

Article 6
Board of Trustees

- Section 1** **Election – Functions.** The members of the Board of Trustees shall be elected and serve for four (4) year terms. The Board of Trustees shall be the legislative division of the Village of Carbon Cliff and shall perform such duties and shall have such powers as may be authorized by statute.
- Section 2** **Presiding Officer.** The Village Board President shall preside at all meetings of the Board, but he shall have a vote only where the state statutes or the municipal ordinances require more than a majority vote of the corporate authorities or in the event of a tie, or where one-half of the trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote. During the absence or disability of the Village Board President, the Board shall elect one of its members President Pro Tem of the Board, and he shall act as presiding officer of the Board. Where the absence or disability of the Village Board President is to be of a very short duration and no individual is required to be granted the powers of the Village Board President, the Board shall elect one of its members as temporary chairman. The President Pro Tem or the temporary chairman, when acting as presiding officer, shall vote on all questions on which the vote is taken by “yeas” and “nays”, his name being called last. The President Pro Tem shall have all of the powers and duties of the Village Board President. The temporary chairman shall only have such powers and duties as accrue to a presiding officer.
- Section 3** **Standing Committees.** Public Safety Committee (fire, police, health, planning, zoning, inspections, and civil defense), Public Works Committee (water, sewer, garbage, and cable television), Public Properties Committee (buildings, grounds, streets, alleys, sidewalks, streetlights, and parks), and Public Administration Committee (finance, insurance, policy, ordinances, and license).
- Section 4** **Special Committees.** The President of the Board of Trustees shall appoint such special committees as he may deem necessary or as may be directed by the Board of Trustees.
- Section 5** **Membership in Committees.** The President of the Board of Trustees shall appoint the members of all standing and special committees, in the absence of specific direction by the Board of Trustees, and shall designate the chairman of each committee. The President of the Board of Trustees shall be the ex-officio chairman of all committees. Every committee of the Board of Trustees shall consist of three (3) members including the chairman unless the Board of Trustees shall provide otherwise.
- Section 6** **Orders.** All recommendations from committee members of the standing committees shall be reduced to writing and signed by not less than two (2) members of the committee following a duly authorized meeting of the committee.

Article 7
Rules of Order

Section 1 **Meetings.** The regular meetings of the Village Board of Trustees shall be held on the first and third Tuesday of each month of the year at the hour of 7:00 p.m. in the Village Hall unless another site shall be specified.

Section 2 **Special Meetings.** Special meetings may be called by the Village President or by any three (3) members of the Village Board by written request or notice being filed with the clerk at least 36 hours prior to the time specified for such meeting.

Section 3 **Notice of Meetings.** Public notice of the schedule of regular meetings shall be given at the beginning of each calendar or fiscal year and shall state the dates, times, and places of such meetings. Public notice is given by posting a copy of the notice at the Village Hall or at the building in which the meeting is to be held.

Section 4 **Open Meetings Act.** All meetings of the Board of Trustees and its committees and subcommittees shall be carried out in accordance with the Open Meetings Act, #1. Rev. Stat. Chapter 102, # 41-46.

Section 5 **The Convening of Board Meetings.** Each meeting of the Board shall convene at the time scheduled for such meeting, as provided by ordinance. The clerk, or in his absence, the deputy clerk shall immediately call the roll of members. If no quorum is present, the Board shall not stand adjourned, but the members present shall be competent, by majority vote, to adjourn or recess the Board to another time or date prior to the next regularly scheduled meeting.

Section 6 **Quorum.** A majority of the corporate authority of the Board of Trustees shall constitute a quorum thereof, but no ordinance or measure for the expenditure of money shall be passed except on the favorable vote of a majority of the corporate authority as provided by statute.

If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who refuses to attend the meeting (or a new meeting to which the members present have adjourned), after personal notice to attend, may be fined by the members present a sum not to exceed Fifty Dollars (\$50.00) for each occurrence.

Section 7 **Disturbing Meetings.** It shall be unlawful to disturb any meeting of the Board of Trustees or of any committee thereof or to behave in a disorderly manner at any such meeting.

Section 8 **Minutes and Journal.**

8.1 The proceedings of all meetings of the Board of Trustees and its committees and subcommittees shall be kept in written form. Minutes shall be kept whether a meeting is open or closed. The minutes shall be recorded and maintained in accordance with the Illinois Open Meetings Act (Ill. Rev. Stat., Chapter 102 & 42.06, Sec. 2.06).

8.2 The Chairman, or his designee, shall take the minutes of all standing committee meetings. The Village Clerk shall take minutes of Board meetings.

8.3 The Journal. The clerk shall keep the journal of the proceedings of the Board. Within no more than ten (10) days after each meeting of the Board, the clerk shall supply to each member a copy of the proceedings (minutes). The journal shall be approved periodically. The clerk's draft of the journal of proceedings may be amended to correctly reflect the view of the legislative body as to the events which occurred.

Section 9 **Order of Business.** The order of business shall be as follows:

9.1 Call to order by presiding officer.

- 9.2 Pledge of allegiance to the flag.
- 9.3 Roll call.
- 9.4 The reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings.
- 9.5 Reports and communications from President and other officers:
– Village Board President
– Treasurer
– Clerk
– Attorney
– Engineer
– Board of Appeals
– Plan Commission
- 9.6 Report of the standing committees:
– Public Safety
– Public Properties
– Public Works
– Public Administration
- 9.7 Report of special committees.
- 9.8 Petitions, communications, orders, resolutions, and ordinances by the trustees.
- 9.9 Public discussion and/or comments from the floor.
- 9.10 Old business.
- 9.11 New business.
- 9.12 Consent calendar or agenda.
- 9.13 Adjournment.

Section 10 **Duties of the Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order. The presiding officer may speak to matters being considered by the Board without relinquishing his chair. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

Section 11 **Duties of the Members.** While the presiding officer is putting the question, no member shall walk across or out of the Board chamber. Every member, previous to his speaking, making a motion, or seconding the same, shall address himself to the presiding officer and shall not proceed with his remarks until recognized by the chair. He shall confine himself to the question under debate avoiding personalities and refraining from impugning the motives of any other member's argument or vote. When two or more members address the chair at the same time, the presiding officer shall name the member who is first to speak. The trustees may, by a two-thirds vote, expel a trustee for disorderly conduct. Such trustees may not be expelled a second time for the same offense.

Section 12 **Rules of Citizen Participation.**

- 12.1 Persons wishing to speak during any portion of a Board meeting shall sign in before the start of the meeting stating the name and topic to be discussed. All speakers shall comply with these rules and the ruling of the presiding officer.

- 12.2 Speakers shall identify themselves at the podium before beginning their comments. Speakers shall speak about their position on the issue and provide any supporting documentation. The speaker shall refrain from engaging in debates, directing threats, or personal attacks on the Board, staff, other speakers, or members of the audience.
- 12.3 Members of the audience shall refrain from applauding, cheering, or booing during or at the conclusion of remarks made by any speaker, staff member, or member of the Board.
- 12.4 Groups of residents should, whenever possible, consolidate their comments and avoid repetition through the use of representative speakers.
- 12.5 Residents/Members of the General public shall supply copies of any and all documents to be reviewed by the Village Board, Committees, and Commissions at least five (5) days prior to the date of the scheduled meeting in which they are requesting to speak. This will allow the trustees/members ample time to review said documentation and prepare recommendations and responses. The governing body may at their discretion request additional time to review the submitted documentation and thus may direct residents or members of the general public to return to a specific meeting.
- 12.6 Persons other than the Village President, the Trustees, Village Officials, or persons invited by a majority of the Board present shall address the Board subject to the following additional rules and regulations.
- A. Citizen Concerns and Comments at Village Board Meetings. Members of the general public may address the board with concerns or comments regarding issues relevant to village business. Issues relevant to village business are defined to mean information about village events; issues that the public body has the authority to address; items listed on the agenda; and items or issues previously voted on by the village board or that the village board has the authority to consider or vote on in the future. The village president or his designee shall strictly restrain comments to matters that are relevant to the village business and shall not permit repetitious comments or arguments. Members of the general public who wish to address the board must sign the requested to speak form prior to the commencement of the public meeting. The persons submitting a petition, concern or other comment shall be allotted five (5) minutes to present their points. The manager or corporate authorities may respond for the village.
- B. Citizen Concerns and Comments at the other Village Public Bodies' Meetings. Members of the general public may address all village committees, commissions, boards, and any and all other subsidiary boards established by the village board or Village Municipal Code (e.g. board of health, plan commission, liquor control commission, etc.) with concerns or comments regarding issues relevant to that specific board, committee or commission's agenda or topics that the specific board, committee, or commission has the authority, pursuant to the Village Code, to address. The chairperson or his or her designee shall strictly restrain comments to matters that are relevant to the board's, committee's, or commission's business and shall not permit repetitious comments or arguments. Members of the general public who wish to address the board, committee, or commission must sign the request to speak form prior to the commencement of the public meeting. The persons submitting a petition, concern, or other comment shall be allotted five minutes to present their points.
- C. Public comments on agenda items shall be limited to thirty (30) minutes unless extended for a time certain by a majority of the Board present. All speakers shall limit their comments to no more than three (3) minutes. Speakers who are residents shall be allowed to speak before nonresidents.

