

TITLE 1
ADMINISTRATIVE

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CHAPTER 1
OFFICIAL MUNICIPAL CODE

SECTION:

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1-1-1: **TITLE:** Upon adoption by the Board of Trustees, this Municipal Code is hereby declared to be and shall hereafter constitute the official Municipal Code of Roseville. This Municipal Code of ordinances shall be known and cited as the *ROSEVILLE MUNICIPAL CODE*, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 of this Chapter under the direction of the Village Attorney, acting for said Village Board of Trustees. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Municipal Code by title in any legal document.

1-1-2: **ACCEPTANCE:** This Municipal Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code.

1-1-3: **AMENDMENTS:**

A. Amendment by Ordinance: Any ordinance amending this Municipal Code shall set forth the title, chapter and section number of the section

- A) or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Municipal Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Municipal Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Municipal Code. (1986 Code)
- B. Reference to Code: Any additions or amendments to this Code, when passed in such form as to indicate the intention of the Village President and Board of Trustees to make the same a part of this Code, shall be deemed to be incorporated in this Code so that a reference to the Municipal Code of Roseville shall be understood to include them. (1954 Code, §596)
- C. Penalties: In case of amendment of any section of this Code containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein. (1954 Code, §597)
- D. Recording Amendments: It shall be the duty of the Village Clerk to keep at least one copy of the Municipal Code, which he shall mark in the following manner: whenever an ordinance which amends or makes an addition to the Code is passed and approved, he shall note on the margin the section or sections amended, that such amendment has been made, with a reference to the place in the amendment book, hereinafter described, where the amendment may be found; and in the case of an addition, he shall mark in the appropriate place a notation that such an addition has been made, with a similar reference to the aforementioned amendment book.

The Village Clerk shall also keep a separate book containing every amendment or addition passed to this Code, with a reference on each copy of such amendment or addition as to the place in the record of ordinance where the original amending ordinance may be found. The abovementioned records shall be kept in addition to the record of ordinance which the Clerk is required to keep, by Statute. (1954 Code, §598)

1-1-4: **INTENT:** All general provisions, terms, phrases and expressions contained in this Municipal Code shall be liberally construed in order that the true intent and meaning of the Village President and the Board of Trustees may be fully carried out. (1954 Code, §595)

1-1-5: **DISTRIBUTION OF COPIES OF CODE:** All of the printed copies of the Municipal Code belonging to the Village shall be deposited with the Village Clerk. He shall deliver one copy thereof to the Village President, one each to each member of the Board of Trustees and copies to such other persons as the Board of Trustees may direct. (1954 Code, §600)

The Village President shall have the power to extend to or reciprocate courtesies of other municipalities by presenting to them a copy of the Municipal Code bound at the expense of the Village as to him may seem suitable; and he shall have the power to present two (2) copies of this Code to the Illinois Municipal League. (1954 Code, §601)

1-1-6: **CODE ALTERATION:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Municipal Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody an official copy of this Municipal Code shall make every effort to maintain this Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Clerk when directed so to do by order of the Village Board. (1992 Code)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal of General Ordinances; Exceptions
- 1-2-2: Public Utilities Ordinances
- 1-2-3: Pending Suits
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES; EXCEPTIONS:** All general ordinances of the Village passed by the Village President and Board of Trustees prior to the adoption of this Code, except such as are expressly excepted from repeal herein, and except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal, are hereby repealed, (subject to the saving clauses contained in the following sections) from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise and other ordinances granting special privileges to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; ordinances relating to or granting powers to park districts or sanitary districts; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer of prisoners to places of incarceration; zoning ordinances; ordinances relating to the transfer or acceptance of real estate from or by the Village; and all special ordinances. (1954 Code, §602)

1-2-2: **PUBLIC UTILITIES ORDINANCES:** No ordinance relating to railroads or railroad crossings with streets, or 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, or considered as affected in any way by the adoption of

this Code, excepting as this 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. (1954 Code, §603)

1-2-3: **PENDING SUITS:** 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 the former ordinance or as to any act done, and 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 claims arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform, so far as practicable, to the ordinance in force at the time of the proceeding. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may, by consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

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

Nothing contained in this or the preceding Section shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed; or 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 section or provision of ordinances existing at the time of the adoption of this Code. (1954 Code, §604)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Municipal Code or any part hereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1992 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction of Words
- 1-3-2: Definitions
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:** Whenever any word in any section of this Municipal Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this Municipal Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included. Words in the present tense shall be deemed to include the future. Provided, that these rules of construction shall not be applied to any section of this Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

The word "ordinance" contained in the ordinances of the Village has been changed in the content of this Village Code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the Village's ordinances is not meant to amend the passage and effective dates of such original ordinances.

