

CHAPTER 1

OFFICIAL MUNICIPAL CODE

SECTION:

- 1-1-1: Title
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- 1-1-5: Jurisdiction of Code
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1-1-1: **TITLE:** This Code shall be known as the **CITY OF PEKIN, ILLINOIS, MUNICIPAL CODE**. Any reference to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter heading, its article heading, if any, and to the penalty clause relating thereto, as well as to the section itself, when reference is made in this Code by title in any legal document or ordinance of the City.

1-1-2: **INTERPRETATION AND APPLICATION OF PROVISIONS:** In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provisions imposed by another provision of this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

1-1-3: **AUTHORIZATION TO PUBLISH:** This Code shall be printed and published in book form.

1-1-4: **ACCEPTANCE:** The 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 City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code.

1-1-5: **JURISDICTION OF CODE:** Unless otherwise provided herein, this Code shall apply to all acts performed within the corporate limits of the City. Provisions of this Code shall also apply to acts performed outside the corporate limits and up to the limits provided by law, where the law confers power upon the City to regulate such particular acts outside the corporate limits.

1-1-6: **AMENDMENTS:** Any additions or amendments to this Code, when passed in such form as to indicate the intention of the Council 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 Pekin shall be understood to include them.

1-1-7: **UNAUTHORIZED ALTERATION OR TAMPERING WITH CODE:** It shall be unlawful for any person to change or amend, by additions or deletions, any part or portions of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the laws of the City to be misrepresented thereby.

1-1-8: **DISTRIBUTION OF COPIES:** All of the printed copies of this Code belonging to the City shall be deposited with the Clerk, and he shall deliver one copy thereof to the Mayor and each Council Member and copies to such other persons as the City Council may direct. (Ord. No. 2515 02-12-07)

The Mayor or Council shall have the power, as to them shall seem suitable, to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the City, and they shall also have the power to present two (2) copies of this Code to the Illinois Municipal League.

CHAPTER 2

SAVINGS CLAUSE

SECTION:

1-2-1: Repeal of General Ordinances

1-2-2: Public Utility Ordinances

1-2-3: Pending Suits

1-2-4: Severability

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the passage of this Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section) and excluding the following ordinances which are not hereby 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 City; Municipal retail sales tax ordinances; the civil defense ordinances; ordinances designating through streets, stop streets, one-way streets, yield right-of-way streets and limited load streets; ordinances regulating parking or limited parking areas, time limit parking; bus and cab stands; parking meter zones and parking meter fees; and all special ordinances.

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroads or 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 passage of this Code or by virtue of the preceding section, 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.

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 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 the 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 implication, whether the repeal is in the ordinance making any new provision upon the same subject or in 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 City 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 City under any section or provision of ordinances existing at the time of the passage of this Code.

1-2-4: **SEVERABILITY:** The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code.

CHAPTER 3

DEFINITIONS

SECTION:

1-3-1: Construction of Words

1-3-2: Definitions, General

1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:** In the construction of this Code and of all ordinances, the rules and definitions set out in this Chapter shall be observed unless such construction would be inconsistent with the manifest intent of the City Council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto. All general provisions, terms, phrases and expressions contained in this Code shall be literally construed in order that the true intent of the City Council may be carried out.

- A. Plurals; Gender: Whenever any word in any section of this 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 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.
- B. Tense: Words in the present shall include the future.
- C. Nontechnical and Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- D. Computation of Time: Whenever a notice is required to be given or an act to be done a certain length of time before a proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be held shall not be counted. Legal holidays shall not be used in calculating any temporary period.
- E. "Ordinance": The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances.

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

AGENT: A person acting on behalf of another.

CITY: Whenever used in this Code, shall be held to mean the City of Pekin, Illinois.

CITY COUNCIL, COUNCIL: Whenever the words "Council" or "City Council" are used, they shall be construed to mean the City Council of the City of Pekin.

CODE: The words "Code" or "this Code" shall mean the Pekin Municipal Code.

CORPORATE OR CITY LIMITS: The legal boundaries of the City of Pekin, Illinois.

COUNCIL MEMBER: A Council Member of the City. (Ord. No. 2515 02-12-07)

COUNTY: The County of Tazewell, State of Illinois or, if appropriate, the County of Peoria, State of Illinois.

COURT or CIRCUIT COURT: The Circuit Court of the Tenth Judicial Circuit.

ELECTORS: The persons qualified to vote for elective officers at Municipal elections.

EMPLOYEES: whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Pekin" and shall be taken to mean the employee of this City having the title mentioned or performing the duties indicated.

FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation.

FISCAL YEAR: The fiscal year for the City shall begin on May 1 of each year and end on April 30 of the following year.

JOINT AUTHORITY: All words giving a joint authority to four (4) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers. (Ord. No. 2492-06/07 09-25-06 effective 04-17-07)

LAW: Any statute, ordinance or regulation promulgated by the United States, the State of Illinois or the City of Pekin, Tazewell County or Peoria County, as appropriate, or any agencies thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

MANAGER: City Manager of the City of Pekin.

MAYOR: Mayor of the City of Pekin.

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.

MONTH: A calendar month.

NUISANCE: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or 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.

OATH: Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted or an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OCCUPANT: 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.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Pekin" and shall be taken to mean the officer of this City having the title mentioned or performing the duties indicated.

OFFICIAL TIME: Central Standard Time shall be the official time for the transaction of the City business; except, that from two o'clock (2:00) A.M. on the first Sunday in April of each year, the official time shall be advanced one hour until two o'clock (2:00) A.M. of the last Sunday in October each year, at which the time the official time shall be Central Standard Time.

All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the City shall be set and run at the official time prescribed by this definition.

OPERATOR: The person who is in charge of any operation, business or profession.

ORDINANCES: Ordinances of the City of Pekin and all amendments thereto.

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: Shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY: Shall include 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 or interest therein.

PRECEDING, FOLLOWING: Next before and next after, respectively.

PROPERTY: Includes real and personal property.

PUBLIC PLACE: Includes street, sidewalk, alley, public way or private property held open to the general public.

REAL PROPERTY: Includes lands, tenements and hereditament.

RETAILER: See "wholesaler".

SHALL: The word "shall" is mandatory.

SIDEWALK: any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

SIGNATURE OR SUBSCRIPTION: Includes a mark when the person cannot write.

STATE: The State of Illinois.

STREET: Shall be construed to include streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the City and shall include all areas thereof embraced between the property lines and dedicated to the public use.

TENANT OR OCCUPANT: When designating the tenant or occupant of a building or land, shall include any person holding a written or oral lease or occupying the whole or a part of such buildings or lands, either alone or with others.

THIS CODE: Shall be held and taken to mean the entire code, including each and every section thereof.

WHOLESALER, RETAILER: In all cases where the words "wholesaler" or "wholesale dealer" are 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, as distinguished from a retail dealer who sells in small quantities directly to the customer.

WRITTEN, IN WRITING: 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, 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 the City Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall neither be deemed the titles of such sections nor any part of such section, and unless expressly so provided, they shall not be deemed when any part of such sections, including the catchlines, are amended or re-enacted.

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Applicability of Provisions
- 1-4-3: Venue of Actions
- 1-4-4: Liability of Officers

1-4-1: **GENERAL PENALTY:** Whenever this Code or any ordinance of the City prohibits the doing of any act or the commission of any omission, or whenever any such act or omission is made or declared to be unlawful or to constitute an offense, either civil, criminal, quasi-criminal or a "civil offense", and where no specific penalty is provided therefor, and where State law does not provide otherwise, the violation of any such provision of this Code or of any ordinance shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Unless specifically provided otherwise, or where the context thereof so dictates, each day that any violation of any provision of this Code or of any ordinance continues shall constitute a separate offense.
(65 ILCS 5/1-2-1.)

1-4-2: **APPLICABILITY OF PROVISIONS:**

- A. 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.
- B. Whenever in this Code a minimum but not maximum fine or penalty is imposed, the court may, in its discretion, fine the offender any sum exceeding the minimum fine or penalty so imposed but not exceeding the limits of Section 1-4-1 of this Chapter.
- C. Whenever in this Code the doing of any act or the failure to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty declared for such breach, any person who shall be so convicted of any such breach shall be fined as provided in Section 1-4-1 of this Chapter.
- D. In case of amendment of any section of this Code containing the 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 amended section or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

1-4-3: **VENUE OF ACTIONS:** Any action to enforce any fine or forfeiture or violation of any ordinance may be commenced in the appropriate court in Tazewell County, regardless of the county in which the violation was committed or occurred.
(735 ILCS 5/2-101.)

1-4-4: **LIABILITY OF OFFICERS:** No provision of this 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 in this Code for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

CHAPTER 4A

CITY JAIL

SECTION:

- 1-4A-1: Establishment; Jailer
- 1-4A-2: Prisoners
- 1-4A-3: Unlawful Acts
- 1-4A-4: Penalty

1-4A-1: **ESTABLISHMENT; JAILER:** The place in the City heretofore established and used as the jail or any other place which may be hereafter established by the City Council for that purpose is hereby declared to be the City jail. The City Jailer shall be the keeper of the jail (See also provisions of subsection 6-1-2C of this Code) and shall have custody over all persons confined therein and of all property pertaining thereto.

1-4A-2: **PRISONERS:** The jail shall be used for incarceration of all persons arrested for violating any laws of the State of Illinois, the United States or for violating any City ordinances until such person shall be lawfully brought before a judge for a hearing or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released.

1-4A-3: **UNLAWFUL ACTS:**

- A. Escape: It shall be unlawful for any person to escape, attempt to escape or to assist any prisoner to escape or attempt to escape from the City jail.
- B. Communicating With Prisoners: It shall be unlawful for any person to communicate with any prisoner held in the jail without the permission of the Chief of Police or the Jailer.

1-4A-4: **PENALTY:** Any person violating any of the provisions of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 5

CITY COUNCIL

SECTION:

- 1-5-1: Members; Term; Vacancies
- 1-5-2: Salary
- 1-5-3: Meetings
- 1-5-3.1 Electronic Attendance at Public Meetings
- 1-5-4: Voting
- 1-5-5: Conducting Business
- 1-5-6: Powers and Duties Generally
- 1-5-7: Specific Duties
- 1-5-8: Reports from Officers and Superintendents

1-5-1: **MEMBERS; TERM; VACANCIES:** The Council shall consist of the Mayor and six (6) Council Members elected for four (4) year terms pursuant to 65 ILCS 5/5-2-12. and as is provided, shall consist of one (1) member, who receives the least number of votes at the next biennial general municipal election, with a two (2) year term, their successors and all future elected member shall serve four year terms. The term shall commence at the first regular or special meeting of the City Council during the month of May following the proclamation of the results of the regular municipal election. The order of business at said meeting shall be: Pledge of allegiance, roll call, approval of minutes, swearing in of new officers, continuation of all other business of the municipality by the newly elected officers. All members of the City Council shall have the qualifications required by law. Vacancies occurring in the City Council shall be filled by the remaining members, as is provided by 65 Illinois Compiled Statutes 5/5-2-12. (Ord. No. 2410 2/14/05) (Ord. No. 2515 02-12-07) (Ord. No. 2492-06/07 09-25-06 effective 04-17-07)

1-5-2: **SALARY:** The Council may fix the annual salaries of its members as provided by law payable in equal monthly installments. (65 ILCS 5/5-4-1)

1-5-3: **MEETINGS:**

- A. **Regular Meetings:** Regular meetings of the City Council of the City of Pekin shall be held in the Council Chambers in the City Hall on the second and fourth Monday of each month at 5:30 o'clock P.M., except that when Monday shall be a legal holiday, the City Council shall meet on the Tuesday next following at the same hour, except for Columbus Day legal holiday. (Ord. No. 2730-15/16 10-26-15)
- B. **Adjourned or Recessed Meetings:** Adjourned or recessed meetings of the City Council of the City of Pekin may be held for the purpose of completing any unfinished business of a regular meeting at such time or times as may be determined by majority vote of the City Council.

- C. **Deferred Meetings:** Regular meetings of the City Council may be deferred to the Tuesday or Wednesday next following the regular Monday night meeting by majority vote of the City Council, which vote shall be taken not later than the regular meeting preceding the meeting to be deferred to the following Tuesday or Wednesday night of the following week, and such meeting may be deferred at any time in said manner if it is deemed by the City Council to be in the best interest of the City of Pekin.
- D. **Special Meetings:** Special meetings may be called from time to time by the Mayor or by two Council Members upon giving not less than forty-eight hours notice to all members of the City Council and Manager. (Ord No. 2515 02-12-07)
- E. **Meetings to be Open to Public:** All meetings of the City Council, whether regular, adjourned, recessed or special, shall be open to the public, except as otherwise provided by law. (5 ILCS 120/1 et seq.)
- F. **Presiding Officer:** The Mayor shall preside at all regular and special meetings of the Council; provided, that in the absence of the Mayor, a Mayor Pro Tem shall be selected as provided by statute. (65 ILCS 5/3.1-35-35) and Resolution No. 22-07/08 (Ord. No. 2547-07/08 1-14-08)
- G. **Addressing:** It shall be unlawful for any person to address or attempt to address any regular or special meeting of the Council except upon the consent of the Mayor or with the consent of a majority of the members present.
- H. **Disturbing:** It shall be unlawful to disturb or interrupt any regular or special meeting of the Council; any person violating any provision of this subsection shall be fined not less than five dollars (\$5.00) and not more than two hundred dollars (\$200.00) for each offense and may be summarily ejected from the Council room and the City Hall.