- D. Public comments on non-agenda items shall be limited to thirty (30) minutes unless extended for a time certain by a majority of the Board present. All speakers shall limit their comments to no more than three (3) minutes.”

- Section 13** **Presentation of New Business and Deferment.** Upon the request of any two trustees present, any report of a committee of the Board shall be deferred (for final action) to the next regular meeting of the Board after the report is made.
- Section 14** **Debate.** No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so. No member shall speak longer than five minutes at any one time, except by consent of the presiding officer; and in closing debate on any question, as above provided, the speaker shall be limited to three minutes, except by special consent of the presiding officer. While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the chair.
- Section 15** **Call of Member to Order.** A member, when called to order by the chair, shall 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.
- Section 16** **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.
- Section 17** **Voting.** Every member who shall be present when a question is stated from the chair shall vote, unless excused, or unless he is personally interested in the question, in which cases he shall not vote.
- Section 18** **Special Order of Business.** Any matter before the Board may be set down as a special order of business at a time certain if two-thirds of the trustees present vote in the affirmative, but not otherwise.
- Section 19** **Seconding of Motions Required; Written Motions – Reading of Motions, Resolutions, Ordinances, Minutes, and Correspondence.** No motion shall be put or debated in the Board unless it is seconded; provided, however, that neither the maker nor seconder of a motion shall be required to vote in favor of that motion. When a motion is seconded, it shall be stated by the presiding officer before the debate, and every motion in the Board, except motions of procedure, shall be reduced to writing, if required by a member, and the member who proposed the motion shall be entitled to the floor. No resolution, ordinance, nor minutes need be read prior to consideration but such items may be read in response to a motion passed seeking such reading. Copies of correspondence received by the clerk of the Village Board President shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board meetings unless pertinent to a matter before the discussion. Correspondence received may be summarized at Board meetings.
- Section 20** **Withdrawal of Motions.** If the maker of the motion desires to withdraw the motion, he may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw his second he may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker nor the seconder of a motion may withdraw the motion, except with the consent of a majority of the Board, once discussion on the motion has ceased.
- Section 21** **Record of Motions.** In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.
- Section 22** **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 question.
- Section 23** **Taking and Entering the Votes; Explanation of Votes.** The “yeas” and “nays” upon any question shall be taken and entered in the journal. When the clerk has commenced calling the roll of the Board for the taking of a vote by “yeas” and “nays”, all debate on the question before the Board shall be deemed

concluded; and during the taking of the vote, a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the clerk by answering “yea” or “nay”, as the case may be.

Section 24 **Announcement and Changes of Votes.** The result of all votes by “yeas” and “nays” shall not be announced by the clerk, but shall be handed by him to the Village Board President for the announcement, and no vote shall be changed after the tally list has passed from the hands of the clerk.

Section 25 **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 reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold a public hearing shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. Where a motion to reconsider such a motion is made at the same meeting as the passage of the original motion, it may be tabled to a later date.

A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered unless otherwise provided by law; provided however, that where a motion has received a majority vote in the affirmative but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made only by those who voted in the affirmative on such question to be reconsidered.

Section 26 **“Yea” and “Nay” Vote.** The “yeas” and “nays” 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 of the Board. Such vote shall be entered on the journal of the proceedings, as is provided by statute.

Section 27 **Approval or Veto.** All ordinances passed by the Board before they take effect shall be deposited with the Village Clerk, and if the Village Board President approves these ordinances, he shall sign them. Those ordinances not approved shall be returned to the Board with his objections in writing at the next regular meeting, occurring not less than five (5) days after their passage. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. In case the veto only extends to a part of such ordinance, the remaining provisions shall take effect and be in force. If the Village Board President shall fail to return any ordinance with his objections by the time designated, he shall be deemed to have approved such ordinances and the same shall take effect accordingly.

Upon the return of any ordinance by the Village Board President, the vote by which the same was passed may be reconsidered by the Board at its next regular meeting after the return of the veto. If, after such reconsideration, two-thirds of all the members elected to the Board shall agree, by “yeas” and “nays”, to pass the same, it shall go into effect notwithstanding the Village Board President may refuse to approve.

Section 28 **Style of Ordinances.** The style of all ordinances shall be: “BE IT ORDAINED by President and Board of Trustees of ...,” as is provided by statute.

Section 29 **Record of Ordinances.** The clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

Section 30 **Publication.** All ordinances imposing any penalty for a violation or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form; in which case, the ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the Village Hall.

Section 31 **Time of Taking Effect.** No ordinance which must be published to comply with the foregoing section shall go into effect until ten (10) days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate

authorities then holding office. In all other cases, the ordinances shall go into effect upon passage, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

Section 32 **Adoption of Roberts “Rules of Order Revised.”** The rules of parliamentary practice comprised in the latest published edition of Roberts “Rules of Order Revised” shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board or the statutes or laws of the state.

Section 33 **Temporary Suspension of Rules; Amendment of Rules.** These rules may be temporarily suspended, repealed, altered, or amended by a two-thirds vote of the corporate authorities then holding office.

Section 34 **Censure of Members; Expulsion of Members.** Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene, or insulting language to or about any member of the Board, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the corporate authorities; and in addition, may be fined not to exceed Fifty Dollars (\$50.00) for each such occurrence. With the concurrence of two-thirds of the trustees elected, the council may expel a trustee but not a second time for the same offense.

Article 8
Oath of Office

Section 1 **Oath.** Before entering upon the duties of their offices, all Village officers and employees shall subscribe to the following oath of affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the institution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.”

This oath or affirmation so subscribed, shall be filed with the Village Clerk.”

Section 2 **Power to Administer Oaths.** The President of the Board of Trustees and the Village Clerk shall have power to administer oaths and affirmations upon all lawful occasions.