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

AGENT	A person acting on behalf of another. (1992 Code)
BENCH MARK	The datum for the establishment of grades in the Village is hereby established as a horizontal plane. (1954 Code, §74)
BOARD	Unless otherwise indicated, the Board of Trustees of the Village.
CODE	The Municipal Code of Roseville, Illinois, and amendments thereto. (1992 Code)
CORPORATE SEAL	The Corporate Seal of the Village shall be as follows: a circular seal with the words, <i>Village of Roseville, Warren County, Illinois</i> , in the outer circle and a full blown rose in the center. ¹ (1954 Code, §72)
COUNTY	The County of Warren, State of 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 Roseville".
FEE	A sum of money charged by the Village for the carrying on of a business, profession or occupation. (1992 Code)
FISCAL YEAR	The fiscal year of the Village shall begin on May 1 of each year. (1954 Code, §73)
LICENSE	The permission granted for the carrying on of a business, profession or occupation.
MAYOR	See Village President
MISDEMEANOR	Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.
NUISANCE	Anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; or

1. For Village Clerk as custodian of Seal, see Section 1-7A-3B of this Code.

Nuisance (cont.)	any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
OCCUPANT	As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
OFFENSE	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
OFFICERS	Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words, "of the Village of Roseville".
OPERATOR	The person who is in charge of any operation, business or profession.
OWNER	As applied to a building or land, this term shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY	Every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right of interest therein.
RETAILER	Unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

STATE	The State of Illinois.
STREET	This term shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.
TENANT	As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
VILLAGE	The Village of Roseville, County of Warren, State of Illinois.
VILLAGE PRESIDENT	The President of the Village may be referred to as "Mayor" or "President" of the Village.
WHOLESALE DEALER and WHOLESALE DEALER	Unless otherwise specifically defined, such terms 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, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.
WRITTEN, IN WRITING	These terms 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.

1-3-3: **CATCHLINES:** The catchlines of the several sections of this Municipal Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1992 Code)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
 1-4-2: Application of Provisions
 1-4-3: Liability of Officers
 1-4-4: Jail; Imprisonment

1-4-1: **GENERAL PENALTY:** Any person convicted of a violation of any section or provision of this Municipal Code, where no other penalty is set forth, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for any offense.¹

1-4-2: **APPLICATION OF PROVISIONS:** The penalty provided in this Chapter shall be applicable to every section of this Municipal Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Municipal Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is 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 Municipal Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this 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.

1. S.H.A. ch. 24, ¶1-2-1.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-3: **LIABILITY OF OFFICERS:** No provision of this Municipal Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the 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. (1992 Code)

1-4-4: **JAIL; IMPRISONMENT:**

- A. Establishment: The place in the Village previously established and used as the jail, or any other place which may hereafter be established by the Board of Trustees for that purpose, is hereby declared to be the Village jail. (1954 Code, §65)
- B. Keeper: The Village Marshal shall be the keeper of the jail and shall have custody of all persons confined therein and of all property pertaining thereto. (1954 Code, §66)
- C. Prisoners: The jail shall be used for the incarceration of all persons arrested for violating any laws of the State of Illinois, the United States, or for violating any Village ordinance until such person shall be brought before a proper Village officer for a hearing or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released. (1954 Code, §67; amd. 1992 Code)
- D. House of Correction: Any person convicted of a violation of a Village ordinance and sentenced to the payment of a fine may be imprisoned for the nonpayment of such a fine. Such persons may be imprisoned in either the Village jail or in the County jail or such other place of incarceration with which the Board of Trustees has made the necessary arrangements for such transfer of prisoners. When so incarcerated the prisoners shall be allowed to work out their fine at the rate provided by statute. (1954 Code, §68)
- E. Escape: It shall be unlawful for any prisoner to escape, attempt to escape or assist any prisoner to escape or attempt to escape from the jail. (1954 Code, §69)

- F. Communications With Prisoners: It shall be unlawful for any person to communicate with any prisoner held in the jail without the permission of the keeper of the jail. (1954 Code, §70)
- G. Penalty: Any person violating any provision of this Section shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense. (1954 Code, §71)

CHAPTER 5
VILLAGE PRESIDENT

SECTION:

- 1-5-1: Election and Term of Office
- 1-5-2: Duties
- 1-5-3: Appointment of Officers, Designation of Duties
- 1-5-4: Bond, Oath, Salary
- 1-5-5: President Pro Tem

1-5-1: **ELECTION AND TERM OF OFFICE:** The Village President shall be elected for a term of four (4) years and shall be President of the Board of Trustees as is provided by statute.¹ (1954 Code, §1)

1-5-2: **DUTIES:** The Village President shall be the chief executive officer of the Village, and shall perform all such duties as may be required of him by statute or ordinance. He shall have supervision over all of the executive officers of the Village, and shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. (1954 Code, §2)

1-5-3: **APPOINTMENT OF OFFICERS, DESIGNATION OF DUTIES:** The Village President shall appoint, by and with the advice and consent of the Board of Trustees, all officers of the Village whose appointment or election is not otherwise provided for. Any vacancies occurring in appointive offices shall be filled in the same manner in which appointments are made unless otherwise provided by law.