1-5-3.1: **ELECTRONIC ATTENDANCE AT PUBLIC MEETINGS**

Policy Statement: In an effort to encourage participation in the public meetings of the City Council of the City of Pekin and the boards and commissions of the City, the City Council has determined that an elected or appointed official may attend a public meeting by electronic means when the official is unavailable to be physically present at the meeting. New electronic methods of communication make participation in public meetings by electronic means effective. The City Council has determined that attendance by electronic means shall be controlled by the provisions of this policy.

1-5-3.2: DEFINITIONS: The following terms shall have the following meanings when used in this policy:

“Electronic means” means a teleconference or any other means that enables identifiable voices or other transmissions to be received from any location and enables concurrent ability to communicate with the member who is not physically present.

“Meeting” means any gathering of a majority of a quorum of members of a public body held for the purpose of discussing public business. The term “meeting” shall have the same meaning ascribed to that term in the Illinois Open Meetings Act.

“Public body” includes the City Council, all boards and commissions, and any subsidiary bodies of any of those public bodies, including but not limited to, committees and subcommittees, and shall have the same meaning ascribed to that term in the Illinois Open Meetings Act.

1-5-3.3: ATTENDANCE BY ELECTRONIC MEANS: A member of a public body may attend a meeting by electronic means if the member is prevented from physically attending because of (a) personal illness or disability, (b) absence from the corporate limits of the City for personal employment purposes or for the business of the City, or (c) a family or other emergency. The reason for the need for the member to attend by electronic means shall be stated on the record and made of a part of the meeting minutes.

1-5-3.4: NOTICE OF INTENT TO ATTEND BY ELECTRONIC MEANS: Any member planning on attending a meeting by electronic means shall give written notice of his or her intent to the person responsible for posting public notice of the meeting. The notice shall be given at least 72 hours prior to the meeting. If the giving of the notice is not possible or is impracticable prior to the 72-hour deadline, then the member shall give notice at the member’s earliest opportunity. The notice may be given by personal delivery, mail, fax transmission, e-mail, or other electronic means which creates a record of notice. The notice shall state the reason set forth in subsection 1-5-3.3 that prevents the member from physically attending the meeting.

1-5-3.5: NOTICE OF ATTENDING BY ELECTRONIC MEANS: Upon receipt of a notice from a member of his or her intent to attend a public meeting by electronic means, the person responsible for posting public notice of the meeting shall give notice to the public of the member’s intent to participate by electronic means. Notice shall be given by posting the information with or as part of the agenda for the public meeting and by providing any news medium entitled to notice of public hearings with a copy of the notice either in written or electronic form. The failure to give notice to the public or the media of a member’s intent to participate by electronic means shall not prohibit the member from participating in the meeting, nor shall the failure to give notice invalidate any action taken by the public body or the member participating by electronic means at that meeting.

1-5-3.6: PRESIDING OFFICER: If the presiding officer of the public body is attending the meeting by electronic means, then the person who acts in the absence of the presiding officer shall chair the meeting. If there is none, then the presiding officer shall appoint a member of the public body who is physically present at the meeting to serve as chair of the meeting. The appointment of a chair shall be subject to the advice and consent of the public body. The presiding officer who is participating by electronic means shall be authorized to participate in the meeting to the extent authorized by law or ordinance except for those acts involved with chairing the meeting.

1-5-3.7: **QUORUM AT MEETING:** Limitation of Number of Member Who May Attend by Electronic Means: A quorum of the public body must be physically present for the public body to conduct its meeting before one or more members will be permitted to attend by electronic means. If more than one member participates by electronic means, the absent members may not meet at the same remote location if their joint presence at the remote location would constitute a violation of the Illinois Open Meetings Act.

1-5-3:8: **PROCEDURE:**

1. If one or more members attend a public meeting by electronic means, then all votes of the body shall be by roll call.
2. If a member attends a public meeting by electronic means, that member must identify himself or herself by name and be recognized by the person chairing the meeting before speaking.
3. The minutes of the meeting shall reflect that a member is participating by electronic means.
4. The voice of the member participating by electronic means shall be audible to all persons in attendance at the public meeting. If the public meeting is being broadcast via television, radio, or other electronic means, the voice of the member participating by electronic means shall be made available for broadcast concurrently with the broadcast, unless unanticipated technical difficulties prevent the broadcast of the member's voice.

1-5-3.9: **CLOSED SESSION MEETINGS:** A member attending a public meeting by electronic means may also participate in any closed session meeting of a public body held pursuant to applicable law. That member's attendance and participation by electronic means shall be reflected in the minutes of the closed session meeting. (ORD. NO. 2412 03/14/05)

1-5-4: **VOTING:**

- A. Required: All members of the Council present at a City Council meeting, upon the conducting of vote upon any motion, ordinance or resolution, shall vote on same unless otherwise provided by law.
- B. Yeas and Nays, Majority Votes: Each member of the City Council shall vote by yeas and nays upon any and all questions, and the affirmative vote of four (4) members shall be necessary to adopt any motion, resolution or ordinance or pass any measure unless otherwise provided by law. (Ord. No. 2492-06/07 09-25-06 effective 04-17-07)

1-5-5: **CONDUCTING BUSINESS:**

- A. Rules and Regulations: Except as otherwise provided by law, the Council may, by ordinance, make such rules and regulations as may be necessary or proper for the efficient and economical conduct of City business.
- B. Quorum: Four (4) members of the Council shall constitute a quorum. (Ord. No. 2492-06/07 09-25-06 effective 04-17-07)
- C. Rules of Order: Robert's Rules of Order, as they may be amended from time to time, shall govern the proceedings of the Council where applicable and when not in conflict with statutes or ordinances.
- D. Order of Business: The Council shall transact business in the following manner, unless the same be temporarily suspended by a vote of two-thirds of the Council:
 - 1. Pledge of Allegiance
 - 2. Roll Call
 - 3. Approval of Agenda
 - 4. Approval of Minutes
 - 5. Public input on items on the Agenda, Public Comments and Questions (except public hearings)
 - 6. Consent Agenda
 - 7. Communications, Petitions, Reports (which shall include bid openings and public hearings)
 - 8. Old Business
 - 9. New Business
 - 10. Any business to come before Council – Staff and Council comments
 - 11. Press Time
 - 12. Adjourn to Executive Session (if applicable)
 - 13. Adjournment (Ord. No. 2433 05/23/05) (Ord. No. 2708-14/15)

E. Consent Agenda: There is hereby established a "consent agenda" for all meetings of the City Council. The following items shall automatically be placed on the consent agenda and shall be approved in one motion by a majority vote of the Council without separate vote on each item. No discussion shall be had on any item on the consent agenda. The consent agenda shall consist of the following items of business:

1. Any item to be received and filed with no action to be taken at the meeting.
2. Resolutions approving claim schedules, manual payables and payroll.
3. Approval or issuance of any license.
4. Proclamations.
5. Appointments.
6. Resolutions or Motions not creating any liability against the City or involving the expenditure or appropriation of any funds.

The Mayor or any Council Member, at the time the approval of the agenda is considered at the meeting, may request that any item be removed from the consent agenda and placed on the regular agenda for discussion and vote. Upon said request, the item shall be moved to the regular agenda without further discussion or vote. (Ord. No. 2515 02-12-07)

F. Certain Rules of Order and Procedure Superseded: The following rules of order and procedure supersede any previous ordinance, resolution or custom adopted by the City which would conflict with these rules:

1. Ordinances, resolutions, motions, contracts, agreements, reports, proclamations and other matters presented to the City Council shall be in writing and need not be read verbatim by the City Clerk or the party presenting. It shall be sufficient for the City Clerk or the party presenting the matter to make a concise statement of the content of the matter being presented.
2. Minutes of prior meetings of the City Council shall be prepared and presented in writing to the City Council prior to the City Council meeting and need not be read verbatim by the City Clerk.
3. The Mayor of the City shall be permitted to participate in all matters and deliberations before the City Council in the same manner and to the same extent as the Council Member. (Ord. No. 2515 02-12-07)
4. Public input shall be limited to comments and questions to the Council upon agenda items or such past, present and pending matters upon which the Council has supervisory, appointive or legislative authority or to hear a citizen petition for redress of grievances.
(Ord. No. 2708-14/15)
5. Press time shall be limited to press questions to the Council upon such past, present and pending matters upon which Council has supervisory, appointive or legislative authority or to question the Council's response to a citizen's petition for redress of grievances.

6. Any person who seeks to address the meeting of a commission, committee, or other official body of the city at any public meeting will be permitted to speak on any matter listed on the agenda or on any other matter of public concern, subject to the following provisions:

The presiding officer shall designate a time during the meeting at which the public may address the members, if no established order and procedure has previously been established. The presiding officer may require persons wishing to speak during any portion of a meeting to sign in before the start of the meeting and to provide their names, addresses, and topics to be discussed.

Prior to speaking, each person must be recognized by the presiding officer and must state his or her name and address for the record.

Subject to limitations in the following paragraph, public comment is limited to no more than five (5) minutes per person and to no more than two (2) hours per meeting, unless extended by consent of a majority vote of the members present. The presiding officer or his or her designee shall monitor each speaker's use of time and shall notify the speaker when the time allotted has expired.

If the presiding officer recognizes that more than 20 persons desire to speak, he or she may limit each speaker to comments of no more than three (3) minutes. Whenever any group or persons wishes to address the members on the same subject matter, the presiding officer may ask that a spokesperson be chosen from the group. If additional matters are to be presented by other persons in the group, the presiding officer may limit the number of such persons and may limit the presentation to information not already presented by the group spokesperson.

Persons invited by the presiding officer to address the members are subject to such time limitations as the majority of the members present may prescribe.

Separate rules, as required by law or as otherwise provided in this Code, will govern the conduct of quasi-judicial hearings.

(Ord. No. 2640-11/12 06-13-11)

1-5-6: POWERS AND DUTIES GENERALLY:

- A. Power to Establish, and Discontinue Offices: Except as otherwise provided by law, the Council may, by ordinance, create, and discontinue any office or department, according to its judgment of the needs of the City.

- B. Contracts: The Council shall make or authorize the making of all contracts to which the City may be a party, and no contract shall be entered into on behalf of or be binding on the City unless it is entered into by ordinance or resolution or is reduced to writing and approved by the Council or expressly authorized by ordinance or resolution. All contracts for public improvements shall be authorized as provided in Section 1-9-7 of this Code.
- C. Reports: The Council shall prepare and publish all reports required to be published by law. (65 ILCS 5/4-5-16)
- D. Bonds of Officers or Employees: The City Council shall require that every officer or employee having the care or custody of funds of the City shall, before entering upon the duties of their respective offices, give bond to the City according to law, with good and sufficient security, and in such amount as the Council shall by ordinance or resolution prescribe.
- E. The Council shall exercise all additional legislative powers, functions and duties as may be provided by law.

1-5-7: **REPORTS FROM MANAGER AND OFFICERS:** The Council shall, when it deems it advisable, request written reports from the manager regarding the business of any department or position under the manager's supervision, or from the City Clerk or Treasurer regarding the business of his or her department or position.

CHAPTER 5A

MAYOR

SECTION:

1-5A-1: Powers and Duties

1-5A-2: Salary

1-5A-1: **POWERS AND DUTIES:** The Mayor shall have and exercise all the powers and perform all the duties that are or may be prescribed by law or by the City ordinances. He shall be the representative of the City. He shall sign all contracts and warrants on behalf of the City and all licenses issued by the City. He shall cause to be prepared and published all statements and reports required to be prepared and published by law or by ordinance or resolution of the Council.

1-5A-2: **SALARY:** The Mayor shall receive compensation for his service as Mayor and Liquor Commissioner as determined from time to time by the City Council.

CHAPTER 6

APPOINTED OFFICERS

1-6-1: CREATION

1-6-1: CREATION: There is hereby created two offices being the Office of the City Clerk and the Office of the Treasurer. Officers to serve in each respective office shall be appointed by the Mayor with the approval of the Council.

CHAPTER 6A

OFFICE OF THE CITY CLERK

SECTION:

- 1-6A-1: Creation of Department, Office of the City Clerk
- 1-6A-2: Office of City Clerk
- 1-6A-3: Appointment; Bond; Oath
- 1-6A-4: Clerk's Duties
- 1-6A-5: Deputy Clerk

1-6A-1: CREATION OF DEPARTMENT, OFFICE OF THE CITY CLERK: There is hereby established and created the Office of the City Clerk. The Office of the City Clerk shall consist of the City Clerk and such other positions as may be approved from time to time by the City Council.

1-6A-2: CITY CLERK: There is hereby established and created the position of City Clerk who shall be an officer of the City and supervisor of the Office of the City Clerk

1-6A-3: APPOINTMENT; BOND; OATH:

A. Appointment: The City Clerk shall be appointed by the Mayor with the approval of the City Council, and shall be under the supervision of the City Manager. (ORD. NO. 2393 10/25/04)

B. Bond: Before entering upon the duties of office, the City Clerk shall execute a bond in such amount and with such sureties as may be required by the City Council, conditioned upon the faithful performance of his or her duties. The bond of the City Clerk shall be filed with, recorded and preserved by the Treasurer as provided by paragraph 5-3-9 of the Illinois Municipal Code (65 ILCS).

C. Before entering upon the duties of office, the City Clerk shall swear or affirm the oath required by statute.

1-6A-4: CLERK'S DUTIES:

A. Finance Duties:

1. Accounts: The City Clerk shall keep accounts showing all money received by him or her, and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.

2. Money Collected By; Disposition of: The City Clerk shall turn over all money received by him or her on behalf of the City to the Treasurer promptly on receipt of the same, and with such money, shall give a statement as to the source of it.