Article 9
Salaries of Corporate Officials

- Section 1** **President of the Board of Trustees.** The salary for the President of the Board of Trustees shall be fixed at the sum of Six Hundred and Twenty-Five Dollars (\$625.00) per month.
- Section 2** **Village Clerk.** The salary for the Village Clerk shall be fixed by the Village Board of Trustees as per the annual appropriations ordinance. The salary shall be payable bi-weekly.
- Section 3** **Treasurer.** The salary for the treasurer shall be fixed by the Village Board of Trustees as per the annual appropriations ordinance. The salary shall be payable monthly for the performance of the duties set forth in Title I, Article 5, Section 11 of the Carbon Cliff Village Code. If the treasurer is requested by the Village President to perform duties not set forth in the Carbon Cliff Village Code, the treasurer shall be compensated for the performance of those extra duties as a part-time employee/officer.
- Section 4** **Trustee.** The set rate of pay for Trustees for attending Regular Board Meetings and Committee Meetings shall not exceed Two Thousand Eight Hundred and Eighty Dollars (\$2,880.00) per calendar year.
- 4.1 **Board Meetings:** The wages for each Trustee of the Board of Trustees shall be fixed at the sum of Sixty-Five Dollars (\$65.00) per Regular Board Meeting attended, with a maximum of twenty-four (24) meetings attended per year. No Trustee shall be paid for any meeting unattended regardless of whether the Trustee was unable to attend for good cause.
- 4.2 **Committee Meetings:** The wages for each trustee of the Board of Trustees shall be fixed at the sum of Fifty-Five Dollars (\$55.00) per Regular Committee meeting attended as follows: Public Safety, Public Works, Public Properties, and Public Administration. The wages shall be paid for no more than two (2) Regular Committee meetings per month. Each Trustee shall be appointed to serve on at least two (2) of the committees.
- 4.3 **Special Board Meetings:** The wages for each Trustee of the Board of Trustees shall be fixed at the sum of Fifty-Five Dollars (\$55.00) per special board meeting attended with a maximum of four (4) such meetings per year.
- Section 5** **Village Attorney.** The retainer of the Village Attorney shall be fixed by the Village Board of Trustees as per the annual appropriation ordinance, per year, for the ordinary and customary services of said Village Attorney and services rendered to the Village in addition to the ordinary and customary service shall be paid as the Village Attorney and Village Board of Trustees agrees.
- Section 6** **Village Collector.** The compensation of the Village Collector shall be fixed by the Village Board of Trustees as per the annual appropriations ordinance, per year, for the performance of the duties set forth in Article 5, Section 9. If the Village Collector is requested to perform extraordinary services not contemplated as being part of his usual and customary duties, he shall be paid in addition to his regular compensation, a special fee to be agreed upon by the Village Board of Trustees as the case may arise.
- Section 7** **Liquor Commissioner.** The salary for the liquor commissioner shall be fixed at the sum of Forty Dollars (\$40.00) per month.

Article 10
Bonds for Village Officials

- Section 1** **Bonds.** Before entering upon the duties of their respective offices the President of the Board of Trustees, clerk, and deputy clerk shall execute a bond with surety, to be approved by the corporate authorities.
- Section 2** **Faithful Performance.** These bonds shall be payable to the Village in the penal sum as directed, conditioned upon the faithful performance of the duties of the office and the payment of all monies received by such officers, according to law and the ordinances of the Village of Carbon Cliff.
- The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank or savings and loan association organized and operating either under the laws of the State of Illinois or the United States in which the officer has placed funds in the officer's custody if the bank or savings and loan association has been approved by the corporate authorities as a depository for those funds.
- Section 3** **President of the Board Of Trustees.** The President of the Board of Trustees bond with surety thereon shall be written in the amount of Ten Thousand Dollars (\$10,000.00).
- Section 4** **Treasurer.** The treasurer's bond with surety thereon shall be written in the amount of Twenty-Five Thousand Dollars (\$25,000.00) or three (3) times the latest federal Census population or any subsequent census figures used for motor fuel tax purposes; whichever is greater.
- Section 5** **Clerk.** The clerk's bond with surety thereon shall be written in the amount of Twenty-Five Thousand Dollars (\$25,000.00).
- Section 6** **Deputy Clerk.** The deputy clerk's bond with surety thereon shall be written in the amount of Twenty-Five Thousand Dollars (\$25,000.00).
- Section 7** **Payment.** The premiums for all bonds provided shall be paid for by the Village and shall be considered as a regular expense against the general corporate fund.
- Section 8** **Filing.** All bonds with surety thereon, as provided, shall be filed with the Village Clerk except that bond of the Village Clerk, which shall be filed with the Village Treasurer.

Article 11
Other Governmental Provisions

Section 1 **Corporate seal.** The Corporate Seal of the Village shall be the seal here before established.

Section 2 **Fiscal Year.** The fiscal year of the Village shall coincide with the calendar year. Therefore, the fiscal year of the Village shall begin on the first day of January of each year and end on the last day of December of the same year.

Section 3 **Injury to Public Property.** It shall be unlawful for anyone to injure, deface, or interfere with any property belonging to the Village without proper authority from the Board of Trustees.

Section 4 **Surety Bonds.** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit for the exercise of any special privileges, the surety on such bond shall be a corporate licensed and authorized to do business in this state as a surety company, except on approval of the Board of Trustees.

Whenever, in its opinion, additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties, or for any other reasons, the Board of Trustees may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond or his assignee, the Board of Trustees shall declare the bond to be void, and thereupon such principal, or assignee, shall be deemed to have surrendered the privileges or position as a condition of which the bond was required.

Section 5 **Annual Budget.**

5.1 Budget Officer System. The statutory "Budget Officer" System pursuant to 65 ILCS 5/8-2-9.1 and 8-2-9.2 is hereby adopted as now in effect or as hereafter amended.

5.2 Passage. The annual budget shall be adopted by the corporate authorities before the beginning of the fiscal year to which it applies. Passage of the annual budget shall be in lieu of passage of the appropriation ordinance as required by 65 ILCS 5/8-2-9.

5.3 Public Inspection. The corporate authorities shall make the tentative annual budget conveniently available for public inspection for at least ten (10) days prior to the passage of the annual budget, by publication in the journal of the proceedings of the corporate authorities or in such other form as the corporate authorities may prescribe.

5.4 Notice and Hearing. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the corporate authorities shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings on the tentative budget may be further revised and passed without any further inspection, notice, or hearing. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of the hearing.

5.5 Filing. Pursuant to 35 ILCS 200/18-50, the governing authority shall file with the County Clerk within 30 days of its adoption, a certified copy of its budget document, as well as an estimate, certified by its chief fiscal officer, of revenues, by source, anticipated to be received by the Village in the following fiscal year.

Section 6 **Tax levy.**

6.1 Adoption. No sooner than ten (10) days after the adoption of the budget document, or no sooner than ten (10) days after the adoption and publication, if need be, of the budget document, a Tax Levy Ordinance shall be enacted as required by law, 65 ILCS 5/8-3-1, specifying in detail in the manner authorized for the annual budget of the municipality, the

purposes for which the budgeting or such additional amounts deemed necessary have been made and the amount assignable for each purpose respectively, together with such taxes as may be required for the payment of a particular debt, appropriation, or liability of the municipality, the corporate authorities shall levy upon all property subject to taxation within the municipality as the property is assessed and equalized for state and county purposes for the current year.

- 6.2 Filing/Certification. On or before the last Tuesday in December in each year, a certified copy of the Tax Levy Ordinance shall be filed with the County Clerk. The ordinance should be certified by attaching thereto a certificate of the Village Clerk reciting that the attached Tax Levy Ordinance is a true and accurate copy of an ordinance duly enacted on a roll call vote and now in force. Neither a facsimile copy nor the original of the Tax Levy Ordinance is sufficient to meet the certification requirement.
- 6.3 Truth in Taxation. During the tax levy process, the corporate authorities must follow the "Truth In Taxation Law" as enumerated in 35 ILCS 200/18-55 through 35 ILCS 200/18-100.
- 6.4 Village President Certification. The Tax Levy Ordinance must be accompanied by a certification by the Village President certifying compliance with or inapplicability of the provisions of 35 ILCS 200/18-60 through 35 ILCS 200/18-85. This certification by the Village President shall be attached to the certified copy of the Tax Levy Ordinance (Title I, Article 11, Section 6.2 of the Village Code) prior to its filing with the County Clerk.

Section 7 **Indebtedness**. No indebtedness shall be incurred, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue, or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. Provided that during the first quarter of any fiscal year, before the enactment of the current Appropriation Ordinance, the Village may operate under the Appropriation Ordinance of the preceding year.

Section 8 **Contracts**. The President of the Board of Trustees, or any other person designated by the Board of Trustees, may sign on behalf of the Village any contract authorized by the Board of Trustees. No contract may be entered into without the authority of the Board of Trustees and without the contract being read before the Board of Trustees at a duly constituted meeting.

Section 9 **Bills**. All bills payable by the Village other than for the payment of salaries established by the Board of Trustees shall be submitted to the Board of Trustees for approval before payment.