Whenever there is a dispute as to the respective duties or powers of any officer of the Village, this dispute shall be settled by the President; and the President shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform that duty. (1954 Code, §3)

1. S.H.A. ch. 24, ¶3-5-1.

1-5-4

1-5-5

1-5-4: **BOND, OATH, SALARY:** Before entering upon the duties of his office, the Village President shall give bond with sureties to be approved by the Board of Trustees, conditioned upon the faithful performance of his duties, in the sum of three thousand dollars (\$3,000.00). He shall take the oath of office prescribed by Statute, and shall receive such compensation as may be set from time to time by the Board of Trustees. (1954 Code, §4)

1-5-5: **PRESIDENT PRO TEM:** During a temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President Pro Tem who, during the absence or disability of the President, shall perform the duties pertaining to the office. (1954 Code, §5)

CHAPTER 6
VILLAGE BOARD OF TRUSTEES

SECTION:

- 1-6-1: Election, Functions
- 1-6-2: Oath, Salary
- 1-6-3: Meetings of the Board
- 1-6-4: President
- 1-6-5: Committees
- 1-6-6: Rules of Order

1-6-1: **ELECTION, FUNCTIONS:** The Board of Trustees, consisting of six (6) members, shall be elected to office for a four (4) year term as is provided by Statute.¹ This Board shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated to it by Statute. (1954 Code, §6)

1-6-2: **OATH, SALARY:** The members of the Board of Trustees shall take the oath of office prescribed by Statute,² and shall receive such compensation as may from time to time be provided by ordinance. (1954 Code, §7)

1-6-3: **MEETINGS OF THE BOARD:**

A. **Regular Meetings:** The regular meetings of the Board of Trustees shall be held on the first Monday of each month of the year at seven thirty o'clock (7:30) P.M., and no notice of such regular meeting shall be required. Any regular meeting falling upon a legal holiday shall be held on the day following at the same hour and place specified. The meeting place of the Board shall be at the Village Hall, unless otherwise ordered by the Board. (1954 Code, §8)

1. S.H.A. ch. 24, §3-5-2.
2. S.H.A. ch. 24, §3-14-3.

1-6-3

1-6-6

- B. **Special Meetings:** Special meetings may be called by the Village President or any three (3) Trustees, upon at least twenty four (24) hours' notice to all members and the President; provided, that if all of the Trustees are present at a special meeting, no notice of the meeting shall be necessary. (1954 Code, §9)

1-6-4: **PRESIDENT:** The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees, and all times when the Board meets as a committee of the whole. (1954 Code, §10)

1-6-5: **COMMITTEES:**

- A. **Standing Committees:** The following shall be the standing committees of the Board of Trustees:

Finance Committee
Water and Sewer Committee
Street and Sidewalk Committee
Lighting Committee
License Committee
Safety Committee
Park Committee

- B. **Special Committees:** Special committees shall be created as is from time to time directed.

- C. **Membership:** All standing and special committees shall consist of three (3) members, including the chairman, unless the Board directs otherwise. All committees shall be appointed by the Village President, and the President shall be ex-officio a member of each committee. (1954 Code, §11)

1-6-6: **RULES OF ORDER:**

- A. **Order of Business:** The order of business at meetings of the Board of Trustees shall be as follows:

1. Roll call.
2. Reading of minutes of prior meeting.
3. Treasurer's report.

- A) 4. Presentation of petitions, claims and officers' reports.
5. Reports of standing committees.
6. Reports of special committees.
7. Communications to the Board.
8. Unfinished business.
9. New business. (1954 Code, §12)
- B. Rescinded Action: No vote or action of the Board of Trustees shall be rescinded at any special meeting unless there be present at such special meeting as many members of the Board as were present at the meeting when such a vote or action was taken, as is provided by Statute. (1954 Code, §13)
- C. Resolutions: Any resolution submitted to the Board of Trustees shall be reduced to writing before being voted upon, on request from any two (2) members of the Board. (1954 Code, §14)
- D. Addressing Meetings: No person other than the Village President or a member of the Board shall address the Board at any special or regular meeting except upon the consent of a majority of the members present. (1954 Code, §15)
- E. Suspension of Rules: The rules of order, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of members present at any meeting. (1954 Code, §16)
- F. Robert's Rules of Order: Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules. (1954 Code, §17)
- G. Quorum: A majority of the Trustees shall constitute a quorum to do business, but no ordinance shall be passed except upon a favorable vote of a majority of the elected members, as is provided by Statute. (1954 Code, §18)
- H. Disturbing Meetings: It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. Any person violating the provisions of this subsection shall be fined not less than one dollar (\$1.00) nor more than ten dollars (\$10.00) for each offense. (1954 Code, §19)

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES

SECTION:

- 1-7- 1: Applicability of Provisions
- 1-7- 2: Election of Officers
- 1-7- 3: Appointive Officers and Employees
- 1-7- 4: Inspection of Records
- 1-7- 5: Moneys Received
- 1-7- 6: Oath of Office
- 1-7- 7: Salaries
- 1-7- 8: Termination of Office
- 1-7- 9: Illinois Municipal Retirement Fund, Participation
- 1-7-10: Powers of Arrest

1-7-1: **APPLICABILITY OF PROVISIONS:** The provisions of this Chapter shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or a position, or the time of the appointment of the officer or employee. (1954 Code, §52)

1-7-2: **ELECTION OF OFFICERS:** Elections for Municipal officers shall be held as provided by Statute and at the time prescribed by Statute.¹ (1954 Code, §77)

1-7-3: **APPOINTIVE OFFICERS AND EMPLOYEES:**

A. **Appointments:** All officers, other than elective officers, shall be appointed by the Village President and Board of Trustees, as is provided by Statute;² provided, that all employees shall, in the absence of any provisions to the contrary, be hired by the Village President. (1954 Code, §53)

1. S.H.A. ch. 46.

2. S.H.A. ch. 24, §3-8-1.

- B. **Term of Office, Vacancies:** Every appointive officer or employee of the Village shall hold office for the term of one year or until his successor is appointed and qualified, unless it is otherwise provided by ordinance. In case of a vacancy in any such office or position, the person making the original appointment shall appoint a new officer or employee in the same manner as which original appointments or selections are made, in the absence of provisions to the contrary. (1954 Code, §54)
- C. **Removals:** Any appointed officer or employee may be removed from office by the Village President appointing him; provided, that a statement of such removal, with the reasons therefor, shall be given to the Board of Trustees at the next meeting following the removal. (1954 Code, §55)
- D. **Assignment of Duties:** The Village President shall have the power to assign to any appointed officer any duty which is not assigned by ordinance to some other specific officer, and he shall determine disputes or questions relating to the respective powers or duties of officers. (1954 Code, §56)

1-7-4: **INSPECTION OF RECORDS:** All records kept by any officer of the Village shall be open to inspection by the Village President or any member of the Board of Trustees at all reasonable times, whether such records are required to be kept by Statute or ordinance or not. (1954 Code, §57)

1-7-5: **MONEYS RECEIVED:** Every officer of the Village shall, at least once each month, turn over all money received by him in his official capacity, to the Village Clerk with a statement showing the source from which the same is received. (1954 Code, §58)

1-7-6: **OATH OF OFFICE:** Every officer of the Village shall, before entering upon his duties, take the oath prescribed by Statute.¹ (1954 Code, §59)

1-7-7: **SALARIES:** All officers and employees of the Village shall receive such salary as may be provided from time to time by ordinance. (1954 Code, §60)

1-7-8: **TERMINATION OF OFFICE:** Every officer of the Village, upon termination of his office for any cause whatsoever, shall deliver

1. S.H.A. ch. 24, §3-14-1.

1-7-8

1-7-10

to his successor all books and records which may be property of the Village; and if no successor has been appointed within one week after the termination of office, said property shall be delivered either to the Village Clerk or to the Village Treasurer. (1954 Code, §62)

1-7-9: **ILLINOIS MUNICIPAL RETIREMENT FUND, PARTICIPATION:** The Village hereby elects to participate in the Illinois Municipal Retirement Fund, effective January 1, 1980. (Ord. 535, 9-24-79)

1-7-10: **POWERS OF ARREST:** The Village President and members of the Board of Trustees, as well as every member of the Police Department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by Statute. (1954 Code, §61)

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES
ARTICLE A. VILLAGE CLERK

SECTION:

- 1-7A-1: Election, Bond and Salary
- 1-7A-2: Vacancies
- 1-7A-3: Duties

1-7A-1: **ELECTION, BOND AND SALARY:** The Village Clerk shall be elected for such term as may be provided by Statute,¹ and shall take the statutory oath of office. He shall execute a bond in such amount and with such sureties as is provided by Statute,² conditioned upon the faithful performance of his duties. The Clerk shall receive such compensation as may be provided from time to time by ordinance. (1954 Code, §20)

1-7A-2: **VACANCIES:** In case the office of Village Clerk shall become vacant for any reason, the Village President and Board of Trustees shall appoint a successor as is provided by Statute. (1954 Code, §22)

1-7A-3: **DUTIES:**

- A. **Generally:** It shall be the duty of the Village Clerk to perform all duties and functions which may be required of him by Statute or by ordinance, to attend the meetings of the Board of Trustees and to keep the records thereof, and to keep a record of all the officers of the Village with the names of the persons holding each office.
- B. **Records and Documents:** The Clerk shall be custodian of all records, papers and documents belonging to the Village which are not specifically given into the custody of some other officer, and shall be custodian of the Village Seal.³ (1954 Code, §24)