B. As Custodian of Certain City Property and Keeper of Records:

1. Seal: (See also Section 1-11-1 of this Title.) The City Clerk shall be the custodian of the City Seal and shall affix its impression on documents whenever this is required.
2. Documents: The City Clerk shall be the custodian of all documents belonging to the City which are not assigned to the custody of some other officer or department head.
3. Indices: The City Clerk shall keep and maintain a proper index to all documents and records kept by him or her, so that ready access thereto and use thereof may be had.
4. In addition to the record of ordinances and other records which the Clerk is required by statute to keep, the Clerk shall keep a register of all licenses and permits issued and a record of the payment thereon, a record showing all the officers and regular employees of the City and such other records as may be required by the Council.
5. The bonds of all officers of the Municipality, except the City Clerk, shall be filed with, recorded and preserved by the City Clerk.
6. Warrants: (See also Section 1-8A-5(F) of this Title.) The City Clerk shall, upon the allowance of any account or claims by the City Council, draw a warrant therefore upon the City Treasury payable to the order of the claimant, which warrant, when signed by the Mayor and countersigned by the Clerk, shall be paid by the Treasurer.

C. Attendance of Council Meetings; Record Thereof: The City Clerk shall attend all meetings of the City Council and keep a correct record thereof.

D. The City Clerk shall seal and attest all contracts of the City and all licenses, permits and other documents which require this formality.

E. In addition to the duties herein provided, the City Clerk shall perform such other duties and functions as may be required by statute or ordinance.

1-6A-5: DEPUTY CLERK: The Clerk, when authorized by the City Council, may appoint one person, with the advice of the City Manager, to serve as Deputy City Clerk as that position becomes necessary. Such Deputy Clerk shall serve under the supervision of the City Clerk and perform such duties and functions as may, from time to time, be assigned by the City Clerk. Said Deputy Clerk may act in the capacity of the City Clerk at such time during the absence of the City Clerk.

CHAPTER 6B

OFFICE OF THE TREASURER

SECTION:

- 1-6B-1: Creation of Department, Department of Treasury
- 1-6B-2: Office of the Treasurer
- 1-6B-3: Appointment; Bond; Oath
- 1-6B-4: Treasurer's Duties
- 1-6B-5: Treasurer's Authority
- 1-6B-6: Deputy Treasurer

1-6B-1: **CREATION OF DEPARTMENT, OFFICE OF THE TREASURER:** There is hereby established and created an Office of the Treasurer. The Office of the Treasurer shall consist of the Treasurer and such other positions as may be approved from time to time by the City Council.

1-6B-2: **OFFICE OF THE TREASURER:** There is hereby established and created the position of Treasurer who shall be an officer of the City and supervisor of the Office of the Treasurer.

1-6B-3: **APPOINTMENT; BOND; OATH:**

A. **Appointment:** The Treasurer shall be appointed by the Mayor with the approval of the City Council and shall be under the supervision of the City Manager. (ORD. NO. 2393 10/25/04)

B. **Bond:** Before entering upon the duties of his office, the Treasurer shall execute a bond in such amount and with such sureties as is required by statute, but in no event less than \$100,000, conditioned upon the faithful performance of his or her duties.

C. **Oath:** Before entering upon the duties of his office, the Treasurer shall swear or affirm the oath required by statute.

1-6B-4: **TREASURER'S DUTIES:** The Treasurer shall:

A. The city treasurer shall receive all monies belonging to the municipality and oversees the collection, receipt, and deposit of City revenues and shall render at the end of each month, and oftener if required, a statement, under oath, to the city clerk, showing the state of the treasury at the time of such account, and the balance of the money in the treasury. Such statement shall set forth all the moneys received by him, and from whom, and in what account they shall have been received; also all moneys paid out by him, and on what account they shall have been paid. (Ord. No. 2442 08/08/05)

B. The city treasurer shall cause to be kept books of account, in such a manner as to show with entire accuracy, all moneys received by him, and from whom, and on what account they shall have been received; and all moneys paid out by him, and on what account they shall have

been paid; and in such a manner that such books may be readily understood and investigated. Such books, and all papers and files in his office, shall be at all times open to the examination of the city clerk or any member of the city council.

C. The city treasurer shall make to the city clerk a monthly report, under oath, on or before the third Tuesday of each succeeding month, for each calendar month, of all interest on moneys received by or credited to the city treasurer or to the city, by any bank or other depository in which is deposited any interest-bearing moneys of the city, including trust funds and special deposits.

D. Give every person paying money into the treasury a receipt therefore, specifying the date of payment, and upon what account paid and file copies of these receipts with the Clerk with the Treasurer's monthly reports;

E. Pay any warrant lawfully drawn upon the treasurer if money has been properly appropriated to the payment of such warrant and the funds exist for the payment thereof;

F. At the end of each month, render an accounting under oath to the Council showing the state of the treasury at the date of the account and the balance of money in the treasury. The account shall be accompanied by a statement of all money received into the treasury, and on what account together with all warrants paid monitor cash flow to assess the availability of funds and make recommendations regarding budgetary expenditures; (Ord. No. 2442 08/08/05)

G. Deliver to the City Clerk each month the monthly account and all warrants and vouchers paid as reported therein and generate financial statements and cash balance reports for the City Council and City Manager; (Ord. No. 2442 08/08/05)

H. Keep a register of all warrants, which shall describe each warrant, showing its date, amount and number, the fund from which paid, the name of the person to whom paid and when paid and shall return all warrants paid marked "paid";

I. File within six months after the end of each fiscal year with the City Clerk an account of monies received and expenditures incurred during the preceding fiscal year as provided by statute and file said account as certified by the City Clerk as provided by statute with the County Collector;

J. Maintain current and accurate information on City Investments, and report thereon at least monthly to the Mayor, Council and City Manager;

K. Participate on Police and Fire Pension Boards as set forth and required in applicable sections of State statutes.

L. Maintain records of pledged collateral by named City depositories, to assure compliance with policies, statutes, ordinances and agreements.

M. Perform such other duties as may be prescribed from time to time by statute or ordinance.

(Ord. No. 2442 08/08/05)

1-6B-5: TREASURER'S AUTHORITY.

The Treasurer shall have the authority to:

A. Using sound financial practices, enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment or withdrawal of Municipal funds.

(Ord. No. 2442 08/08/05)

B. Combine moneys from more than one fund for the purpose of investing such funds;

C. Join with other Municipal Treasurers or Municipalities for the purpose of investing the Municipal funds of which the Treasurer has custody;

D. Do and perform such other functions as allowed from time to time by statute.

1-6B-6: DEPUTY TREASURER. The Treasurer, when authorized by the City Council, may appoint one person, with the advice of the City Manager, to serve as Deputy Treasurer as that position becomes necessary. Such Deputy Treasurer shall serve under the supervision of the City Treasurer and perform such duties and functions as may, from time to time, be assigned by the City Treasurer. Said Deputy Treasurer may act in the capacity of the City Treasurer at such time during the absence of the City Treasurer.

CHAPTER 7

CITY MANAGER/ASSISTANT CITY MANAGER

SECTION:

- 1-7-1: Appointment; Qualifications; Term
- 1-7-2: Removal
- 1-7-3: Oath and Bond
- 1-7-4: Compensation
- 1-7-5: Duties
- 1-7-6: Prohibited Interference
- 1-7-7: Creation of Office, Assistant City Manager
- 1-7-8: Appointment
- 1-7-9: Duties

1-7-1: **APPOINTMENT; QUALIFICATIONS; TERM:** The Council shall appoint the City Manager, who is responsible for the efficient administration of the business of the City. The City Manager shall hold office at the pleasure of the Council. He or she shall be chosen solely on the basis of administrative ability and qualifications with special reference to actual experience or knowledge of the duties of office hereinafter set forth. The City Manager shall be appointed without regard to political beliefs and need not be a resident of the City when appointed. The City Manager shall be appointed for an indefinite term.

1-7-2: **REMOVAL:** The City Manager may at any time be removed from office by a majority vote of the members of the Council.

1-7-3: **OATH AND BOND:** The City Manager shall, before entering into the duties of office, take the oath and execute a bond in the form required by statute. The sum of the bond shall be \$5,000.00 which shall be payable to the City, with security approved by the Council.

1-7-4: **COMPENSATION:** The City Manager shall receive such compensation as the Council shall fix from time to time by ordinance or resolution.

1-7-5: **DUTIES:** The City Manager shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments; and shall:

- A. Enforce the laws and ordinances within the municipality;
- B. Appoint and remove all directors of departments and all other employees other than those hired by the Board of Fire and Police Commissioners and those appointed by the Mayor pursuant to Chapter 6 of this Article. No appointments shall be made upon any basis other than that of merit and fitness, except as otherwise provided by a collective bargaining agreement to which the City is bound.

- C. Exercise control of all departments and divisions of the City and coordinate the preparation and release of all public statements and press releases for the City;
- D. Have all the powers and exercise all the duties granted by law to the City Clerk and City Comptroller with respect to the preparation of a report of estimated funds necessary to defray the expenses of the City for the fiscal year for the consideration of the Council prior to the preparation of the annual appropriation ordinance;
- E. Attend all meetings of the Council with the right to take part in the discussion, but no right to vote;
- F. Recommend to the Council for adoption such measures as he or she may deem necessary or expedient;
- G. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget and issue rules governing purchase procedures within the administrative organization;
- H. Examine all proposed contracts to which the City may be a party and advise the Council on the advantages or disadvantages of contracts and bid proposals;
- I. Have access to all documents belonging to the City including, but not limited to, debts, mortgages, leases, contracts, judgment orders, notes, bonds, correspondence, maps, photographs, videotapes, records, discs, journals, accounts, invoices, audio reproductions, evidence of indebtedness, or other similar items;
- J. Consolidate or combine offices, positions, departments or units under the City Manager's jurisdiction with the prior approval of the Council;
- K. Recommend to the Council a standard schedule of pay for all directors of departments and employees not otherwise covered by a collective bargaining agreement;
- L. Investigate all complaints in relation to matters concerning the administration of the government and services of the City and see that all franchises, permits and privileges granted by the City are faithfully observed;
- M. Through the Assistant Financial Director, administer the Risk Management Program of the City;
- N. Through the Financial Director, establish and maintain an integrated and compatible computer system;
- O. Perform such other duties or powers as may be prescribed by Article 5 of the Illinois Municipal Code (65 ILCS 5/5-1-1 et seq.) or as may be required by ordinance or resolution or other direction of the Council.

1-7-6: PROHIBITED INTERFERENCE: Neither the Council nor any of its members, including the Mayor, shall direct or request the appointment of any person to, or his or her removal from office by the City Manager or any of his or her subordinates in the administrative service of the City. Except for the purpose of seeking information or advice, the Council and its members shall deal with the administrative offices and services solely through the City Manager, and neither the Council nor its members, including the Mayor, shall give orders to the subordinates of the City Manager, either publicly or privately, except to request a legal opinion pursuant to 1-8H-3(A).

1-7-7: CREATION OF POSITION, ASSISTANT CITY MANAGER: There shall be an Assistant City Manager. The purpose of this position shall be as follows:

The purpose of the Assistant City Manager is administrative work of a highly responsible nature. The Assistant City Manager will serve as Acting City Manager in the absence of the City Manager. The Assistant City Manager has operating and supervisory responsibility over various departments as assigned by the City Manager. The work is performed under the direction of the City Manager. (Ord. No. 2341 09/22/03)

1-7-8: APPOINTMENT: Assistant City Manager shall be appointed by the City Manager and shall be under the supervision of the City Manager. (Ord. No. 2341 09/22/03)

1-7-9: DUTIES: The Assistant City Manager shall have the following duties:

- A. Act as City Manager in the absence of the City Manager.
- B. Assist City officials, agencies, developers and business representatives in planning major developments. Research and recommend project funding from grants, Federal and State sources.
- C. Prepare or direct preparation of annual Department and capital budgets. Review past expenditures and proposed projects. Recommend Department equipment acquisitions, materials/supply needs and staffing levels. Monitor budget expenditures.
- D. Attend and participate in a variety of meetings such as City Council. Business/civic group, neighborhood group, pre-construction, City staff, Department, etc.
- E. Assist with City economic development marketing efforts.
- F. Prepare and recommend City ordinances/codes and changes.
- G. Perform personnel actions. Hire, discipline and terminate employees. Recommend salary increases. Receive and act on labor grievances. Participate in union negotiations.
- H. Provide a variety of staff assistance to Mayor and City Council.
- I. Assist with supervision of office staff.

- J. Directly supervise specific departments as assigned by the City Manager.
(ORD. NO. 2393 10/25/04)

CHAPTER 8

DEPARTMENTS OF THE CITY

SECTION:

1-8-1: Departments of the City

1-8-1: DEPARTMENTS OF THE CITY: The Government of the City of Pekin shall be divided into eight (8) departmental units. Each department then may be divided into divisions or subdepartments as the case may be. Each of these departments and their subdivisions shall be under the general supervision of the City Manager, and the departments shall be as follows:

Finance Department

Human Resource Department (formerly Personnel Department)

Police Department

Fire Department

Economic Development Department (ORD. NO. 2393 10/25/04)

Transportation Department

Public Works Department

Corporation Counsel

(Ord. No. 2634-10/11 01/10/11)

CHAPTER 8A

FINANCE DEPARTMENT

SECTION:

- 1-8A-1: Creation of Department, Finance Department
- 1-8A-2: Creation of Office, Director of Finance
- 1-8A-3: Appointment; Oath; Bond
- 1-8A-4: Subdivision of Finance Department
- 1-8A-5: Director of Finance Duties
- 1-8A-6: Accounting Department
- 1-8A-7: Assistant Finance Director's Duties
- 1-8A-8: Wastewater Collection Division
- 1-8A-9: Wastewater Collection Supervisor Duties

1-8A-1: CREATION OF DEPARTMENT, DEPARTMENT OF FINANCE: There is hereby established and created a Department of Finance. Such department is to be under the direct supervision and control of the City Manager. The Department of Finance shall consist of the Director of Finance and such other positions as may be approved from time to time by the City Council.