Section 10 **Payment by Treasurer**. The treasurer shall pay out money in payment of all bills or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants only upon a warrant signed by the President of the Board of Trustees and clerk as provided by statute. Such warrants shall designate the item to be paid and the funds from which they are to be paid.

Section 11 **Audit**. As soon as practicable at the close of each fiscal year and no later than six (6) months thereafter, there shall be an audit of all accounts of the Village made by competent persons authorized to act as an auditor under the laws of the state, to be designated by the Board of Trustees. Copies of such audit report shall be filed with the Village Clerk and with the director of the State Department of Revenue and in such other places as may now or hereafter be required by law.

Section 12 **Competitive Bidding**. All contracts that exceed Twenty Thousand Dollars (\$20,000.00) for any work, materials, services, or other public improvements which are not to be paid for in whole, or in part, by special assessment or special taxation, shall be let as follows:

- 12.1 The Village Clerk, at the request of the corporate authorities, shall advertise for bids.
- 12.2 The corporate authorities shall approve all purchases, and reserve the right to reject any or all bids, to waive any minor informality or irregularity in any bid, and to make the award to the

response deemed to be the most advantageous to the Village and which shall be the lowest responsible bidder.

- 12.3 Purchases may be made or contracts awarded by the Village President without public bidding if an operating emergency occurs which affects the public health, safety, or welfare, provided that the Village President shall report any emergency purchases, or contracts awarded, in excess of Five Hundred Dollars (\$500.00) to the corporate authorities at their next regular meeting following such emergency purchase.
- 12.4 Purchases may be made or contracts awarded by the corporate authorities without advertising for bids or without any public bidding at all, if the advertising or public bidding requirement is waived by a vote of two-thirds (2/3) of the corporate authorities then holding office.
- 12.5 The Village Engineer, at the request of the corporate authorities, may solicit requests for proposals, without advertising, for projects whose engineering estimates are less than Seventy-Five Thousand Dollars (\$75,000.00). The Village Engineer shall present no less than three (3) proposals submitted in writing to the corporate authorities at a regular, committee, or special Village Board meeting for the selection of the lowest responsible bidder, and award of the contract.
- 12.6 The corporate authorities may purchase supplies, personal property, and services through the Bi-State Regional Commission's Joint Purchasing Council. Such purchases shall be let by competitive bid as provided by the Government Joint Purchasing Act, 30 ILCS 525/1, et. seq.
- 12.7 Certain purchases, which by their nature are not adapted to award by public bidding, shall be exempt from public bidding or request for qualifications and shall include:
- A. Professional service contracts when the services require the exercise of professional and significant business judgment in providing important services on behalf of the Village, including, but not limited to: architectural, auditing services, data processing services, engineering services, land surveying, and legal.
 - B. Items available only from a single source.
 - C. Utilities.
 - D. Magazines, books, or similar articles of an educational or instructional nature.
 - E. Procurements through the state, local, federal, or other government agency contracts.
 - F. Classifieds.
 - G. License and permits.
 - H. Maintenance or equipment servicing contracts performed by the manufacturer or authorized service agent.
 - I. Contracts for the printing or engraving of bonds, water certificates, tax warrants, and other evidence of indebtedness.
 - J. The testing necessary to develop a qualified product list.
 - K. Items purchased for resale not resulting in a net loss.
- 12.8 The corporate authorities must authorize the purchase of any commodity or the contracting for any work or public improvements in excess of Five Hundred Dollars (\$500.00).

Section 13 **Acceptance of Credit Cards.**13.1 Definitions.

- A. **Authorized Obligation.** This means any fine, fee, charge, tax, or cost imposed by, owing to, or collected by or on behalf of the Village.
- B. **Credit Card.** This means an instrument or device, whether known as a credit card, bank card, charge card, debit card, automated teller machine card, secured credit card, smart card, electronic purse, prepaid card, affinity card, or by any other name, issued with or without fee by an issuer for the use of the holder to obtain credit, money, goods, services, or anything else of value.

13.2 Authorized Payments. The Village may accept credit card payments for all types of authorized obligations, including, but not limited to:

- A. Water, sewer, and garbage fees.
- B. Water deposits.
- C. Bulky waste pick-up stickers.
- D. Yard waste stickers.
- E. Any purpose for which the Village is authorized to accept payment of funds.

13.3 Proper Identification. The Village shall accept credit card payments upon the showing of proper photo identification by the cardholder when deemed necessary.13.4 Convenience Fee.

- A. The Village may impose a convenience fee or surcharge upon a cardholder making payment by credit card in amount to wholly or partially offset, but in no event exceed the amount of any discount or processing fee incurred by the Village.
- B. The Village may not receive and retain, directly or indirectly, any convenience fee, surcharge, or other fees in excess of the amount paid in connection with the credit card transaction.
- C. The Village may impose a minimum fee of One Dollar (\$1.00) with respect to any transaction.

13.5 Agreements. The Village may enter into agreements with one or more financial institutions or other service providers to facilitate the acceptance and processing of credit card payments.

**Article 12
Elections**

Section 1 **Carried Out According to Statute.** All elections held for elected Village officers shall be carried out according to the provisions of Article 3, Division 5, Section 3-5-3a, et seq. of Chapter 24, Illinois Revised Statutes.

Section 2 **Non-Partisan Elections.** All elections of Village officers shall be non-partisan.

Article 13
Municipal Taxes**Section 1**

Utility Tax. A utility tax is imposed upon all persons, firms, or corporations engaged in the occupation, privilege or business of distributing, supplying or selling gas for consumption, or use within the corporate limits of the Village at the rate of five (5) percent of the gross receipts therefrom.

- 1.1 This article shall in no way affect any transaction which is or may later be deemed to be in interstate commerce; nor shall this article tax the supplying, furnishing, or selling of gas for use or consumption within the corporate limits of the Village which shall be strictly for resale; nor shall those persons, firms, or corporation supplying, furnishing, or selling gas be subject to the payment of a utility tax hereunder if the selling, furnishing, or supplying of said gas shall become subject to taxation under the provisions of the "Municipal Retailers Occupation Tax Act" authorized by the Municipal Code of the State of Illinois, as provided May 29, 1961, and as amended thereafter.
- 1.2 For the purposes of this article, the following definition shall apply:

"Gross receipts" means the consideration received by the taxpayer for distribution, supplying, furnishing, or selling gas for use or consumption and not for resale in the Village, and for the services rendered in connection with the distribution, supplying, furnishing, or selling of said gas.

"Gross receipts" shall not include, however, the sale by the taxpayer of any appliances or other instruments or household goods to be used in conjunction with the supplying, selling, and distribution of gas; nor shall it include any consideration of sums received by such person, firm, or corporation subject to this ordinance from the Village or the Carbon Cliff/Barstow School District 36 for the distribution, supplying, furnishing, or selling of gas for use or consumption by the Village.
- 1.3 This article shall take effect from and after its passage and publication as provided by law and the tax provided for shall be based upon gross receipts, as defined, actually paid to the taxpayer for services, supplies, and distribution of gas billed on or after the first day of March 1966.
- 1.4 On or before the last day of June 1966, each taxpayer who shall be liable hereunder for the payment of a utility tax, shall make a return to the Village Treasurer for the months of March, April, and May 1966, and shall further contain the name and address of the taxpayer and the gross receipts received by the taxpayer during those months for all other dates wherein a return shall be provided for other reasonable and relating information as the corporate authorities may require, and included with such return shall be the taxpayer's remittance for the amount of the tax as computed hereunder.
- 1.5 On or before the last day of each and every third month thereafter, each taxpayer shall make a like return to the Village Treasurer for the corresponding three (3) month period.
- 1.6 If it shall appear that an amount of tax has been paid which was not due under the provisions of this article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim shall be so credited.

Section 1a**ELECTRICITY TAX.**1a.1 Tax Imposed.