1. S.H.A. ch. 24, §3-5-9.

2. S.H.A. ch. 24, §3-14-3.

3. Village Seal described in Section 1-3-2 of this Code, General Definitions.

- C. Signatures: He shall seal and attest all contracts of the Village and licenses, permits and such other documents as shall require this formality. (1954 Code, §21)
- D. Records to be Kept: He shall keep the record of ordinances which is required to be kept by Statute, and such other records as may be required by ordinance. He shall keep in a separate book a record of all licenses and permits issued by him and of the amounts of money received by him; and he shall keep the record of accounts between his office and that of the Village Treasurer. (1954 Code, §23)

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES
ARTICLE B. VILLAGE TREASURER

SECTION:

- 1-7B-1: Office Created, Appointment
- 1-7B-2: Bond Required
- 1-7B-3: Duties

1-7B-1: **OFFICE CREATED, APPOINTMENT:** There is hereby created the office of Village Treasurer, who shall be appointed by the Village President and Board of Trustees, as is provided by Statute.¹ He shall hold office for one year. (1954 Code, §25)

1-7B-2: **BOND REQUIRED:** The Treasurer shall give bond in such sum as may be required by the Board of Trustees, and the sum of such bond shall be not less than that required by Statute,² with sureties to be approved by the Board of Trustees. The bond shall be conditioned upon the faithful performance by the Treasurer of his duties of office, and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or wrongful act on the part of the Treasurer. (1954 Code, §26)

1-7B-3: **DUTIES:** The Village Treasurer shall:

- A. **General Duties:** Perform such duties as may be prescribed for him by Statute or by ordinance. He shall receive all money paid into the Village, either directly from the person paying the money or from the hands of such other officer as may receive such money, and he shall pay out money only on vouchers or orders properly signed by the Village President and by the Village Clerk. He shall be the collector for all money due under special assessments and he shall keep a separate and complete record of all money so received. (1954 Code, §27)

1. S.H.A. ch. 24, §3-8-1.
2. S.H.A. ch. 24, §3-14-3.

- B. **Deposit of Funds:** Deposit the Village funds in such depositories as are selected from time to time by the Board of Trustees. He shall keep the deposit of Village moneys separate and distinct from his own money, shall not intermingle his own money with the Village money, and he shall not make private or personal use of any Village money. (1954 Code, §28)
- C. **Records:** 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. (1954 Code, §29)
- D. **Accounting:** Keep such books and accounts as may be required by Statute or by ordinance, and shall keep them in a manner required by the Board of Trustees. (1954 Code, §30)
- E. **Reports:** Make and present in person such monthly report as may be required by Statute and the corporate authorities to the Board of Trustees showing the state of the finances of the Village, and the amounts received and spent during the month, which report shall be filed. He shall also make an annual report between May 1 and May 10 with the total amount of all receipts and expenditures of the Village and his transactions as Treasurer during the preceding fiscal year.¹ (1954 Code, §31)
- F. **Register of Warrants:** Keep a register of all warrants, bonds or orders filed with him or paid by him and all vouchers, as is required by Statute. (1954 Code, §32)

1. Fiscal year defined in Section 1-3-2 of this Code, General Definitions.

CHAPTER 7

VILLAGE OFFICERS AND EMPLOYEES

ARTICLE C. VILLAGE ATTORNEY

SECTION:

- 1-7C-1: Office Created, Appointment
- 1-7C-2: Special Counsel
- 1-7C-3: Duties

1-7C-1: **OFFICE CREATED, APPOINTMENT:** There is hereby created the office of Village Attorney, an executive office of the Village. The Attorney shall be appointed by the Village President and Board of Trustees. (1954 Code, §33)

1-7C-2: **SPECIAL COUNSEL:** The Village 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. (1954 Code, §34)

1-7C-3: **DUTIES:** The Village Attorney shall:

- A. Suits and Actions: Prosecute or defend any and all suits or actions at law or equity 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. (1954 Code, §35)
- B. Judgments: See to the full enforcement of all judgments or decrees entered in favor of the Village, and of all similar interlocutory orders. (1954 Code, §36)

- C. **Advise:** Be the legal adviser of the Village and render advice on all legal questions affecting the Village, whenever requested to do so by any Village official. Upon request by the Village President or the Board, he shall reduce any such opinion to writing. (1954 Code, §37)
- D. **Special Assessment:** See to the completion of all special assessment proceedings and condemnation proceedings. (1954 Code, §38)

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES
ARTICLE D. VILLAGE MARSHAL

SECTION:

- 1-7D-1: Office Created, Appointment, Salary
- 1-7D-2: Bond Required
- 1-7D-3: Deputies
- 1-7D-4: Powers and Duties

1-7D-1: **OFFICE CREATED, APPOINTMENT, SALARY:** There is hereby created the office of Village Marshal, who shall be appointed by the Village President and Board of Trustees as is provided by Statute.¹ He shall serve for a period of one year and shall receive such compensation as may be provided from time to time by ordinance. (1954 Code, §39)