1-8A-2: CREATION OF OFFICE, DIRECTOR OF FINANCE: There is hereby established and created the position of Director of Finance. The Director of Finance shall be the supervisor of the Department of Finance.

1-8A-3: APPOINTMENT; BOND; OATH:

A. Appointment: The Director of Finance shall be appointed by the City Manager and shall be under the supervision of the Manager.

B. Bond: Before entering upon the duties of his office, the Director of Finance shall execute a bond in such amount and with such sureties as may be required by the City Council, conditioned upon the faithful performance of his duties.

1-8A-4: SUBDIVISION OF DEPARTMENT OF FINANCE: Within the Department of Finance, and under the direct supervision of the Director of Finance shall be the following divisions:

Accounting Division
Wastewater Collection Division

1-8A-5: DIRECTOR OF FINANCE DUTIES: The Director of Finance shall:

A. Be charged with supervision of all financial functions and financial records of the City.

B. Cause to be kept accounting systems to present the fiscal condition of the City, including the current and anticipated revenues and expenditures of all municipal funds and accounts.

C. Maintain accounting records for each fund showing the amount appropriated each year and the sums spent out of each appropriation showing the unexpended balance for each item.

D. Monetary Reports Required of:

1. On or before May 15 of each year and before the annual appropriations ordinance is prepared by the Council, he shall submit to the Council a report of his estimate, as nearly as may be, of the money necessary to defray the expenses of the City during the current fiscal year.

2. For the purpose of making this report, he is hereby authorized to require all officers to submit statements of the condition and expenses of their respective offices or departments; such statements may be required to include discussion of any proposed City improvements and the probable expense thereof, all unperformed contracts and the amount of all unexpended appropriations of the preceding year.

3. In this report, he shall classify the different objects and purposes of expenditures, indicating to the Council the amount required for each, the aggregate income from all sources, the amount of liabilities upon which interest is to be paid, the bonds and debts payable during the year, when due and payable and such other information necessary for the Council to fully understand the demands upon the City for the current fiscal year.

E. Assist the City Manager in preparing each year the annual appropriation ordinance operating budget, capital budget and tax levy ordinance in time for their enactment and filing as prescribed by law.

F. Warrants: (See also Section 1-6A-4(B)(6) of this Title.) All warrants drawn upon the City Treasury, payable to the order of the claimant, when signed by the Mayor and countersigned by the Clerk, shall be paid by the Director of Finance. He shall keep in a suitable book an accurate list of all warrants drawn on the Treasury, stating the date, number and amount thereof and name of the person in whose favor drawn.

G. The Director of Finance may be appointed by the City Council to serve as Treasurer without additional pay.

H. Accounts and Records of: The Director of Finance shall cause proper accounts and records to be kept and proper reports to be made by the officers or departments of the City, insofar as the accounts and finances of the City are concerned.

I. Report on Failure to Pay: The Director of Finance shall report to the City Manager any failure to make a report or to pay monies due the City with such recommendations in relation thereto as he may deem proper.

J. Auditing: At frequent intervals, the Director of Finance shall audit, or cause to be audited, the accounts and records of officers or employees of the City who may receive or disburse money.

K. Inspection of Accounts: The Director of Finance shall inspect, or cause to be inspected, all records or accounts required to be kept in any of the offices or departments of the City, insofar as the accounts and finances of the City are concerned, and shall, at least once in every month, report the result of such inspection to the Council with such recommendations as he shall see fit to make.

L. Authority to Collect: The Director of Finance shall collect, or cause to be collected, all claims, demands, license fees, inspection fees, franchise taxes, fines, penalties, forfeitures, rentals or monies which may be due or become due to the City.

M. All other duties prescribed by ordinance or that may from time to time be assigned to the Director of Finance by the City Manager.

1-8A-6: ACCOUNTING DEPARTMENT: There shall be an Accounting Department, a subdivision of the Finance Department. The Accounting Department shall consist of an Assistant Finance Director and other personnel as may be approved from time to time by the City Council and the City Manager. The Assistant Finance Director shall be appointed by the Director of Finance with the approval of the City Manager.

1-8A-7: ASSISTANT FINANCE DIRECTOR'S DUTIES: The Assistant Finance Director shall:

A. Record all income and expenses of the City.

B. Prepare all warrants to be drawn on the City.

1-8A-8: WASTEWATER COLLECTION DIVISION: There shall be a Wastewater Collection Division, a subdivision of the Finance Department. The Wastewater Collection Division shall consist of the Wastewater Collection Supervisor and such other administrative and other personnel as may be approved from time to time by the City Council. The Wastewater Collection Supervisor shall be appointed by the Director of Finance with the approval of the City Manager or the Director of Finance may be appointed as the Wastewater Collection Supervisor at no additional pay.

1-8A-9: WASTEWATER COLLECTION SUPERVISOR DUTIES: The Wastewater Collection Supervisor shall:

A. Be charged with supervision of all wastewater fee collections of the City.

B. Report and turn over all collections to the Director of Finance.

(ORD. NO. 2393 10/25/04)

CHAPTER 8B

HUMAN RESOURCES DEPARTMENT

SECTION:

- 1-8B-1: Creation of Department, Human Resources Department
- 1-8B-2: Creation of Office, Human Resource Director
- 1-8B-3: Appointment; Bond; Oath
- 1-8B-4: Human Resource Director's Duties

1-8B-1: CREATION OF DEPARTMENT, HUMAN RESOURCES DEPARTMENT: There is hereby established and created a Human Resource Department. Such department is to be under the direct supervision and control of the City Manager. The Human Resource Department shall consist of the Human Resource Director and such other positions as may be approved from time to time by the City Council.

1-8B-2: CREATION OF OFFICE, HUMAN RESOURCES DIRECTOR: There is hereby established and created the position of Human Resource Director. The Human Resource Director shall be the supervisor of the Human Resources Department.

1-8B-3: APPOINTMENT: The Human Resource Director shall be appointed by the City Manager and shall be under the supervision of the City Manager.

1-8B-4: HUMAN RESOURCES DIRECTOR'S DUTIES: The Human Resources Director shall:

- A. Serve as the Americans With Disabilities Act Coordinator and the EEOC Coordinator as to all matters involving personnel.
- B. Maintain all personnel files of City employees in a secure system.
- C. Establish procedures for advertising for, interviewing and hiring employees.
- D. Administer all employee benefit plants.
- E. Administer the Personnel Policy and recommend revisions as needed to the City Manager.
- F. Administer the various collective bargaining agreements.
- G. Assist each year in preparing the annual personnel plan.
- H. Supervise the City's Insurance Committee

I. All other duties prescribed by ordinance or that may from time to time be assigned to the Human Resources Director by the City Manager.

(ORD. NO. 2393 10/25/04)
(Ord. No. 2634-10/11 01/10/11)

CHAPTER 8C

POLICE DEPARTMENT

(See Section 6-1-1 through 6-1-5)

CHAPTER 8D

FIRE DEPARTMENT

(See Section 6-8A-1 through 6-8A-8)

CHAPTER 8E

DEPARTMENTS OF ECONOMIC AND COMMUNITY DEVELOPMENT

SECTION:

- 1-8E-1: Creation of Department, Departments of Economic and Community Development
- 1-8E-2: Creation of Office, Director of Economic Development
- 1-8E-3: Appointment; Bond; Oath
- 1-8E-4: Duties
- 1-8E-5: Appointment, Director of Community Development
- 1-8E-6: Duties

1-8E-1: CREATION OF DEPARTMENT, DEPARTMENT OF ECONOMIC DEVELOPMENT: There is hereby established and created a Department of Economic Development. Such department is to be under the direct supervision and control of the City Manager. The Department of Economic Development shall consist of the Director of Economic Development and such other positions as may be approved from time to time by the City Council.

1-8E-2: CREATION OF OFFICE, DIRECTOR OF ECONOMIC DEVELOPMENT: There shall be a Director of Economic Development who shall be the supervisor of the Department of Economic Development

1-8E-3: APPOINTMENT: The Director of Economic Development shall be appointed by the City Manager and shall be under the supervision of the City Manager.

1-8E-4: DUTIES: The Director of Economic Development shall have the following duties:

- A. Develop short and long-range development plans for the City and implement same.
- B. Supervise and coordinate TIF, Enterprise Zone, and other related programs and grants of the City.
- C. Manage the Riverway Industrial/Business Park.
- D. Coordinate activities with the Federal Prison.
- E. Act as City liaison to various groups and organizations including, but not limited to the Economic Development Advisory Committee (EDAC).
- F. All other duties prescribed by ordinance or that may from time to time be assigned to the Director of Economic Development by the City Manager.

1-8E-5: APPOINTMENT, DIRECTOR OF COMMUNITY DEVELOPMENT: The Director of Community Development shall be appointed by the City Manager. The Director of Community Development shall be under the supervision of the City Manager and shall supervise the Community Development Subdivision of the Department of Community Development.

1-8E-6: DUTIES: The Director of Community Development shall have the following duties:

- A. Supervise and Administrate the Community Development Block Grant Program.
- B. Administer the Fair Housing and Human Rights Ordinance.
- C. Perform such other duties as the City Manager may from time to time prescribe.
ORD. NO. 2393 10/25/04)
- D. Serves as the City's liaison for the Mayor's Advisory for Persons with Disabilities. ADA

(Ord. No. 2634-10/11 01/10/11)

CHAPTER 8F

DEPARTMENT OF TRANSPORTATION

SECTION:

- 1-8F-1: Creation of Department, Department of Transportation
- 1-8F-2: Creation of Office, Director of Transportation
- 1-8F-3: Appointment; Bond; Oath
- 1-8F-4: Subdivision of Department of Transportation
- 1-8F-5: Duties

1-8F-1: **CREATION OF DEPARTMENT, DEPARTMENT OF TRANSPORTATION:**
There is hereby established and created a Department of Transportation. Such department is to be under the direct supervision and control of the City Manager. The Department of Transportation shall consist of the Director of Transportation and such other positions as may be approved from time to time by the City Council.

1-8F-2: **CREATION OF OFFICE, DIRECTOR OF TRANSPORTATION:** There shall be a Director of Transportation who shall be the supervisor of the Department of Transportation.

1-8F-3: **APPOINTMENT:** The Director of Transportation shall be appointed by the City Manager and shall be under the supervision of the Public Works Director.

1-8F-4: **SUBDIVISION OF DEPARTMENT OF TRANSPORTATION:**
Within the Department of Transportation shall be the following departments:

Bus Department
(including Municipal and School Bus Department)
City Mechanics

Employees of the Department of Transportation shall be assigned to one of the above departments. If an employee is assigned to perform work for more than one of the above departments, the employee's expenses, salary and other benefits shall be allocated pro-rata to the division to which the employee is assigned. All employees of the Department of Transportation including the secretaries, bus drivers, monitors, and mechanics shall be under the supervision of the Director of Transportation.

1-8F-5: **DUTIES:** The Director of Transportation shall:

- A. Have charge and custody of the operation of the School Bus Line and City mechanics as well as the City's liaison with CityLink for the City's Municipal Bus Service.
- B. Cause to be made and have charge of and direct all repairs necessary or proper to or upon the municipal buildings and property aforesaid and have the responsibilities for their care and protection.

- C. Cause all buildings used for municipal purposes to be kept in a clean and sanitary condition.
- D. Supervise and direct all the sub-departments of the Department of Transportation.
- E. All other duties prescribed by ordinance or that may from time to time be assigned to the Director of Transportation by the City Manager or the Public Work's Director.

(Ord. No. 2634-10/11 01/10/11)

CHAPTER 8G

DEPARTMENT OF PUBLIC WORKS

SECTION:

- 1-8G-1: Creation of Department, Department of Public Works
- 1-8G-2: Creation of Office, Director of Public Works
- 1-8G-3: Appointment
- 1-8G-4: Subdivision of Department of Public Works
- 1-8G-5: Duties
- 1-8G-6: Creation, Street Department
- 1-8G-7: Office Created, Street Department Supervisor
- 1-8G-8: General Duties
- 1-8G-9: Creation of Position, Wastewater Treatment Supervisor
- 1-8G-10: General Duties
- 1-8G-11: Creation, Department of Code Enforcement
- 1-8G-12: Creation of Position, Supervisor of Code Enforcement
- 1-8G-13: Creation of Position, Electrical Inspector
- 1-8G-14: Bond; Oath
- 1-8G-15: Outside Business Prohibited
- 1-8G-16: Powers and Duties
- 1-8G-17: Creation of Position, Sewer and Plumbing Inspector
- 1-8G-18: Bond
- 1-8G-19: Duties
- 1-8G-20: Creation of Position, Building Inspector
- 1-8G-21: Powers and Duties
- 1-8G-22: Creation of Position, HVAC Inspector
- 1-8G-23: Powers and Duties
- 1-8G-24: Creation of Position, City Engineer
- 1-8G-25: Powers and Duties

(ORD. NO. 2393 10/25/04)

1-8G-1: **CREATION OF DEPARTMENT, DEPARTMENT OF PUBLIC WORKS:**
There is hereby established and created a Department of Public Works. Such department is to be under the direct supervision and control of the Manager. The Department of Public Works shall consist of the Director of Public Works and such other positions as may be approved from time to time by the City Council. (Ord. No. 2341 09/22/03)

1-8G-2: **CREATION OF OFFICE, DIRECTOR OF PUBLIC WORKS:** There shall be a Director of Public Works. The purpose of this position shall be as follows:

The purpose of the Director of Public Works portion of this position is to direct, plan, coordinate and facilitate public works construction projects, maintenance and repair activities and personnel. The work is performed under the direction of the City Manager. (Ord. No. 2341 09/22/03)

1-8G-3: APPOINTMENT: The Director of Public Works shall be appointed by the Manager and shall be under the supervision of the Manager. (Ord. No. 2341 09/22/03)

1-8G-4: SUBDIVISION OF DEPARTMENT OF PUBLIC WORKS: Within the Department of Public Works shall be the following departments:

Streets and Sewers
Sewage Treatment
Engineering
Code Enforcement
Solid Waste
Public Properties
Technology (IT and GIS)

1-8G-5: DUTIES: The Director of Public Works shall have the following duties:

A. Inventory and Maps: The Director of Public Works shall keep an accurate inventory of all public property of the City used or controlled by any department thereof and shall keep accurate maps, plats and records of all public works, lands or property owned by the City.