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

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

	Per Kilowatt-hour
1. For the first 2,000 kilowatt-hours used or consumed in a month	.4486 cents.
2. For the next 48,000 kilowatt-hours used or consumed in a month	.2942 cents.
3. For the next 50,000 kilowatt-hours used or consumed in a month	.2648 cents.
4. For the next 400,000 kilowatt-hours used or consumed in a month	.2574 cents.
5. For the next 500,000 kilowatt-hours used or consumed in a month	.2501 cents.
6. For the next 2,000,000 kilowatt-hours used or consumed in a month	.2354 cents.
7. For the next 2,000,000 kilowatt-hours used or consumed in a month	.2317 cents.
8. For the next 5,000,000 kilowatt-hours used or consumed in a month	.2280 cents.
9. For the next 10,000,000 kilowatt-hours used or consumed in a month	.2243 cents.
10. For all electricity used or consumed more than 20,000,000 kilowatt-hours in a month	.2207 cents.

The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS § 5/8-11-2 (as modified by Public Act 90-51), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS § 5/8-11-2 (as modified by Public Act 90-561).

B. Pursuant to 65 ILCS § 5/8-11-2, the rates set forth in Subsection A. above shall be effective: 1) on August 1, 1999, for residential customers; and 2) on the earlier of a) the last bill issued prior to December 31, 2000, or b) the date of the first bill issued pursuant to 220 ILCS § 5/16-104, for nonresidential customers.

C. The provisions of Section 3.1 shall not be effective until August 1, 1999.

1a.2 Exceptions. None of the taxes authorized by this ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this ordinance for those transactions that are or may become subject to taxation

under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-1 1-1; nor shall any tax authorized by this ordinance be imposed upon any person engaged in a business or on any persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality. None of the taxes authorized by this ordinance shall be imposed with respect to electricity consumed or acquired by the Village of Carbon Cliff or the Carbon Cliff/Barstow School District 36.

1a.3 Additional Taxes. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

1a.4 Collection. The tax authorized by this ordinance shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this ordinance and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax, and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this ordinance.

1a.5 Reports to Municipality. On or before the last day of each month, each taxpayer who has not paid the tax imposed by this article to a person delivering electricity as set forth in Section 1a.4 and who is not otherwise exempted from paying such tax, shall make a return to the Village for the preceding month stating:

- A. His name.
- B. His principal place of business.
- C. His gross receipts and/or kilowatt-hour usage during the month upon the basis on which the tax is imposed.
- D. Amount of tax.
- E. Such other reasonable and related information as the corporate authorities may require.

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

1a.6 Credit For Over-Payment. If it shall appear that an amount of tax has been paid which was not due under the provisions of this article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so

credited. No action to recover any amount of tax due under the provisions of this article shall be commenced more than three (3) years after the due date of such amount.

- 1a.7 **Penalty.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00), nor more than Two Hundred Dollars (\$200.00); in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2)

Section 2 **Use Tax.** A tax is imposed in accordance with the provisions of Section 8-11-6 of the Illinois Municipal Code, Illinois Revised Statutes Chapter 24 Section 8-11-6, as amended, upon the privilege of using in the Village, any item of tangible personal property which is purchased outside of Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one (1) percent of the selling price of such tangible property with the selling price to have meaning as defined in the "Use Tax Act", approved July 14, 1955, as amended. Such tax shall be collected by the Illinois Department of Revenue for any municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

Section 3 **Municipal Service Occupation Tax.** A tax is imposed on all persons engaged in the Village in the business of making sales of service at the rate of one (1) percent of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code, Illinois Revised Statutes, Chapter 24, Section 8-11-5 as amended.

Every supplier or serviceman required to account for the Municipal Service Occupation Tax for the benefit of this Village shall file, on or before the last day of each calendar month, their report to the State Department of Revenue required by Section 9 of the Service Occupation Tax Act, Illinois Revised Statutes, Chapter 120 Section 439.109, as amended.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed.

Section 4 **Municipal Retailer's Occupation Tax.** A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village at the rate of one percent of the gross receipt from such sales made in the course of such business while this article is in effect, in accordance with the provision of Section 8-11-1 of the Illinois Municipal Code.

Every such person engaged in such business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed on account of the receipts from sales of tangible personal property during the preceding month.

- A. **Adult-Use Cannabis Tax.** There is hereby levied and imposed a tax upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130), at retail in the Village at the rate of three percent (3%) of the gross receipts from these sales made in the course of that business. The imposition of this tax is in accordance with the provisions of Sections 8-11-23, of the Illinois Municipal Code (65 ILCS 5/8-11-23) and is in addition to any other taxes and charges.

The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (the "Department"). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as

an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

The revenue generated by this tax will be remitted by the Department to the Village, which shall use the revenue exclusively for drug awareness curriculum, police training and support, police safety, crime prevention in schools, and legal fee recapture.

Section 5

Locally Imposed and Administered Tax Rights and Responsibility Ordinance. The provisions of this ordinance shall apply to the Village's procedures in connection with all the Village's locally imposed and administered taxes.

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

Act. This means the "Local Government Taxpayers' Bill of Rights Act.

Corporate Authorities. Means the Village's President and Board of Trustees.

Local Tax Administrator. The Village's Director of Community and Administrative Services is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees, or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the act.

Locally Imposed and Administered Tax or Tax. This means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

Notice. This means each audit notice, collection notice, or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

Tax Ordinance. This means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

Taxpayer. This means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed, and with respect to consumer taxes, includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

Village. This means the Village of Carbon Cliff, Illinois.

5.2 Notices. Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing and mailed not less than seven (7) calendar days prior to the day fixed for any applicable hearing, audit, or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- A. First class, certified return receipt requested, or express mail, or overnight mail, addressed to the persons concerned at the person's last known address, or
- B. Personal service or delivery.

- 5.3 Late Payment. Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is a) physically received by the Village on or before the due date, or b) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the Village with adequate postage prepaid.
- 5.4 Payment. Any payment or remittance received for a tax period shall be applied in the following order: a) first to the tax due for the applicable period; b) second to the interest due for the applicable period; and c) third to the penalty for the applicable period.
- 5.5 Certain Credits and Refunds.
- A. The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
- B. The statute of limitations on a claim for credit or refund shall be four (4) after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.
- C. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest, or penalties paid in error shall be as follows:
1. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - a. The name of the locally imposed and administered tax subject to the claim.
 - b. The tax period for the locally imposed and administered tax subject to the claim.
 - c. The date of the tax payment subject to the claim and the canceled check or receipt for the payment.
 - d. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claims.
 - e. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest, and penalties overpaid, and as applicable, related interest on the amount overpaid; provided however, that there shall be no refund and only a credit is given in the event the taxpayer owes any monies to the Village.
 2. Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
 - a. Grant the claim; or
 - b. Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

3. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of five percent (5%) per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

5.6 Audit Procedure. Any request for a proposed audit pursuant to any locally administered tax shall comply with the notice requirements of this ordinance.

- A. Each notice of audit shall contain the following information:
 1. The tax.
 2. The time period of the audit.
 3. A brief description of the books and records to be made available for the auditor.
- B. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator are not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.
- C. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice is given unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.
- D. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption, or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the Village.
- E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- F. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the Village's determination of the amount of overpayment.
- G. In the event a tax payment was submitted to the incorrect local government entity, the local tax administrator shall notify the local governmental entity imposing such tax.

5.7 Appeal.

- A. The local tax administrator shall send a written notice to a taxpayer upon the local tax administrator's issuance of a protest able notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

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

- B. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for a hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for a hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the tax determination and assessment.
- C. If a timely written notice and petition for a hearing is filed, the local tax administrator shall fix the time and place for the hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing unless the taxpayer requests a later date convenient to all parties.
- D. If a written protest and petition for a hearing is not filed within the forty-five (45) day period, the tax determination, audit, or assessment shall become a final bill due and owing without further notice.
- E. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than ninety (90) days after the expiration of the forty-five (45) day period.