1-7D-2: **BOND REQUIRED:** The Marshal shall give a bond in the sum of one thousand dollars (\$1,000.00) with sureties to be approved by the Village President and Board of Trustees, conditioned upon the faithful performance of his duties. (1954 Code, §40)

1-7D-3: **DEPUTIES:** In case of emergencies or when the public peace and safety require it, the Village President may appoint any number of Deputy Marshals who shall have full power as conservators of the peace. The appointment may be written or oral. The term of office of such Deputy Marshal shall not extend beyond the next regular meeting of the Board of Trustees following his appointment, unless the Board of Trustees approves the appointment. Deputy Marshals shall receive such compensation for their services as may be provided by the Board of Trustees. (1954 Code, §44)

1. S.H.A. ch. 24, §3-8-1.

1-7D-4: POWERS AND DUTIES:

- A. Generally: The Village Marshal shall be a conservator of the peace, and shall have charge of the police force of the Village. He shall arrest or cause to be arrested any person who violates any ordinance of the Village or law of the State or nation, and shall hold such person for investigation or for proper trial. (1954 Code, §41)
- B. Ordinances: It shall be his duty to see that all the ordinances of the Village are enforced and he shall report to the Board of Trustees any violations of which he shall have notice or knowledge. (1954 Code, §42)
- C. Writs: He shall be empowered to serve writs in cases arising before proper officers of the Village, as provided by Statute. (1954 Code, §43; amd. 1992 Code)

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES
ARTICLE E. SUPERINTENDENT OF WATERWORKS

SECTION:

- 1-7E-1: Office Created, Appointment
- 1-7E-2: Bond Required
- 1-7E-3: Powers and Duties

1-7E-1: **OFFICE CREATED, APPOINTMENT:** There is hereby created the office of Superintendent of Waterworks, an executive office of the Village. The Superintendent of Waterworks shall be appointed by the Village President and Board of Trustees. (1954 Code, §45)

1-7E-2: **BOND REQUIRED:** Before entering upon the duties of his office, the Superintendent of Waterworks shall give a bond in such sum and with such sureties as the Board of Trustees may require, conditioned upon the faithful performance of his duties. (1954 Code, §46)

1-7E-3: **POWERS AND DUTIES:** The Superintendent of Waterworks shall have charge of the Municipal waterworks system and all property pertaining thereto.¹ He shall be responsible for an efficient operation of the waterworks system, and shall have the power to see to the enforcement of all ordinances pertaining thereto. (1954 Code, §47)

1. See Title 6, Chapter 6 of this Code.

CHAPTER 8
MUNICIPAL FINANCES

SECTION:

- 1-8-1: Village Warrants, Payment
- 1-8-2: Surety Bonds

1-8-1: **VILLAGE WARRANTS, PAYMENT:** No warrant of the Village shall be recognized or paid unless such warrant is signed by both the Village President and the Village Clerk. (1954 Code, §76)

1-8-2: **SURETY BONDS:** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any position or office, or to the issuance of a license or permit or the exercise of any special privilege, the surety of such bond shall be a corporation licensed and authorized to do business in this State as a surety company, in the absence of specific provisions to the contrary.

Whenever, in its opinion, additional sureties be needed on any bond to indemnify the Village against the loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Village 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 shall declare the bond to be void, and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required. (1954 Code, §78)

TITLE 2

BOARDS AND COMMISSIONS

Subject	Chapter
Plan Commission.....	1
Cable Television Advisory Commission.....	2
Board of Health.....	3
Zoning Board of Appeals.....	4

CHAPTER 1
PLAN COMMISSION

SECTION:

- 2-1-1: Purpose
- 2-1-2: Membership; Terms of Office
- 2-1-3: Organization and Procedure
- 2-1-4: Powers and Duties
- 2-1-5: Land Subdivision or Resubdivision and the Official Map
- 2-1-6: Improvements
- 2-1-7: Expenditures

2-1-1: **PURPOSE:** In order that adequate provisions be made for the preparation of a comprehensive Village plan for the guidance, direction and control of the growth and development or redevelopment of the Village and contiguous territory not more than one and one-half (1 ½) miles beyond the corporate limits and not included in any municipality, a Plan Commission is hereby created under authority of an Act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended.¹

2-1-2: **MEMBERSHIP; TERMS OF OFFICE:** The Plan Commission shall consist of five (5) members, citizens of the Village, appointed by the Village President on the basis of their particular fitness for their duty on said Plan Commission and subject to the approval of the Village Board. Of the five (5) members, two (2) shall serve for a period of one year, two (2) for a period of two (2) years, and one for a period of three (3) years. Thereafter, such members shall serve for a period of three (3) years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation, except that if the Village Board deems it advisable, they may receive such compensation as may be fixed from time to time by the Village Board and provided for in the appropriation ordinance.