B. The Director of Public Works shall supervise and direct all the sub-departments of the Department of Public Works.

C. All repairs, construction or reconstruction of any and all streets, and of all adjuncts and appurtenances thereto which may be made in whole or part of money allotted to the City from the State as its share of the motor fuel tax shall be under the control of the Director of Public Works.

D. The Director of Public Works shall have the additional duties:

1. Administer City public works operations and projects including construction, repair and maintenance of streets, sewers and sewage treatment.
2. Oversee contract operations,
3. Provide technical advise, information and assistance to City officials, other City Departments, developers, State/Federal agency personnel regarding public works projects, requirements and objectives. Research and prepare, or direct preparation of a variety of statistical and narrative reports, correspondence memos, articles, etc. Analyze proposals, plans and specifications for projects. Supervise consultants assigned to Department projects.
4. Supervise daily Department operations. Assign projects and task priorities.
5. Assist City officials, agencies developers and business representatives in planning major developments. Research and recommend project funding from grants, Federal and State sources.
6. Prepare or direct preparation of annual Department and capital budgets. Review past expenditures and proposed projects. Recommend Department

- equipment acquisitions, materials/supply needs and staffing levels. Monitor budget expenditures.
7. Attend and participate in a variety of meetings such as City Council, Business/civic group, neighborhood group, pre-construction, City staff, Department, etc.
 8. Assist with City economic development marketing efforts.
 9. Prepare and recommend City ordinances/codes and changes.
 10. Assure Department compliance with Federal and State regulations.
 11. Coordinate Department activities with utility companies' activities.

E. All otherwise duties prescribed by ordinance or that may from time to time be assigned to the Director of Public Works by the City Manager. (Ord. No. 2341 09/22/03)

1-8G-6: CREATION, STREET DEPARTMENT AND SOLID WASTE DEPARTMENT:

There is hereby created the Street and Solid Waste Department, which shall be a subdivision of the Department of Public Works, under the supervision of the Director of Public Works.

1-8G-7: OFFICE CREATED, PUBLIC WORKS OPERATIONS SUPERVISOR: There is hereby created the position of Public Works Operations Supervisor, who shall be appointed by the Director of Public Works with the approval of the City Manager. The Public Works Operations Supervisor is hereby assigned to the Street and Solid Waste Department and shall be under the supervision of the Director of Public Works.

1-8G-8: GENERAL DUTIES:

A. The Public Works Operations Supervisor shall have charge of and supervision over and direction of the cleaning and sprinkling of streets, avenues, alleys and public places; the construction and reconstruction of all street improvements, sidewalks, crosswalks, drains, ditches, gutters, culverts, crossing bridges, viaducts, subways, sewers and other improvements, and of the repair thereof, except when such improvements or repairs are paid for by special assessments. He shall have charge of and supervision over the lighting of all streets, as well as the wastewater lift stations and combined sewer overflows. He shall also be in charge of Solid Waste (Garbage, Yardwaste and Recycling Collection and Disposal).

B. The Public Works Operations Supervisor shall report to the Director of Public Works any ordinance violation with relation to the care or use of streets, alleys, sewers or sidewalks in the City, of which he may become cognizant.

C. The Street Department Supervisor shall have such other duties as may be assigned by the Director of Public Works or the City Manager.

1-8G-9: CREATION OF POSITION, SUPERVISOR OF WASTEWATER TREATMENT:

There is hereby created the position of Supervisor of Wastewater Treatment who shall be appointed by the Director of Public Works with the approval of the City Manager, under the supervision of the Director of Public Works.

1-8G-10: GENERAL DUTIES

- A. The Wastewater Treatment Supervisor shall have charge of and supervision over all direction of the operation and maintenance of the wastewater treatment facilities.
- B. The Wastewater Treatment Supervisor shall report to the Director of Public Works any ordinance violation with relation to the care or use of wastewater treatment facilities in the City, of which he may become cognizant.
- C. The Wastewater Treatment Supervisor shall have such other duties as may be assigned by the Director of Public Works or the City Manager.

1-8G-11: CREATION, DEPARTMENT OF CODE ENFORCEMENT: There is hereby created the Department of Code Enforcement, which shall be a subdivision of the Department of Public Works, under the supervision of the Director of Public Works. Have charge and custody of all buildings and real estate of the City, physical property, other than records, not assigned to some other department.

1-8G-12: CREATION OF POSITION, CODE ENFORCEMENT OFFICER. There is hereby created the position of Code Enforcement Officer, who shall be appointed by the Director of Public Works with the approval of the City Manager, and shall be under the supervision of the Director of Public Works. Shall supervise and direct all employees within the Department of Code Enforcement. (Ord. No. 2395 11/08/04)

1-8G-13: CREATION OF POSITION, ELECTRICAL INSPECTOR: There is hereby created the position of Electrical Inspector, who shall be appointed by the Director of Public Works with the approval of the City Manager. He shall be assigned to the Department of Code Enforcement and shall be under the supervision of the Director of Public Works.

1-8G-14: BOND; OATH: Before entering upon the duties of his office, the Electrical Inspector shall file a bond with security to be approved by the City Council in the sum of One Thousand Dollars (\$1,000.00) payable to the City. Said bond shall be conditioned upon the faithful performance of his duties. He shall also take and subscribe an oath to faithfully discharge the duties of his office, which oath, together with the certificate of his appointment, shall be filed with the City Clerk.

1-8G-15: OUTSIDE BUSINESS PROHIBITED: It shall be unlawful for the Electrical Inspector, except in the performance of his duties, to engage in the business of installation, alteration, maintenance or sale of electric wiring, electric devices or electrical material, either directly or indirectly, and he shall have no financial interest in any concern engaged in such business in the City.

1-8G-16: POWERS AND DUTIES:

- A. Generally: The following authority shall be granted to the Electrical Inspector:

1. He shall have the right, during reasonable hours or at any time when a danger exists, to enter any building in the discharge of his official duties or for the purpose of making an inspection, reinspection or test of the installation of electrical wiring, devices, appliances and equipment contained therein.
2. He shall have the authority to cut or disconnect any wire in cases of emergency where conditions are dangerous to safety of life or property or where such wire may interfere with the work of the Fire Department.
3. He is hereby authorized to disconnect or order discontinuance of electrical service to any electrical wiring, devices, appliances or equipment found to be dangerous to life or property because they are defective or defectively installed.
4. He shall have general police power for the purpose of carrying into effect the duties required of him by the Electrical Code of the City. (See Title 7, chapter 1, Article D of this Code.)

B. Inspections: He shall make all inspections necessary to see to the enforcement of the City ordinances, and no electric wiring shall be covered until it has been inspected.

C. Stop Work Order: The Electrical Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the City when such work is being done in violation of any provision of any ordinances relating thereto. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any policeman.

Any person who shall continue work in violation of a stop order of the Electrical Inspector shall be subject to penalty as provided in Section 1-4-1 of this Code.

D. Records and Reports: The Electrical Inspector shall keep or cause to be kept a full and complete daily record of all work permits issued or other official work performed during each month together with the fees received and make a report thereof to the City Council at the first regular meeting of the Council in each month.

E. Fees to Director of Finance: All fees collected by the Electrical Inspector shall be paid to the Director of Finance monthly.

F. Delegation of Duties: The Electrical Inspector may, in writing, delegate any of his powers or duties to any Assistant Electrical Inspector appointed by the City Manager.

1-8G-17: POSITION CREATED, SEWER AND PLUMBING INSPECTOR: There is hereby created the position of Sewer and Plumbing Inspector, who shall be appointed by the Director of Public Works with the approval of the City Manager and assigned to the Department of Code Enforcement. He shall be assigned to the Department of Code Enforcement and shall be under the supervision of the Director of Public Works.

1-8G-18: BOND: The Sewer and Plumbing Inspector shall file an indemnity bond, with sureties to be approved by the City, in the sum of One Thousand Dollars (\$1000.00).

1-8G-19: DUTIES: It shall be the duty of the Sewer and Plumbing Inspector to:

- A. Examine and refer to the Director of Public Works for approval thereof all plans and specifications for sewer construction work;
- B. Inform the Director of Public Works that all of the provisions relating to the application for a permit have been complied with and that a permit should be issued;
- C. Collect the fees provided for herein and to deliver all fees to the Director of Finance within fifteen (15) days after such collection;
- D. Inspect the sewers, including house sanitary sewers and connections and house storm drains, and the materials to be used therein;
- E. Conduct tests in connection with the installation of sewers as provided for in this Code;
- F. Keep records of actions taken, examinations, inspections and tests and of permits issued;
- G. Make a monthly account of his actions and doings to the City Council; and
- H. Perform such other duties as the City Manager or Director of Public Works shall direct.

1-8G-20: CREATION OF POSITION, BUILDING INSPECTOR: There is hereby created the position of Building Inspector for the City, who shall be appointed by the Director of Public Works with the approval of the City Manager. He shall be assigned to the Department of Code Enforcement and shall be under the supervision of the Director of Public Works.

A. Qualifications: The Building Inspector, in order to be eligible for appointment as such Inspector, shall have general knowledge of building and construction and shall be physically capable of making necessary examinations and inspections of buildings and structures within the City. No applicant for Building Inspector shall be eligible to hold said office if he holds any interest, direct or indirect, in the sale or manufacture of materials, processes or devices commonly utilized in connection with building construction, alterations, removal or demolition.

1-8G-21: POWERS AND DUTIES:

1. The Building Inspector shall examine the premises and shall make necessary inspection of the premises under construction or to be under construction to see that the provisions of the Building Code (See Title 7, Chapter 1, Article A of this Code) are complied with and that any such construction shall be prosecuted in a safe and proper manner.

2. The Building Inspector shall enforce all provisions of the Building Code, and he shall, when requested by proper authorities and when the public interest so requires it, make investigations in connection with any matter covered by said Building Code and render written reports on the same to the authorities of the City.
3. It shall be the duty of the Building Inspector in enforcing compliance with the laws, to prevent or to cause to be removed all illegal or unsafe structures within the City and to secure the necessary safeguards during construction, including adequate exit facilities in all buildings and structures.
4. The Building Inspector is hereby authorized to issue any such necessary notice, notices or orders as may be necessary to effect compliance within the City to the Building Code.
5. The Building Inspector, as inspector of buildings, in the discharge of his official duties, shall, upon proper identification, have authority to enter any building, structure or premises within the City at any reasonable time for the purpose of inspection.
6. Assistance from Other Departments: The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of all other officials of the Municipality including, but not limiting, officers of the Fire Department, Police Department and the County Health Department.

1-8G-22: CREATION OF POSITION, HEATING, VENTILATING and AIR CONDITIONING (HVAC)INSPECTOR: There is hereby created the position of HVAC Inspector, who shall be appointed by the Director of Public Works with the approval of the City Manager. He shall be assigned to the Department of Code Enforcement and shall be under the supervision of the Director of Public Works.

1-8G-23: GENERAL DUTIES

- A. The HVAC Inspector shall have charge of and supervision over all direction of the operation and maintenance of the heating, air conditioning and ventilation systems.
- B. The HVAC Inspector shall report to the Director of Public Works any ordinance violation with relation to the operation and maintenance of the heating, air conditioning and ventilation systems.
- C. The HVAC Inspector shall have such other duties as may be assigned by the Director of Public Works or the Manager.

1-8G-24: CREATION OF POSITION, CITY ENGINEER: There is hereby created the position of City Engineer, who shall be appointed by the Director of Public Works with the approval of the City Manager.

1-8G-25: POWERS AND DUTIES:

- A. The City Engineer shall have the following duties:
1. Provide technical advice, information and assistance to City officials, other City Departments, developers, State/Federal agency personnel regarding public works projects, requirements and objectives. Research and prepare, or direct preparation of a variety of statistical and narrative reports, correspondence memos, articles, etc. Analyze proposals, plans and specifications for projects.
 2. Oversee and facilitate engineering design and construction supervision. Coordinate Department activities with utility companies' activities.
 3. Coordinate Infrastructure design and construction supervision in subdivisions and other private development.
 4. Coordinate land surveys, research and prepare legal property descriptions.
 5. Attend and participate in a variety of meetings such as City Council, Planning Commission, Business/Civic groups, Neighborhood groups, Pre-construction, City Staff, Department, etc.
 6. Assist with City economic development marketing efforts.
 7. Prepare and recommend City ordinances/codes and changes.
 8. Perform personnel actions. Hire, discipline and terminate employees. Recommend salary increases. Receive and act on labor grievances.
 9. Provide a variety of staff assistance to the City Manager, Mayor and City Council.
- B. All duties otherwise prescribed by ordinance or that may from time to time be assigned to the City Engineer by the Public Works Director or City Manager.