5.8 Hearing.

- A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 7 above, the local tax administrator shall conduct a hearing regarding any appeal.
- B. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.
- C. At the hearing, the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit, or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- D. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

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

- A. **Interest.** The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be five percent (5%) per annum, based on a year of 365 days and the number of days elapsed.
- B. **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.
- 5.10 **Abatement.** The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.
- 5.11 **Installment Contracts.** The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) working day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.
- 5.12 **Statute of Limitations.** The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.
- A. No determination of tax due and owing may be issued more than four (4) years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- B. If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
- C. No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.
- 5.13 **Voluntary Disclosure.** For any locally imposed and administered tax for which a taxpayer has not received written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax,

unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of any underpayment of tax and interest previously paid under this section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

- 5.14 Publication of Tax Ordinances. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.
- 5.15 The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:
- A. Timely remove the lien at the Village's expense.
 - B. Correct the taxpayer's credit record.
 - C. Correct any public disclosure of the improperly imposed lien.

Section 6 Simplified Municipal Telecommunications Tax.

- 6.1 A simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person under the provisions of the Simplified Municipal Telecommunications Tax Act, P.A. 92-0526, at a rate of six percent (6%) of the gross charges for such telecommunications purchased at retail from a retailer.
- 6.2 The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this ordinance.

Section 7 Non-Home Rule Municipal Retailers Occupation and Service Occupation Tax.

- 7.1 A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled and registered with an agency of this state's government, at retail in this municipality at the rate of .50 of 1% of the gross receipts from such sales made in the course of such business while this ordinance is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of .50 of 1% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such "Non-Home Rule Municipal Retailers' Occupation Tax" and the "Non-Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The imposition of these non-home rule taxes is in accordance with the provisions of Section 8-11-1.3 and 8-11-1.4, respectively, of the "Illinois Municipal Code" (65 ILCS 5/8-11-1.3 and 5/8-11-1.4).
- 7.2 The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The

Department of Revenue shall have full power to administer and enforce the provisions of this ordinance.

Section 8 Motor Fuel Tax.

8.1 Definitions:

For the purpose of this Section, whenever any of the following words, terms or definitions are used herein, they shall have the meanings ascribed to them in this Section:

- A. **Bulk User:** Any person who purchases motor fuel for storage in bulk storage facilities located within the Village, which facilities are owned, leased or controlled by that person, for subsequent dispensing into the supply tanks of internal combustion engines operated by that person.
- B. **Gasohol:** A fuel used chiefly in internal combustion engines which is comprised chiefly of gasoline and ethyl alcohols in variable quantities.
- C. **Gasoline or Diesel Fuel:** A volatile, highly flammable or combustible, liquid mixture of hydrocarbons produced by the fractional distillation of petroleum and used chiefly as a fuel in internal combustion engines, but shall not include mixtures commonly known as kerosene and aviation fuel, or mixtures used in the heating of buildings.
- D. **Motor Fuel:** Gasohol and gasoline and diesel fuel as defined in this section.
- E. **Person:** Any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business, trust, institution, agency, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees, or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.
- F. **Retail Gasoline Dealer:** Any person who engages in the business of selling motor fuel in the Village to a purchaser for use or consumption and not for resale in any form.
- G. **Sale, Resale, and Selling:** Any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

8.2 Tax Imposed:

- A. There is hereby levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof, sold at retail within the corporate limits of the Village, irrespective of the unit of measure in which it is actually sold, a tax at the rate of one cent (\$0.01) per gallon. The tax herein levied shall be paid in addition to any and all other taxes and charges.
- B. The ultimate incidence of and liability for payment of the tax is to be borne by the retail purchase of motor fuel. Nothing in this Section shall be construed to impose a tax upon the occupation of persons engaged in the retail sale of motor fuel.
- C. It shall be the duty of every retail gasoline dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over the tax to the Village Treasurer, as provided in this Section except in the case of a sale to a bulk user, in which case the bulk user shall pay over the tax to the Village Treasurer as provided in this Section.

- D. A retail gasoline dealer may make tax-free sales with respect to which he is otherwise required to collect the tax when the sale is made to the federal government, the state, any municipality, or any unit of local government as those terms are defined by Section 1 of Article VII of the Constitution of the State of Illinois, 1970, or any school district.
- E. A retail gasoline dealer may make tax-free sales when the sale would not be subject to the State of Illinois' motor fuel tax as provided in the Motor Fuel Tax Law (35 ILCS 505/1 et seq.) and shall file with the Village the same documentation of exemption as filed with the State of Illinois pursuant to the Motor Fuel Tax Law.

8.3 Tax and Report Transmittal:

Every retail gasoline dealer or bulk user in the Village shall transmit and pay the tax over to the Village, along with an accounting therefore, on return forms provided by the Village. The return, tax payments, and a copy of the Illinois Department of Revenue Retailers' Occupations Tax Return Form(s) ST-1 shall be filed with the Village Treasurer on or before the last day of the month following each calendar year quarterly reporting period (April 30th, July 31st, October 31st and January 31st).

8.4 Records, Inspections:

- A. Every retail gasoline dealer shall keep complete and accurate records, including a daily sheet showing the gross gallons of motor fuel sold for each day, and the amount of motor fuel tax collected on each day.
- B. Every bulk user shall keep complete and accurate records of purchases, the gross gallons purchased on each of those dates, and the names and addresses of the retail gasoline dealers from whom each of the purchases were made.
- C. For the purpose of administering and enforcing this Section, the Village Treasurer shall have the right to inspect all books, records and reports of retail gasoline dealers and bulk users during their normal business hours.

8.5 Accounting:

- A. The Village Treasurer shall deliver the proceeds of the motor fuel tax imposed by this Section into a special fund of the Village called the Home-Rule Roadway Tax Fund to be used for the construction, repair, maintenance and resurfacing of streets, highways and sidewalks including any storm sewer or other improvements deemed necessary to provide drainage of storm water from the streets, highways and sidewalks or Village right-of-way.
- B. Four percent (4%) of the gross tax revenue collected shall be retained by the Village to defray the costs of administering and processing the imposition and collection of the tax.

8.6 Penalty, Interest on Delinquent Taxes, Enforcement:

- A. Any person who violates any provision of this Section, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00) for the first offense and not more than five hundred dollars (\$500.00) for the second and each subsequent offense committed within any one hundred eighty (180) day period. Each day during which such violation continues shall be regarded as a separate punishable offense.

- B. If for any reason any tax is not paid when due, interest shall be added at the rate of one and one-half percent (1 1/2%) per month on the amount of delinquent tax, calculated from the first day of delinquency.
- C. Whenever any person shall fail to pay any tax as herein provided, or otherwise violates any provision of this Section, the Village Attorney shall bring or cause to be brought an action on behalf of the Village in any court of competent jurisdiction to enforce this Section and collect any delinquent tax, interest, and penalties.

8.7 Effective Date, Severability:

- A. The motor fuel tax shall be levied, imposed, and collected from and after the effective date of October 1, 2011.
- B. If any one or more provisions of this Section, or any clause, sentence, or paragraph thereof, or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the application of such provisions or clause, sentence, or paragraph thereof as to other persons, or circumstances shall not be affected thereby.”

Section 9

Hotel Accommodations Tax Ordinance.

9.1 Definitions and Construction.

- A. For the purpose of this ordinance, whenever any of the following words, terms, or definitions are used herein, they shall have the following meaning:

Hotel Accommodations. room or rooms in any building or structure located in the Village and kept, used, or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory or place where sleeping, rooming, conference, or exhibition accommodations are furnished for lease or rent, whether with or without meals, in which ten (10) or more such accommodations are used or maintained for guests, lodgers, or roomers. The term “Hotel Accommodations” does not include an accommodation which a person occupies, or has the right to occupy, as his domicile and permanent residence.

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

Treasurer. The Treasurer of the Village of Carbon Cliff.

Village. The Village of Carbon Cliff.

- B. In this ordinance, unless the text otherwise requires, words in the singular number include the plural and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words in the neuter gender may refer to any gender.

- 9.2 Tax Imposed. There is hereby imposed and shall accrue, as set forth in Section 13, and be collected a tax, as herein provided, upon the rental or leasing of any hotel accommodations at the rate of five (5) percent of the gross rental or leasing charge.