1. S.H.A. ch. 24, 5511-12-4 et seq.

2-1-3: **ORGANIZATION AND PROCEDURE:** Immediately following their appointment the members of the Plan 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 laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the Village President and Board of Trustees setting forth its transactions and recommendations.

2-1-4: **POWERS AND DUTIES:** The Plan Commission shall have the following powers and duties:

- A. To prepare and recommend to the Village a comprehensive plan for the present and future development or redevelopment of the Village and contiguous unincorporated territory not more than one and one-half (1 ½) miles beyond the corporate limits of the Village and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of Roseville. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board of Trustees. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds and filing of said plan and ordinances with the Municipal Clerk shall be complied with as provided for by law.

To provide for the health, safety, comfort and convenience of the inhabitants of Roseville and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

- B. To designate land suitable for annexation to the Municipality and the recommended zoning classification for such land upon annexation.
- C. To recommend to the Village, from time to time, such changes in the comprehensive plan, or any part thereof, as may be deemed necessary.

- D. To prepare and recommend to the Village Board, from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.
- E. To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan.
- F. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- G. To cooperate with Municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- H. To exercise such other powers germane to the powers granted under authority of chapter 24, sections 11-12-4 et seq. of the Illinois Revised Statutes, as may be conferred by the Village Board of Trustees.

2-1-5: **LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP:** At any time before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half (1 ½) miles from the corporate limits of the Village. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of said plan and ordinances, including the official map, with the Municipal Clerk shall be complied with as provided for by law.

No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the Village or within contiguous territory which is not more than one and one-half (1 ½) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water run-off channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.

2-1-6: **IMPROVEMENTS:** The Village Clerk shall furnish the Plan Commission, for its consideration, a copy of all ordinances,

2-1-6

2-1-7

plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Village Board of Trustees.

2-1-7: **EXPENDITURES:** The Plan Commission may, at the discretion of the Village Board of Trustees, employ a paid secretary or staff, or both, whose salaries, wages and other necessary expenses shall be provided for by the Village Board from the public funds.

If said Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Village Board of Trustees and appropriations by the Village Board of Trustees therefor. (Ord. 467, 7-20-67)

CHAPTER 2

CABLE TELEVISION ADVISORY COMMISSION

SECTION:

- 2-2-1: Commission Established, Membership
2-2-2: Functions

2-2-1: **COMMISSION ESTABLISHED, MEMBERSHIP:** There shall be established a Cable Television Advisory Commission, which Commission shall consist of five (5) members to be appointed by the Village President to serve for terms of four (4) years. Initial appointments shall be for two (2) individuals for two (2) years and three (3) for four (4) years, to be determined by lot. The Village President shall serve as a nonvoting Commission member.

2-2-2: **FUNCTIONS:** The Commission shall perform the following functions:

- A. Advise the Village Board on all matters pertaining to the CATV franchise.¹
- B. Monitor the Grantee's construction, operation and maintenance.
- C. Serve as a mediation and decision-making panel on conflicts between public or private users and the Grantee.
- D. Conduct an annual public hearing regarding the operation of the franchise to be held on or about the anniversary date of the adoption of said CATV franchise.
- E. Determine a policy of future channels to maximize the usefulness of the service to the community.
- F. Report to the Board the results of all committee and Commission meetings. (Ord. 548, 5-3-82)

1. See Title 6, Chapter 5 of this Code.

CHAPTER 3
BOARD OF HEALTH

SECTION:

- 2-3-1: Board Created, Appointment
- 2-3-2: Duties
- 2-3-3: Orders, Notices; Refusal to Obey

2-3-1: **BOARD CREATED, APPOINTMENT:** There is hereby created the Board of Health for the Village, which Board shall consist of three (3) members who shall be appointed by the Village President by and with the advice and consent of the Board of Trustees. (1954 Code, §48)

2-3-2: **DUTIES:**

- A. Generally: The Board of Health shall have the powers and perform the duties assigned to it by Statute or ordinance. It shall be the duty of said Board to enforce all ordinances of the Village which relate to public health, or relate to nuisances. The Board shall make all necessary rules and regulations for the protection of the health of the Village, shall guard against the spread of contagious diseases and prevent, by necessary rules, the induction of diseases, contagious or otherwise, within the corporate limits of the Village. (1954 Code, §49)
- B. Quarantine, Vaccination: The Board is hereby authorized to make such reasonable rules as may be necessary regarding quarantine and vaccination, for the prevention of the spread of contagious diseases, and to quarantine premises where such diseases occur for such time as may be necessary to protect public health. (1954 Code, §50)

2-3-3: **ORDERS, NOTICES; REFUSAL TO OBEY:** Any person violating or refusing to obey any order of the Board of Health or destroying, mutilating or concealing any notice posted by or under the authority of the Board of Health shall be fined not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. (1954 Code, §51)

CHAPTER 4

ZONING BOARD OF APPEALS

SECTION:

- 2-4-1: Creation, Appointment and Organization
- 2-4-2: Powers, Duties and Procedure
- 2-4-3: Procedure on Appeals