(Ord. No. 2634-10/11 01/10/11)

CHAPTER 8H

CORPORATION COUNSEL

SECTION:

- 1-8H-1: Creation of Division, Legal Division
- 1-8H-2: Establishment; Appointment; Compensation
- 1-8H-3: Legal Advice Rendered by
- 1-8H-4: Suits and Actions
- 1-8H-5: Ordinances and Documents
- 1-8H-6: Judgments
- 1-8H-7: Additional Counsel
- 1-8H-8: Other Powers and Duties
- 1-8H-9: Assistant Corporation Counsel

(ORD. NO. 2393 10/25/04)

1-8H-1: CREATION OF DIVISION, LEGAL DIVISION: There is hereby established a Legal Division. Such Legal Division shall be under the supervision of the City Manager. The Legal Division shall consist of the Corporation Counsel, any Assistant Corporation Counsel, and such other positions as may be approved from time to time by the City Council.

1-8H-2: ESTABLISHMENT; APPOINTMENT; COMPENSATION:

- A. Position Established: The position of Corporation Counsel is hereby established.
- B. Appointment: The City Manager may retain or hire an attorney to serve as Corporation Counsel and advise the City and serve as legal advisor and attorney for the City.
- C. Bond: Before entering upon the duties of office, the Corporation Counsel shall execute a bond in such amount and with such sureties as may be approved by the City Council.
- D. Oath: Before entering upon the duties of office, the Corporation Counsel shall swear or affirm the oath required by statute.
- E. Compensation: The Corporation Counsel shall be paid a reasonable compensation for all services performed for the City, or, at the direction of the City Manager, when such services are in connection with appeals to appellate or supreme court in cases to which the City is a party; special assessment proceedings; services in connection with construction of buildings or other public improvements; or in connection with the issuance of revenue or general obligation bonds. Provided, however, that no extra compensation shall be paid unless such special work has been specifically authorized by the City Council or the City Manager.

1-8H-3: DUTIES:

- A. The Corporation Counsel shall be the legal advisor of the City, and shall render advice on all legal questions affecting the City, whenever requested to do so by any City official. Upon request by the Mayor, the Council or the City Manager, he or she shall reduce any such opinion to writing.
- B. The Corporation Counsel shall prosecute or defend any and all suits or actions at law or equity to which the City may be a party, or in which it may be interested, or which may be brought against or by any officer of the City on behalf of the City, or in the capacity of such person as an officer of the City.
- C. The Corporation Counsel or his or her designee is authorized to file suit to collect any monies due and owing the City which are past due upon notification by the Director of Finance.
- D. It shall be the duty of the Corporation Counsel to draft or supervise the phraseology of any contract, lease or other document or instrument to which the City may be a party and, upon request by the Council or the City Manager, to draft ordinances covering any subjects within the power of the City.
- E. It shall be the duty of the Corporation Counsel to see to the enforcement of all judgments or decrees rendered or entered in favor of the City, and of all similar interlocutory orders.
- F. The Corporation Counsel shall have such other powers and duties as may be prescribed by law.

1-8H-9: ASSISTANT CORPORATION COUNSEL:

- A. Establishment; Appointment: There is hereby established the office of Assistant Corporation Counsel for the City of Pekin, Illinois. The Assistant Corporation Counsel shall be appointed by the City Manager with the advice of the Corporation Counsel.
- B. Number: Nothing herein shall be construed as to limit the number of assistants to the Corporation Counsel to one in number, but such other assistants may be appointed in the manner provided in subsection A hereinabove.
- C. Duties: The duties of said Assistant Corporation Counsel shall be as directed from time to time by the Corporation Counsel.
- D. Acting Corporation Counsel: The Assistant Corporation Counsel shall act as Corporation Counsel in the absence of the Corporation Counsel.

CHAPTER 9

FINANCIAL PROVISIONS

SECTION:

- 1-9-1: Finances Generally
- 1-9-2: Depositories
- 1-9-3: Audits
- 1-9-4: Special Assessments
- 1-9-5: Sales and Purchases of Real Estate
- 1-9-6: Sale and Disposition of Personal Property
- 1-9-7: Contract for Public Improvements

ORD. NO. 2393 10/25/04)

1-9-1: FINANCES GENERALLY: The Council shall levy all taxes, apportion and appropriate all funds, audit and allow all bills, accounts, payrolls and claims and order payment thereof as provided by law. (65 ILCS 5/8)

1-9-2: DEPOSITORIES: Depositories in which the funds and monies of the City of Pekin in the custody of the Director of Finance or Treasurer may be deposited as shall be authorized by Resolution of the City Council. The Director of Finance or Treasurer shall be discharged from responsibility for all such funds and monies which he or she deposits in the said depositories so designated. However, each depository shall furnish the City Manager with copies of all bank statements which they are required to furnish to the Comptroller of the Currency while acting as such depositories; provided also, that the amounts of such deposits in any of said depositories shall not exceed seventy five percent (75%) of the capital stock and surplus of such institution, and the Director of Finance shall not be discharged from the responsibility of any such funds deposited in any depository in excess of such limitations.

1-9-3: AUDITS: The Council shall, at the close of each fiscal year, cause an independent audit to be conducted of all the City's funds, books, and accounts. Such audit shall be conducted by a person or firm selected by the Council, and be conducted independently from any similar duties of the City Manager or Director of Finance. Full reports of such audits shall be filed with the City Clerk, and will be kept with all other public records of the City. This paragraph shall in no manner act to relieve the City Manager or the Director of Finance of his or her responsibility for the proper expenditure of the City funds.

1-9-4: SPECIAL ASSESSMENTS: All special assessments for local improvements shall be made in the manner provided by law. (65 ILCS 5/9-2-42 et seq.)

1-9-5: SALES AND PURCHASES OF REAL ESTATE:

A. Applicability of Provisions: The City of Pekin, Illinois, in the exercise of its home rule powers as contained in Article VII, section 6 of the Constitution of the State of Illinois, herewith ordains that any provisions contained in the statutes of the State of Illinois to the contrary notwithstanding, the following provisions of this Section shall govern the sale of any real estate or any interest therein now owned or hereinafter owned by the City or the leasing by or from the City of any real estate, or the purchase of any real estate by the City other than through the exercise of the power of eminent domain and the purchase or sale of any options for the foregoing transactions.

B. Sale of City Owned Real Estate: Any real estate now owned or hereafter owned by the City or any interest in real estate now held or hereafter held by the City may be sold in any manner prescribed by the City Council in an ordinance authorizing such sale. The corporate authorities may negotiate, through the City Manager, or his designated representatives, the price and terms of the sale of City Owned Real Estate, in whole or in part, that the City Council determine to be in the best interest of the City. The City Council may select any proposal for sale of City Owned Real Estate, in whole or in part, that the City Council determines to be in the best interest of the City. (Ord. No. 2662-12/13 07-23-12)

The ordinance authorizing the sale of any such real estate or interest therein shall require a three-fourths (3/4) vote of the City Council and shall be approved by the Mayor. In such ordinance, the City Council shall expressly find and declare that said real estate, or interest therein, that is therein authorized to be sold is no longer needed for governmental purposes or proprietary activity of the City.

C. Purchase of Real Estate: The City may purchase real estate or any interest therein for any corporate purposes found and declared by the City Council and pursuant thereto may authorize any terms and any conditions approved by the City Council by ordinance duly passed.

D. Leasing Real Estate, City Lessor: Any real estate now owned or hereafter owned by the City, or any interest therein, may be leased from the City in any manner prescribed by the City Council in an ordinance authorizing such lease.

The City Council may lease City Owned Real Estate for any term not exceeding ninety-nine (99) years. The corporate authorities may negotiate, through the City Manager, or his designated representatives, the price and terms of the lease of City-Owned Real Estate, in whole or in part, that the City Council determines to be in the best interest of the City. The City Council may select any proposal for lease of City Owned Real Estate, in whole or in part, that the City Council determines to be in the best interest of the City. (Ord. No. 2662-12/13 07-23-12)

The ordinance authorizing the lease from the City of any such real estate or interest therein shall require a three-fourths (3/4) vote of the City Council and shall be approved by the Mayor. In such ordinance, the City Council shall expressly find and declare that said real estate or interest therein that is therein authorized to be leased from the City is not needed for governmental purposes or proprietary activity of the City for the period of said lease term. However, the City Manager is authorized to execute those Leases which do not exceed two (2) years in duration without conducting the aforementioned public hearing or passing an authorizing ordinance.

E. Leasing Real Estate, City Lessee: The City may lease from any person, partnership, corporation or other public entity any real estate or interest therein for any corporate purposes found and declared by the City Council and pursuant thereto may authorize the leasing thereof under any terms and any conditions approved by the City Council by ordinance duly passed.

F. Options:

1. If the City desires to sell an option to purchase or option to lease from the City or any combination thereof, any real estate or interest that the City or any combination thereof, any real estate or interest that the City now owes or hereafter owns, the City may do so in a like manner as is prescribed for the outright sale or lease of such real estate in this section.

2. If the City desires to buy an option for the purchase of or lease of (or any combination thereof) any real estate or any interest therein, the City may do so in like manner as is prescribed for the outright purchase or lease to the City of such real estate in this section.

1-9-6: SALE AND DISPOSITION OF CITY OF PEKIN PERSONAL PROPERTY:

A. Definition: PERSONAL PROPERTY: Means and includes every species of property, except real property.

B. Declaration as Surplus: Each department head shall have authority to declare personal property under the jurisdiction of his or her department as surplus. Such surplus personal property shall be disposed only in accordance with this Section.

C. Sale of Personal Property:

Sale of personal property so declared as surplus shall be sold (a) by online auction pursuant to the City's agreement with GovDeals, Inc. or (b) by public auction or solicitation of bids, as provided in this section.

(Ord. No. 2325 3/10/03)

(a) If the sale of personal property is sold by online auction, then the department head shall provide notice to the City Manager and the Director of Public Property _____ days prior to submitting such property for auction.

(b) If the sale of personal property is sold by public auction or by bidding, then ten (10) days notice of the public auction or sale by bidding shall be given. The notice shall be published in a newspaper of general circulation in the City at least once and copies of the notice shall be posted in the office of the City Clerk, and, whenever practicable, bids may be solicited by mailing a copy of the notice to prospective purchasers. A notice of public auction or solicitation of bids shall contain the following information:

- i. The name and designation of the department head giving notice;
- ii. A general description of the property to be sold;
- iii. (1) In the case of a public auction, the date, time, and place of such public auction;

(2) In the case of solicitation of bids, the date, place and manner of the taking of bids;

A statement that the City reserves the right to reject any and all bids.

2. Personal property sold by the City shall generally be sold to the highest bidder for cash, money order, certified, cashier's check, traveler's checks or company check when accompanied by bank guarantee. If an item cannot be disposed of at an amount greater than the cost of advertising and selling, the City may destroy the property or donate it as provided hereinbelow.

3. The department head shall maintain a complete and accurate record of the sale. In the case of an online auction or sale by bid, the record shall include the general description of the personal property sold, the name and address of the purchaser(s), the sale price of each item sold. In the case of a public auction, the record shall include a general description of the personal property sold, and the sale price of each item sold (except that items sold in lots may be so recorded).

4. For each item (or lots containing several items, in the case of a public auction) sold for in excess of \$500.00, or at the request of the purchaser, the department head conducting the sale may execute and deliver a bill of sale to the purchaser of each item (or lot) of personal property, which bill shall describe the item (or lot) in the same manner as the notice of sale and shall recite the purchase price paid, the name and address of the purchaser and the date of purchase.

5. All proceeds from the sale of personal property, less payments for advertising, auction commissions, and other costs of sale, shall be promptly paid over to the City Treasurer.

D. Trade of Personal Property: At the discretion of the department head, and subject to approval by the City Manager, the City may elect to trade surplus personal property for property of substantially equivalent value.

E. Donation of Personal Property: At the discretion of the department head, and subject to approval by the City Manager, the City may elect to donate any item of personal property to another department of the City, or to another governmental agency or to a not-for-profit association.

1-9-7: CONTRACTS FOR PUBLIC IMPROVEMENTS: Contracts for public improvements may be made only with the authorization as provided as follows:

A. Contract of \$10,000.00 or less. Any contract for public improvements wherein the total payments by the City are \$10,000.00 or less, may be approved by the City Council. No bidding is required.

Contract in excess of \$10,000.00 but less than \$50,000.00. Any proposed contract for public improvements wherein the total payments by the City are estimated to be greater than \$10,000.00, but less than \$50,000.00, shall be submitted to the City Council for consideration. The City Council may then choose to employ the procedure of Section 1-9-7C, or to use the following procedure:

- (i) The City Manager shall solicit and obtain quotes from qualified bidders, or minimum of two (2) where possible.
- (ii) The City Manager is then authorized to choose, in the City Manager's discretion, the most appropriate bidder, and execute a contract with said bidder. The City Manager may reject all bids. The above notwithstanding, the City Manager may also, in the City Manager's discretion, refer the bids and the award of bid back to the City Council for final Council action.
(Ord. No. 2564-08/09 09-08-08)
- (iii) No bond is required of the contractor unless specifically required. The contract between the City and the contractor shall require the contractor to have all required licenses and permits and to comply with federal, state and local laws, including, without limitation, laws regarding prevailing wages and occupational safety matters.