- 9.3 Tax Borne by Lessee. The ultimate incidence of and liability for payment of said tax shall be borne by the hotel owner, manager, or operator of such hotel accommodations. The tax herein levied shall be in addition to any and all other taxes. The hotel owner, manager, or operator may reimburse themselves for their tax liability for such tax by charging the lessee or tenant of such hotel accommodations by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with state tax imposed under "The Hotel Operators' Occupation Tax Act," on the lessee's or tenant's statement of charges. It shall be the duty of every owner, manager, or operator of hotel accommodations to secure said tax from the lessee or tenant of said hotel accommodations and pay over to the treasurer said tax under rules and regulations prescribed by the treasurer and as otherwise provided by this ordinance.
- 9.4 Collection. The tax herein levied shall be secured by the hotel owner, manager, or operator from the lessee or tenant when collecting the price, charge, or rent to which it applies. Every lessee or tenant shall be given a bill, invoice, receipt or other statement or memorandum of the price, charge, or rent payable upon which the hotel accommodations tax shall be stated, charged, and shown separately. The hotel accommodations tax shall be paid to the treasurer or the authorized representative of this office on a monthly basis. The tax shall be due on or before the 30th day of the succeeding calendar month.
- 9.5 Payment and Penalty for Nonpayment.
- A. Every owner, manager, or operator of hotel accommodations shall file a sworn tax return on a monthly basis with the treasurer showing tax receipts received with respect to hotel accommodation space rented or leased during the preceding monthly period, upon forms prescribed by the treasurer. At the time of filing said tax return, the owner, manager, or operator of hotel accommodations shall pay to the treasurer all taxes due for the period to which the tax return applies.
- B. If for any reason any tax is not paid when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unpaid shall be added and collected. Whenever any person shall fail to pay any tax as herein provided, upon the request of the treasurer, the Village Attorney shall bring or cause to be brought an action to enforce the payment of said tax in behalf of the Village in any court of competent jurisdiction with the cost of such enforcement to be borne by the owner of the hotel accommodations.
- 9.6 Records. Every owner, manager, or operator of hotel accommodations shall keep books and records showing the prices, rents, or charges made or charged, and occupancies taxable under this ordinance. The treasurer, or his designate, shall at all reasonable times have full access to said books and records.
- 9.7 Proceeds. All proceeds resulting from the imposition of the tax authorized under Title I, Article 15, Section 2, including penalties, shall be utilized for the following purposes:
- A. Four percent (4%) of the gross tax revenue collected shall be retained by the Village to defray the costs of administering and processing the imposition and collection of the tax.
- B. The amounts collected from the hotel accommodations tax shall only be expended by the Village to:
1. Expand and maintain Village owned bike/multipurpose trails.
 2. Promote tourism and conventions within the Village.
 3. Attract nonresident overnight visitors to the Village.

4. Pay annual contributions to the Quad Cities Convention & Visitors Bureau.
 5. Abate property taxes.
 6. Maintain, replace, or expand infrastructure.
 7. Purchase equipment/vehicles with a cost in excess of Twenty-Five Thousand Dollars (\$25,000.00).
 8. Abate dangerous buildings.
- C. The balance of the gross tax revenue collected, until otherwise directed by the corporate authorities to be expended for the purposes hereinabove set forth, shall be invested by the director of community and administrative services in accordance with the written "Investment Policy" of the Village. (Amend. Ord. 07-02, Section 8, 2/6/2007)
- 9.8 Penalties. Any person found guilty for violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this ordinance, except when otherwise specifically provided, upon conviction thereof, shall be guilty of a municipal offense and punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00) for the first offense and not less than Three Hundred Dollars (\$300.00.), nor more than Seven Hundred Fifty Dollars (\$750.00) for the second and each subsequent offense within a two-year calendar period; provided however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (735 ILCS 1-101 et. seq.). A separate and distinct municipal offense shall be regarded as committed each day when any person shall continue any such violation of the ordinance, or otherwise permit a continuing violation after notification.

Article 14
Tax Increment Financing

- Section 1** **Creation.** The Village of Carbon Cliff, Illinois desires to implement tax financing pursuant to the Tax Increment Allocation Redevelopment Act, I.R.S. Ch. 24 par. 11-7-4, as amended, hereinafter referred to as the "Act: for the proposed Carbon Cliff Redevelopment Plan and Redevelopment Project within the municipal boundaries of the Village of Carbon Cliff and within the Carbon Cliff Redevelopment Project Area as described in Exhibit "A" of this article, which constitutes in the aggregate more than 1-1/2 acres. (86-20, 12-31-86)
- Section 2** **Redevelopment Project Area.** The Village Board has designated the area referred to in the plan as the Carbon Cliff Redevelopment Project Area. (86-21, 12-31,86)
- Section 3** **Assessed Valuation and the Special Tax Allocation Fund.** After the total equalized assessed valuations of taxable real property in the Carbon Cliff Redevelopment Project Area exceed the total initial equalized assessed value of all taxable real property in the Carbon Cliff Redevelopment Project Area, the ad valorem taxes, if any, arising from the levies upon real property in the Carbon Cliff Redevelopment Area by taxing districts and the rates determined in the manner provided in Section 11-74.4-9(b) of the Act each year after the effective date of this ordinance until the Carbon Cliff Redevelopment Project costs and obligations issued in respect thereto have been paid shall be divided as follows:
- 3.1 That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to lower of the existing equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Carbon Cliff Redevelopment Project Area shall be allocated to and when collected shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- 3.2 That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract, or parcel of real property in the redevelopment project area over and above lower of the existing equalized assessed value or the initial equalized assessed value of each property in the Carbon Cliff Redevelopment Project Area shall be allocated to and when collected shall be paid to the Municipal Treasurer (Village Comptroller) who shall deposit the funds in a special fund called "the Special Tax Allocation Fund for the Carbon Cliff Redevelopment Project Area" of the municipality for the purpose of paying the Carbon Cliff Redevelopment Project costs and obligations incurred in the payment thereof, pursuant to such appropriations which may be subsequently made. (86-22, 12-31,86)
- Section 4** **Impact on the Aggregate Amount of Tax.** The Act in relevant part (Section 11-74.4-8a(l)), provides that municipalities that have adopted tax increment financing for a redevelopment project area before January 1, 1987, are entitled to the increase in the aggregate amount of taxes paid by retailers and servicemen on transactions at places of business located within the redevelopment project area, pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, for as long as the redevelopment project areas exists, over and above the aggregate amount of such taxes as certified by the Illinois Department of Revenue and paid under those acts by retailers and service on transactions at places of business located in the Redevelopment Project Area during the base year, which shall be the calendar year immediately prior to the year in which the municipality adopted Tax Increment Allocation Financing, less 1.6% of such amounts, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department of Revenue in administering and enforcing the Amendment.
- Section 5** **Creation of a Commission for the Real Property Tax Increment Allocation Redevelopment Act District.** The Commission shall consist of five (5) persons to be appointed by the President of the municipality with the consent of the majority of the governing board of the municipality.

- 5.1 Commission members when first appointed shall serve terms as follows: one member - one year; one member - two years; one member - three years; one member - four years and one member - five years; thereafter, as the terms of the first appointed commission members expire, they shall be reappointed, or their successor shall be appointed for a term of five (5) years. Vacancies shall be filled by appointments for unexpired terms only.
- 5.2 The Commission shall be known as the Carbon Cliff Tax Increment Financing (T.I.F.) District No. II Commission and shall have jurisdiction over that area known as the Carbon Cliff Redevelopment Project Area II as designated by Ordinance No. 88-12, "An Ordinance Designating the Carbon Cliff Tax Increment Project Area II," passed by the Carbon Cliff Village Board on April 19, 1988.
- 5.3 The Commission hereby created shall exercise any and all powers as are enumerated and provided for in the provisions of 65 ILCS 5/11-74.4-4 (1992). All provisions, including prior and future amendments of 65 ILCS 5/11-74.4-4 (1992), are incorporated and included by reference herein.
- 5.4 Immediately following their appointment, the members of the Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with Village ordinances and state statutes. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection.
- 5.5 In accordance with 65 ILCS 5/11-74.4-4 (f) (1992), 65 ILCS 5/11-74.4-4 (i), (1992), and the powers granted to it by the Village of Carbon Cliff, the Commission shall have the right to acquire, construct, expand, extend, install, repair, reconstruct or relocate public facilities, streets, utilities, and site improvements essential to the preparation of the redevelopment project area for use in accordance with the redevelopment plan. (Amend. Ord. 95-15, April 18, 1995)

Article 15
Ethics Ordinance**Section 1**

Definitions. For the purpose of this ordinance, the following terms shall be given these definitions.