2-4-1: CREATION, APPOINTMENT AND ORGANIZATION:

- A. A Board of Appeals shall be established. The word "Board" when used shall be construed to mean the Board of Appeals. The Board shall consist of five (5) members, all of whom shall be appointed and approved by the local authorities. Members of the Board shall reside only in the territory subject to the application of the provisions of the zoning regulations, Title 10 of this Code, and the failure of any member of the Board to maintain this residence qualification at any time shall subject him to removal from said Board for cause. The term of office of the members of the Board shall be five (5) years, excepting that the membership of the first Board appointed shall serve respectively for terms of one for one year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the local authorities upon written charges and after public hearing.
- B. The Board shall elect its own chairman and vice-chairman who shall serve for one year. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of Title 10, Zoning Regulations of this Code. The Board shall in addition adopt a schedule of fees or other method to determine the manner and amount of charges to be collected by the Building Inspector for the erection, construction, enlargement, reconstruction, or extension of any building or structure after the effective date of said Title 10, Zoning Regulations of this Code, and to provide for such other fees and charges as may be necessary to carry into effect the provisions of Title 10 of this Code.

- C. Meetings of the Board shall be held at the call of the chairman or any two (2) members or at such other times as the Board may determine. Four (4) members of the Board shall constitute a quorum and a majority vote of the members present shall determine all questions presented to the Board except as otherwise provided in Title 10 of this Code. The chairman shall be entitled to vote upon all questions presented to the Board. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, determinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Official action and minutes of the proceedings shall be taken down by a reporter employed by the Board for the purpose. The Board may select or appoint such officers as it deems necessary.
- D. The members of the Board shall receive compensation for their services, not to exceed twenty dollars (\$20.00) for each such day of service, to be fixed by the local authorities. The members of the Board shall also receive a reimbursement for travel expense at a rate not to exceed ten cents (\$.10) per mile. The per diem compensation and travel allowance shall be paid out of the General Fund.

2-4-2: POWERS, DUTIES AND PROCEDURE:

- A. Powers Relative to Errors: The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of a new Zoning Ordinance.
- B. Powers Relative to Variations: When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of Title 10, of this Code, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the area regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the Board shall be empowered to authorize, upon application for an appeal in regard to such property, a variation from such district application so as to relieve such difficulty or hardship.
- C. Powers Relative to Exceptions: Upon application for appeal the Board shall be empowered to permit the following exceptions.

- C)
1. To permit the extension of a district where the boundary line of a district divides a lot of record in a single ownership.
 2. To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than fifty percent (50%) of its assessed value when the Board finds some compelling public necessity requiring a continuance of the nonconforming use.
 3. To interpret the provision of Title 10, Zoning, of this Code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts.
 4. To vary parking regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- D. In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals or applications for variations or exceptions, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change, including a variation in use, in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals and welfare of the Municipality. Every change granted or denied by the Board shall be accomplished by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.
- E. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variations in the zoning regulations, Title 10 of this Code.

2-4-3: **PROCEDURE ON APPEALS:**

- A. Appeals to the Board of any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by an

- A) officer, department, any board, or bureau of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within sixty (60) days of such decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by proper legal action.
- C. Upon an appeal, request for a variation or exception, the Board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Zoning Administrator, request for variation or exception, the Board shall give not less than fifteen (15) days' public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the decision appealed from or the variation or exception requested, as well as a brief statement of the nature of the appeal or of what the proposed variation or exception consists.

The secretary of the Board shall give due notice of the place and time for hearing of the appeal application, request for variation or exception to the parties concerned either in person or by registered mail, return receipt requested, not less than fifteen (15) days and not more than thirty (30) days prior to the hearing. Said notice shall state the name and address of the applicant, the name and address of the owner of the property, the location of the property and a brief statement of the nature of the appeal, request for variation or exception. Said notice shall be sent to the property owners, as recorded in the office of the Recorder of Deeds of the County, and as appears from the authentic tax records of the Municipality of all property within two hundred fifty feet (250') in each direction of the location for which the appeal, variation or exception is requested; the number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in determining the two hundred fifty foot (250') requirement. The applicant shall furnish the Board a complete list containing the names and last known addresses of the owners of property required to be served at the time the application is filed. Upon the hearing, any party may appear in person or by agent or by attorney.

- D. The party filing a notice of appeal to the Board shall pay at the time of filing a fee of thirty five dollars (\$35.00) toward costs of the appeal. An additional fee of fifteen dollars (\$15.00) shall be paid for the costs of publication of a public notice of the date of the hearing to be held on the appeal or request for variation or exception. The fees shall be paid to the Village Clerk, who shall give a receipt; and a copy of the receipt shall be presented to the Board with the notice of appeal, as evidence that the fees required in the case have been paid. The fees thus collected by the Village Clerk shall be paid to the credit of the General Revenue Fund of the Municipality. (Ord., 1-7-74)