C. Contracts of \$50,000.00 or more. Any contract for public improvements, wherein the estimated total payments by the City are \$50,000.00 or more shall be brought before the City Council. The City Council shall direct the City Manager to advertise for bids by advertising in a newspaper published within the City at least ten (10) days prior to the opening of bids. The contract shall be let to the lowest responsible bidder. The approval and execution of formal agreements by the Council, the Council may reject all bids.

D. The term "Public Improvements", as used in this section, shall have the same meaning ascribed to that term in Division 9 of Article 8 of the Illinois Municipal Code (65 ILCS 5/8-9-1 et seq.), and as such may be interpreted by the Courts of the State of Illinois.

CHAPTER 10

ENTERPRISE ZONE

SECTION:

- 1-10-1:Definitions
- 1-10-2:Property Tax Abatement
- 1-10-3:Exemption from Non Home Rule Sales Tax
- 1-10-4: Incentives Offered By the State of Illinois
- 1-10-5:Partial Waiver of Various Fees
- 1-10-6:Expedited Plan Review
- 1-10-7:Administrative Board
- 1-10-8:Appointment if Zone Administrator
- 1-10-9: Designated Zone Organization
- 1-10-10: Termination; Expiration of Incentives

Section 1:

1-10-1. Definitions.

For the purposes of this chapter the following words or terms shall have the indicated meanings unless the context or usage clearly indicates that another meaning is intended:

“Administrative Board” means a board consisting of one representative of each participant selected and exercising authority as provided by paragraph 3.1 of this Agreement.

“Agreement” or “this Agreement” means this intergovernmental agreement among the Participants as from time to time amended.

“Application” means the application to DCEO for certification of the Enterprise Zone.

“Consultant” means Economic Development Resources, L.L.C., 200 South Hanley Road, Suite 601, St. Louis, MO 63105.

“DCEO” shall have the meaning set forth in the preambles to this Agreement.

“Designating Ordinance” means an ordinance approved by each of the Participants which designates the Enterprise Zone.

“Morton” shall have the meaning set forth in the preambles to this Agreement.

“Morton” means that portion of the Enterprise Zone located within the corporate limits of Morton.

“Eligible Improvement” means newly constructed improvements to real estate within the Enterprise Zone intended to accommodate new or expanded commercial or industrial operations as determined by the Zone Administrator.

“Enterprise Zone” shall mean the territory located within the corporate limits of the Participants or in unincorporated Tazewell County more particularly described as “Exhibit A” attached hereto and shown on the map attached hereto at “Exhibit B”.

“Enterprise Zone Act” shall have the meaning set forth in the preambles to this Agreement.

“Enterprise Zone Board” means the Enterprise Zone Board created by paragraph 5.2.1 of the Enterprise Zone Act for the purpose of approving or denying applications for enterprise zones.

“Pekin” shall have the meaning set forth in the preambles to this Agreement.

“Pekin Component” means that portion of the Enterprise Zone located in the corporate limits of Pekin.

“Local Labor Market Area” means an economically integrated area as defined by the Enterprise Zone Act within which individuals can reside and find employment within a reasonable distance or can readily change jobs without changing their place of residence.

“Owner” means any person or entity constructing improvements to real estate within the Enterprise Zone to accommodate a new or expanded commercial or industrial enterprise.

“Participant” or the “Participants” shall have the meaning set forth in the preambles to this Agreement.

“Taxing District” means a unit of local government having the power to levy real estate taxes against real property located within the Enterprise Zone.

“Tazewell” shall have the meaning set forth in the preambles to this Agreement.

“Tazewell Component” means that portion of the Enterprise Zone located within Tazewell, but outside of the corporate limits of Morton, Pekin and Tremont.

“TIF Act” is the Tax Increment Allocation Redevelopment Act found at 65 ILCS 5/11-74.4-1, et. seq.

“TIF District” means any “redevelopment project area” as defined in the TIF Act and designated by any Participant under authority of the TIF Act.

“Tremont” shall have the meaning set forth in the preambles to this Agreement.

“Tremont” means that portion of the Enterprise Zone located within the corporate limits of Tremont.

“Zone Administrator” means the person charged with the general administration of the Enterprise Zone as provided at section 3.2 of this Agreement.

1-10-2. Property tax abatement.

The Owner of an Eligible Improvement may upon payment of the fee provided by sub-section (9) of this section 1-10-2 receive an abatement of real estate taxes levied by any taxing district which has approved an abatement of such taxes against Eligible Improvements subject to the following conditions:

(1) The abatement shall apply only to the real estate taxes corresponding to an increase in equalized assessed valuation after an Eligible Improvement has been duly assessed. The abatement shall not exceed the amount of such taxes attributable solely to the Eligible Improvement.

(2) The abatement shall apply only to Eligible Improvements commenced within the Enterprise Zone after designation of the Enterprise Zone by the Participants and certification of the Enterprise Zone by DCEO after approval of the Enterprise Zone by the Enterprise Zone Board created by the Enterprise Zone Act.

(3) The abatement for an Eligible Improvement shall be in effect only for a period of five years commencing with the first year after the Eligible Improvement has been assessed.

(4) While the abatement is in effect with respect to an Eligible Improvement, each underlying taxing district shall each year continue to receive all real estate taxes corresponding to the equalized assessed valuation of the parcel upon which the Eligible Improvement is located and all structures or parts of structures on the parcel other than the Eligible Improvement.

- (5) An abatement of real estate taxes shall not take effect after the expiration of the Enterprise Zone, but any abatement which commences prior to expiration of the Enterprise Zone shall continue for five years even if the Enterprise Zone expires during that five year period.
- (6) The abatement of real estate taxes authorized by underlying taxing districts shall also apply within territory lawfully added to the Enterprise Zone subsequent to its initial certification by DCEO and shall also apply during any lawfully authorized extension of the term of the Enterprise Zone.
- (7) The abatement of real estate taxes authorized by the Taxing Districts shall apply only to commercial and industrial facilities and shall not apply to single family residences or to multiple family residential facilities.
- (8) Anything in this Chapter to the contrary notwithstanding, no real estate tax abatement shall be available to any Eligible Improvement located within the boundaries of any Tax Increment Financing District designated by a Participant.
- (9) No Owner shall be eligible to receive the incentives available for an Eligible Improvement unless the Owner first pays a fee to the Participant having jurisdiction over the location of the Eligible Improvement in the amount of .5% of the cost of building materials incorporated into an Eligible Improvement with a maximum fee of \$50,000.

(10) The City acting through its City Administrator shall have exclusive jurisdiction to determine whether or not an improvement within the Pekin Component of the Enterprise Zone constitutes an Eligible Improvement which will receive the incentives available under the terms of this Chapter. Upon a determination by the City that improvements to real estate within the Enterprise Zone constitute an Eligible Improvement which will receive an abatement of real estate taxes to the extent approved by an underlying taxing district, the City Administrator or his designee (which may in the discretion of the City Administrator be the Zone Administrator) shall issue a Certificate of Eligibility to the Owner of the Eligible Improvement. It shall be the responsibility of the Owner to file the Certificate of Eligibility with the County Clerk of the county in which the Eligible Improvement is located and to verify the application of the abatement.

1-10-3. Exemption from Non Home Rule sales tax.

Each Owner or occupant of property within the Enterprise Zone who purchases building materials to be incorporated into real estate located in the Enterprise Zone by remodeling, rehabilitation or new construction, is exempt from the application of the Non Home Rule Sales Tax provided that all of the following conditions have been met:

- (1) Only such building materials purchased from retailers located within the City are eligible for the exemption;
- (2) Such Owner or occupant has been issued a Certificate of Eligibility; and
- (3) Such Owner or occupant completes the purchaser's affidavit included as part of such certificate.

Such exemption, shall not apply to materials purchased for incorporation into residential facilities of less than 12 units. Such exemption shall not apply to building materials used for remodeling, rehabilitation, or new construction unless such work is of a nature and scope for which a building permit is required and has been obtained. The exemption provided by this Section shall be available commencing the first day of the calendar month following the month in which the Enterprise Zone is designated and certified, and shall continue for the term of the Enterprise Zone.

1-10-4. Incentives offered by the State of Illinois.

Each owner or occupant of an Eligible Improvement located within the Enterprise Zone shall, in addition, be eligible for such incentives as are authorized by the State of Illinois which incentives may include exemption from sales taxes for building materials purchased in the State of Illinois and used within the Enterprise Zone, an investment tax credit, a job tax credit, various income tax deductions and such other incentives as the State of Illinois may from time to time approve. Eligibility for and receipt of such incentives shall be determined in accordance with procedures established by the State of Illinois.

1-10-5. Partial waiver of various fees.

The City of Pekin for the term of the Enterprise Zone waives the following fees for Eligible Improvements within the Enterprise Zone:

- (1) One hundred percent (100%) of all building permit fees.

1-10-6. Expedited plan review.

The City of Pekin shall expedite the plan review process and the zoning, variance and special use process with respect to any Eligible Improvements within the Enterprise Zone for the term of the Enterprise Zone.

1-10-7. Administrative Board.

Under the terms of the Intergovernmental Agreement, the Participants established an Administrative Board consisting of four members, one of which shall be selected by each Participant. The representative of the City on the Administrative Board shall be appointed by the Mayor with the advice and consent of the City Council. The Administrative Board shall have the following authority and responsibilities:

- (1) Selection of the Zone Administrator as provided by this Chapter and the Intergovernmental Agreement;
- (2) Supervision of the performance of the Zone Administrator with respect to the duties of the Zone Administrator as assigned under the terms of this Chapter and the Intergovernmental Agreement. The Administrative Board shall have no authority to supervise the performance of other duties unrelated to the administration of the Enterprise Zone which may be performed by the Zone Administrator in his or her capacity as an officer or employee of any Participant;
- (3) If deemed necessary by the Administrative Board in its sole discretion, the Administrative Board may suspend the Zone Administrator from the performance of duties under the terms of this Chapter and the Intergovernmental Agreement or terminate the authority of the Zone Administrator to act under the terms of this Chapter or the Intergovernmental Agreement;
- (4) Any person aggrieved by a decision of the Zone Administrator may within a reasonable time appeal that decision in writing to the Administrative Board. The Administrative Board has the authority to reverse, revise or affirm decisions of the Zone Administrator; and
- (5) To engage in such other activities as may be necessary to insure the proper administration of the Enterprise Zone.

The Administrative Board shall operate in accordance with the requirements of the Open Meetings Act (5 ILCS 120/1 et. seq.). Decisions

by the Administrative Board shall require the concurrence of three of the four members of such board.

1-10-8. Appointment of zone administrator.

The Administrative Board established as provided at section 1-10-7 of this Chapter and in accordance with the Intergovernmental Agreement shall select a Zone Administrator for the Enterprise Zone. The Zone Administrator must be an officer or employee of one of the Participants. The Zone Administrator shall be the liaison between the Participants, DCEO and any Designated Zone Organization established within the Enterprise Zone. The Zone Administrator shall perform those duties assigned to the administrator under the terms and conditions of the Enterprise Zone Act including those assigned at 20 ILCS 655/8 and 8.2 and at 14 ILADC 520.400. Those duties are included among the following duties hereby assigned to the Zone Administrator:

- (1) Post a copy of the boundaries of the Enterprise Zone on official internet websites of the Participants;
- (2) Provide an electronic copy of the boundaries of the Enterprise Zone to DCEO;
- (3) Collect and aggregate information regarding the estimated cost of each commercial or industrial building project undertaken within the Enterprise Zone broken down into labor and materials;
- (4). Within 60 days after the completion of any commercial or industrial building project undertaken within the Enterprise Zone, determine the cost of the building project broken down into labor and materials;
- (5) By April 1 of each year file a copy of the fee schedule established under the terms of this Chapter and the Intergovernmental Agreement with DCEO; and
- (6) To the extent required by the Enterprise Zone Act or any other applicable authority, submit any documentation necessary to qualify an Owner to receive sales tax or other incentives available from the State of Illinois.
- (7) Maintain and update the map and description of the Enterprise Zone to reflect changes resulting from

amendments to the boundaries of the zone made from time to time by the Participants and certified by DCEO.

- (8) Such other duties as may from time to time be assigned by the Administrative Board.

The Participants anticipate that a person employed by a Participant will be selected by the Administrative Board as Zone Administrator. The Participants acting through the Administrative Board shall determine the manner in which the cost of services provided by the Zone Administrator shall be apportioned among the Participants.

1-10-9. Designated zone organization.

Each Participant may in its discretion create a Designated Zone Organization to assist in the administration of that component of the Enterprise Zone under the jurisdiction of the Participant. Two or more Participants may jointly create a Designated Zone Organization to assist in the administration of those components of the Enterprise Zone under the jurisdiction of the creating Participants. Substantially all of the members of any Designated Zone Organization shall be residents of the Enterprise Zone. The Board of Directors of a Designated Zone Organization shall be elected by members of the organization. Any Designated Zone Organization shall satisfy the criteria set forth at Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code. A Designated Zone Organization shall exist primarily for the purpose of performing within all or any portion of the Enterprise Zone the various functions set forth at Section 8 of the Enterprise Zone Act. However, no Designated Zone Organization shall have authority to perform any function identified at Section 8 of the Enterprise Zone Act unless a Participant has by ordinance delegated such authority to the Designated Zone Organization to be exercised within the Participant's component of the Enterprise Zone.

1-10-10 Termination; expiration of incentives.

The Enterprise Zone shall expire on December 31, 2030. All incentives and exemptions available in the Enterprise Zone shall expire on December 31, 2030; provided, however, that any abatement of real estate taxes as provided by section 3-30-2 of this Chapter which commences prior to the expiration of the Enterprise Zone shall continue for five years even if the Enterprise Zone expires during that five year period.