Campaign for Elective Office. This means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities 1) relating to the support or opposition of any executive, legislative, or administrative action, 2) relating to collective bargaining, or 3) that are otherwise in furtherance of the person's official duties.

Candidate. This means a person who has filed nominating papers or petitions for nominations or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remain eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

Collective Bargaining. Has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

Compensative Time. This means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of the ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

Compensatory Time Off. Means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

Contribution. Has the same meaning as that term defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

Employee. This means a person employed by the Village of Carbon Cliff, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed but does not include an independent contractor.

Employer. This means the Village of Carbon Cliff.

Gift. This means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

Leave of Absence. This means any period during which an employee does not receive 1) compensation for employment, 2) service credit towards pension benefits, and 3) health insurance benefits paid for by the employer.

Officer. This means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

Political Activity. This means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities 1) relating to the support or opposition

of any executive, legislative, or administrative action, 2) relating to collective bargaining, or 3) that are otherwise in furtherance of the person's official duties.

Political Organization. This means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a County Clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a County Clerk.

Prohibited Political Activity. Means:

- 1 Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- 2 Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- 3 Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- 4 Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- 5 Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- 6 Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- 7 Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- 8 Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- 9 Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- 10 Preparing or reviewing responses to candidate questionnaires.
- 11 Distributing, preparing for distribution or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- 12 Campaigning for any elective office or for or against any referendum question.
- 13 Managing or working on a campaign for elective office or for or against any referendum question.
- 14 Serving as a delegate, alternate, or proxy to a political party convention.
- 15 Participating in any recount or challenge to the outcome of any election.

Prohibited Source. This means any person or entity who:

- 1 is seeking official action a) by an officer or b) by an employee, or by the officer or another employee directing that employee.
- 2 does business or seeks to do business a) with the officer, or b) with an employee, or with the officer or another employee directing that employee.
- 3 conducts activities regulated a) by the officer, or b) by an employee, or by the officer or another employee directing that employee.
- 4 has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

Section 2 Prohibited Political Activities.

- 2.1 No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Carbon Cliff in connection with any prohibited political activity.
- 2.2 At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity 1) as part of that officer or employee's duties, 2) as a condition of employment, or 3) during any compensated time off (such as holidays, vacation, or person time off).
- 2.3 No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- 2.4 Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this article.
- 2.5 No person either a) in a position that is subject to recognized merit principles of public employment or b) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Section 3 Gift Ban. Except as permitted by this article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

Section 4 Exceptions. Section 3 is not applicable to the following:

- 4.1 Opportunities, benefits, and services that are available on the same conditions as for the general public.
- 4.2 Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

- 4.3 Any a) contribution that is lawfully made under the Election Code or b) activities associated with a fundraising event in support of a political organization or candidate.
- 4.4 Educational materials and missions.
- 4.5 Travel expenses for a meeting to discuss business.
- 4.6 A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- 4.7 Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift, and c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- 4.8 Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are a) consumed on the premises from which they were purchased or prepared or b) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume, and delivered by any means.
- 4.9 Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- 4.10 Intra-governmental and inter-governmental gifts. For the purpose of this act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

Bequests, inheritances, and other transfers at death.

Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this section is mutually exclusive and independent of every other.

Section 5

Disposition of Gifts. An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Section 6 The President, with the advice and consent of the Board of Trustees, shall designate an Ethics Advisor for the Village of Carbon Cliff. The duties of the Ethics Advisor may be delegated to an officer or employee of the Village of Carbon Cliff unless the position has been created as an office by the Village of Carbon Cliff.

Section 7 The Ethics Advisor shall provide guidance to the officers and employees of the Village of Carbon Cliff concerning the interpretation of and compliance with the provisions of this article and state ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

Section 8 There is hereby created a commission to be known as the Ethics Commission of the Village of Carbon Cliff. The Commission shall be comprised of three members appointed by the President with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the Village of Carbon Cliff.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the Commission shall require the affirmative vote of two members.

Section 9 The President, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetency, neglect of duty, or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 10 The Commission shall have the following powers and duties:

10.1 To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

10.2 Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 11 and refer violations of Section 2 or Section 3 of this article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this article and not upon its own prerogative.

10.3 To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this article.

10.4 To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village of Carbon Cliff to cooperate with the Commission during the course of its investigations.

Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

10.5 The powers and duties of the Commission are limited to matters clearly within the purview of this article.

Section 11 Complaints.

11.1 Complaints alleging a violation of this article shall be filed with the Ethics Commission.

11.2 Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her, and a copy of the complaint. The Commission shall send by certified

mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

- 11.3 Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed with seven business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Section 3 of this article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Section 2 of this article, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- 11.4 On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- 11.5 Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either a) dismiss the complaint or b) issue a recommendation for discipline to the alleged violator and to the President, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- 11.6 If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the President or impose a fine upon the violator, or both.
- 11.7 If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under Subsection 11.5 within seven days after the complaint is filed; and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

- 11.8 The Commission may fine any person who intentionally violates any provision of Section 3 of this article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
- 11.9 A complaint alleging the violation of this article must be filed within one year after the alleged violation.

Section 12**Penalties.**

- 12.1 A person who intentionally violates any provision of Section 2 of this article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- 12.2 A person who intentionally violates any provision of Section 3 of this article is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- 12.3 Any person who intentionally makes a false report alleging a violation of any provision of this article to the local enforcement authorities, the State's Attorney, or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.
- 12.4 A violation of Section 2 of this article shall be prosecuted as a criminal offense by an attorney for the Village of Carbon Cliff by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
- A violation of Section 3 of this article may be prosecuted as a quasi-criminal offense by an attorney for the Village of Carbon Cliff, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- 12.5 In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 2 or Section 3 of this article is subject to discipline or discharge.

Article 16
Emergency Order of Succession

- Section 1.** For purposes of this Article, the word “emergency” shall mean and include an attack upon the United States of unprecedented size and destructiveness or a natural or manmade disaster that will most likely cause damage, injury, loss, or suffering to Village residents and businesses.
- Section 2.** Pursuant to the Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq., as amended, during an emergency within the Village where the Village President cannot act due to illness, absence from the Village, or other reason, the duties of his office shall be performed by an elected officer of the Village designated as the interim Village President. The chairperson of the Administration Committee is hereby designated as the Interim Village President until such time as the Village Board can meet, as provided in Section 7.
- Section 3.** During an emergency within the Village where the chairperson of the Administrative Committee is unable to act as the Interim Village President, then the order of succession shall be as follows:
- A. The most senior member of the Board of Trustees
- Section 4.** The Interim Village President shall have the power and duty to exercise all of the power and duties of the Village President as provided by law until the vacancy may be filled as provided in Section 7 or the Village President becomes available to exercise the duties of the office.
- Section 5.** In the event of an emergency and the Village Administrator is unable to act due to illness, absence, or other reasons, the Village Clerk shall perform the duties of the Village Administrator.
- Section 6.** In the event of an emergency and the Village Clerk is unable to act due to illness, absence, or other reasons, the Village Administrator shall perform the duties of the Village Clerk.
- Section 7.** The foregoing line of succession for the office of the Village President shall expire no later than the adjournment of the first regular meeting of the corporate authorities after the emergency has been declared in accordance with Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6); however, if the emergency has not been resolved as of the commencement of the first regular meeting of the corporate authorities after the emergency has been declared, the authorizations set forth above shall remain in full force and effect without further action by the corporate authorities until such emergency has been resolved as declared in writing by the Village President or until the authorizations are withdrawn by passage of an ordinance by an affirmative majority vote of the corporate authorities at a public meeting.”