CHAPTER 11

MISCELLANEOUS PROVISIONS

SECTION:

- 1-11-1:Corporation Seal
- 1-11-2:Ordinances, Resolutions, and Motions
- 1-11-3:Elections
- 1-11-4:Lawsuits against City Personnel
- 1-11-5:Hours of Operation

1-11-1: **CORPORATE SEAL:** (See also subsection 1-6A-2(B) (1) of this Title.) The Corporate Seal of the City shall be as follows:

It shall be a disc, circular in form, with the words CITY OF PEKIN around the outer edge of the circle and the figure of a steamboat in the interior of such circle.

1-11-2: **ORDINANCES, RESOLUTIONS AND MOTIONS:**

- A. **Ordaining Clause:** The style of all ordinances shall be "Be it ordained by the Council of the City of Pekin, Illinois."
- B. **Record of Ordinances:** All ordinances passed by the City Council shall be numbered and recorded by the City Clerk in a proper book or books with indexes. The original shall be filed in the office of the City Clerk, and due proof of publication of all those ordinances requiring publication shall be procured by said City Clerk, and such proof or affidavit of publications shall be attached to and filed with the ordinances. The City Clerk shall also note on his book of ordinances, at the foot of the record of each ordinance, a memorandum of the date of the passage and, if published or posted, the date of publication or posting of such ordinance.
- C. **Ordinances, etc., to be Reduced to Writing:** All motions, resolutions or ordinances must be reduced to writing before vote is taken thereon by the City Council.
- D. **Approval of Ordinances, etc.:** The Mayor shall have no veto power, but every ordinance passed by the City Council must be signed by the Mayor or the Mayor Pro Tem.

1-11-3: **ELECTIONS:** Elections for municipal offices shall be held as provided by statute and at the time prescribed by statute.

1-11-4: LAWSUITS AGAINST CITY PERSONNEL:

- A. This Section shall apply to any elected official of the City, to any officer or agent appointed or hired by the Manager, and to any official or agent of the City subject to appointment by the City Council, including, but not limited to, those officials who are compensated for their services and those who serve in any capacity on any duly constituted board, commission or other body without compensation.
- B. Whenever any City official or agent, as described in subsection A hereinabove, is personally sued, individually named in any law suit or threatened with any legal action against his person and the basis of such suit or legal action appears, in the judgment of the City Council, to arise out of any action or non-action within the normal scope of said official's or agent's duties on behalf of the City, the City Council may, in its discretion by resolution passed by a majority vote at any regular or special meeting, authorize the Corporation Counsel, or his designate, to undertake the complete defense of any such City official or agent in any such suit or legal action.
- C. In the event that any City official or agent, as described in subsection A hereinabove, becomes personally subject to any judgment arising out of any suit or legal action described in subsection B hereinabove, the City Council may, in its discretion by resolution passed by a majority at any regular or special meeting, authorize the City to pay any such judgment or to reimburse any such agent or employee for payment of same, including any costs connected therewith.

1-11-5: HOURS OF OPERATION: All City departments and offices shall be open to the public from 8:00 A.M. to 5:00 P.M., Monday through Friday of each week, except for legal holidays as established from time to time by the City Council. Except, however, the Street Department shall operate from 7:30 A.M to 4:30 P.M. and the Sewage Treatment shall operate from 7:00 A.M. to 3:00 P.M.

CHAPTER 12

ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF THE CITY CODE

SECTION:

- 1-12-1: Purpose
- 1-12-2: Creation
- 1-12-3: Administrative Composition
- 1-12-4: Procedures
- 1-12-5: Service
- 1-12-6: Notices
- 1-12-7: Administrative Hearings
- 1-12-8: Determination of Liability
- 1-12-9: Petition to Set Aside Determination
- 1-12-10: Judicial Review
- 1-12-11: Enforcement of Judgment
- 1-12-12: Schedule of Fines/Penalties
- 1-12-13: Interest on Fines and Collection Fees

1-12-1 PURPOSE

The stated purpose of this article is to provide for the fair and efficient enforcement of the City Code of the City of Pekin, Illinois, other than those ordinances pertaining to vehicular standing, parking or vehicle compliance regulation (hereafter the "City Code"), as may be allowed by law and directed by ordinance, through an administrative adjudication of violations; and, establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

1-12-2 CREATION

There is hereby established a department of the City government to be known as the ordinance enforcement department and to have the power to enforce any municipal ordinance as from time to time authorized by the City Council, except for (i) any offense enforced pursuant to Chapter 4 of Title 8 of this Code relating to stopping, standing and parking of vehicles; (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles; and, (iii) any reportable offense under Section 6-204 of the Illinois Vehicle Code. The establishment of the ordinance enforcement department does not preclude the Mayor and City Council from using any other method or court with jurisdiction to enforce ordinances of the City.

1-12-3 ADMINISTRATIVE COMPOSITION

The ordinance enforcement department shall be composed of a hearing officer, an ordinance enforcement administrator, system coordinator/computer operator and hearing

room security personnel, with the power and authority as hereinafter set forth. One person may serve more than one such position. The City may contract with other parties to serve such positions.

(a) (1) The hearing officer, prior to appointment, must be an attorney licensed to practice law for at least three (3) years in the State of Illinois. The hearing officer shall preside over all adjudicatory hearings and shall have the following powers and duties:

- a. To administer oaths;
- b. To hear testimony and accept evidence that is relevant to the existence of the City Code violation;
- c. To issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
- d. To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- e. To issue and sign a written finding, decision and order stating whether a City Code violation exists;
- f. To impose penalties, sanctions or such other relief consistent with applicable City Code provisions and assessing costs upon finding a party liable for the charged violation, except however, that in no event shall the hearing officer have authority to impose a penalty of incarceration; and,

(2) Prior to conducting administrative adjudication proceedings under this article, the hearing officer shall have successfully completed a formal training program which includes the following:

- a. Instruction on the rules of procedure of the administrative hearings over which the hearing officer shall preside;
- b. Orientation to each subject area of the code violations that he/she will adjudicate;
- c. Observation of administrative hearings; and,
- d. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

(b) The ordinance enforcement administrator is authorized and directed to:

- (1) Operate and manage the ordinance enforcement department.
 - (2) Adopt, distribute and process all notices as may be required under this article or as may be reasonably required to carry out the purpose of this article.
 - (3) Collect moneys paid as fines and/or penalties assessed after a final determination.
 - (4) Certify copies of Findings, Decision & Final Order of an ordinance violation adjudicated pursuant to this article, and any factual reports verifying the Findings, Decision & Final Order of any violation liability which was issued in accordance with this article.
 - (5) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
 - (6) Collect unpaid fines and penalties through private collection agencies and direct the pursuit of all post-judgment remedies available by law.
- (c) The system coordinator/computer operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system of the ordinance enforcement department hereby created, on a day-to-day basis, including but not limited to:
- (1) Input of violation notice information.
 - (2) Establishing hearing dates and notice dates.
 - (3) Record fine and penalty assessment and payments.
 - (4) Issue payment receipts.
 - (5) Issue succeeding notice of hearing dates and/or Hearing Officer's Findings, Decision & Final Order.
 - (6) Keep accurate records of appearances and nonappearances at administrative hearings, pleas entered, judgments entered, sanctions imposed, if any, fines and penalties assessed and paid.
- (d) All hearing room security personnel shall be qualified off-duty, full-time, part-time or auxiliary police officers who are hereby authorized and directed to:
- (1) Maintain hearing room decorum.

(2) Have and execute authority as is granted to courtroom deputies of the circuit court.

(3) Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or ordinance enforcement administrator.

The City Manager is hereby authorized to appoint persons to hold the positions above set forth. Other than the hearing officer, one person may hold and fulfill the requirements of one or more of the above stated positions and compensation for each of the above stated positions shall be as approved by the City Council.

1-12-4 **PROCEDURES.**

The system of administrative adjudication of any ordinance violation authorized to be adjudicated hereunder, shall afford a party due process of law and the hearings shall be conducted in accordance with the following procedures:

(a) Violation notices of any City Code shall be issued by the persons authorized under this Code and shall contain information and shall be certified and constitute prima facie evidence of the violation cited as hereinafter set forth.

(b) All full-time, part-time and auxiliary police officers as well as other specifically authorized individuals of any department of the City shall have the authority to issue violation notices.

(c) Any individual authorized hereby to issue violation notices and who detects any ordinance violation authorized to be adjudicated under this article, is authorized to issue notice of violation thereof and shall make service thereof as is hereinafter set forth.

(d) The violation notice of the City Code shall contain, but shall not be limited to, the following information:

(1) The name of the party violating the ordinance, if known.

(2) The date, time and place of the violation (date of issuance).

(3) The particular ordinance violated.

(4) The fine and any penalty which may be assessed for the ordinance violation.

(5) The signature and identification number of the person issuing the notice.

(6) The date and location of the adjudication hearing of ordinance violations, and the penalties for failure to appear at the hearing.

(7) That payment of the indicated fine and any late payment shall operate as a final disposition of the violation.

1-12-5 **SERVICE.**

(a) Service of any violation notice shall be made by the person issuing such notice by:

(1) Handing the notice to the person responsible for the ordinance violation;

(2) Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person;

(3) Mailing the notice by first class mail, postage prepaid, to the person responsible for the ordinance violation; or,

(4) Posting the notice upon the property where the violation is found when the person is the owner or manager of the property.

(b) The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:

(1) Signing his/her name to the notice at the time of issuance; or,

(2) In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the ordinance enforcement administrator, attesting to the correctness of all notices produced by the device while under his/her control.

(c) The original or a facsimile of the violation notice shall be retained by the ordinance enforcement administrator and kept as a record in the ordinary course of business.

(d) Any violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

1-12-6 **NOTICES**

The notices sent pursuant to paragraph 1-12-5 shall be in the following sequence and contain, but not be limited to, the following information:

(1) Date and location of violation cited in the violation notice;

(2) Particular ordinance violated;

- (3) Fine and any penalty that may be assessed for late payment;
- (4) A section entitled "Notice of Hearing" which shall clearly set forth that the person receiving a notice of the City Code ordinance violation may appear at an administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the notice of hearing.
- (5) Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.
- (6) Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of liability for the "cited" violation in the amount of the fine and penalty indicated.
- (7) Statement that upon the occurrence of a final determination of liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the City.

1-12-7 ADMINISTRATIVE HEARINGS

An administrative hearing to adjudicate any alleged City Code ordinance violation on its merits shall be granted to the person named in the ordinance violation notice. All administrative hearings shall be recorded and shall culminate in a determination of liability or nonliability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Evidence including hearsay, may be admitted only if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. The hearing officer shall, upon a determination of liability, assess fines, penalties and costs in accordance with section 1-12-12 hereof. Persons appearing to contest the alleged violation on its merits may be represented by counsel at their own expense, present witnesses and cross-examine opposing witnesses. The burden of proof shall be on the alleged offender to refute the prima facie case set forth in the verified notice of violation.

1-12-8 DETERMINATION OF LIABILITY

The Hearing Officer's Findings, Decision & Final Order shall be sent following the conclusion of the administrative hearing, as is hereinafter set forth, and shall contain, but not be limited to, the following information and warnings:

- (1) A decision as to whether or not the Respondent violated the City Code as alleged.
- (2) The amount of fine or other sanction imposed, if any.

(3) A statement that the unpaid fine and any penalty assessed is a debt due and owing the City;

(4) A statement that any sanction ordered or costs imposed are debts due and owing the City; and,

(5) A warning that failure to pay the fine and penalty due and owing the City within the time specified may result in proceeding with collection procedures in the same manner as a judgment entered by any court of competent jurisdiction.

1-12-9 PETITION TO SET ASIDE DETERMINATION

A petition to set aside the Hearing Officer's Findings & Final Order may be filed with the ordinance enforcement administrator within twenty-one (21) days of the date of the final determination of liability and payment of twenty-five dollars (\$25.00).

1-12-10 JUDICIAL REVIEW

The Hearing Officer's Findings, Decision & Final Order stating that a City Code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law.

1-12-11 ENFORCEMENT OF JUDGMENT

(a) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the City and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a hearing officer finds that a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by the City to enforce the judgment including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure after they are fixed by the hearing officer, shall be a debt due and owing the municipality and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the municipality shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for

such a hearing, which shall not be less than 7 days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail

(d) A lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the City under this section. The lien may be recorded and enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction. No lien may be enforced under this section until it has been recorded in the manner provided by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code.

(e) A hearing officer may set aside any judgment entered by default and set a new hearing date upon a petition filed within twenty-one (21) days after the issuance of the order of default if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the City did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the municipality as a result of the vacated default judgment.

1-12-12 SCHEDULE OF FINES/PENALTIES

For an ordinance violation of the City Code, fines and penalties shall be as established from time to time by the Mayor and City Council.

(Ord. No. 2549-07/08 02-11-08)

1-12-13 INTEREST ON FINES AND COLLECTION FEES:

All fines imposed by this Code and the ordinances of the city shall bear interest at the rate of nine percent (9%) per annum on the unpaid balance from the date of imposition of the fine.

A default in the payment of a fine and costs or any installment imposed by the circuit court or by a hearing officer may be collected by any and all means authorized for the collection of money judgments. The corporation counsel may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or installment of that fine. The fees and costs incurred by the city or by another governmental entity through an intergovernmental agreement in any such collection by attorneys and private collection agents retained by the corporation counsel or by another governmental entity through an intergovernmental agreement for those purposes shall be charged to the offender.

(Ord. No. 2717-14/15 01-12-15)