

TITLE 1—ADMINISTRATION

CHAPTER 1—GENERAL PROVISIONS

Title 1

Administration

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ARTICLE 1

OFFICIAL CODE

- SECTION 1. TITLE.** Upon adoption by the Board of Trustees this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Alpha. This Village Code of Ordinances shall be known and cited as the Alpha Municipal Code, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 3. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Village Code by title in any legal document.
- SECTION 2. ACCEPTANCE.** This Village Code, as hereby presented in printed form, shall hereafter be reserved without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Article 2.
- SECTION 3. AMENDMENTS.** Any ordinance amending this Village Code shall set forth the Title, Chapter, and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its final passage.
- SECTION 4. INTERPRETATIONS.** in the determination of the provisions of each Section of the Code the following rules shall be observed:
- 4.1 Intent to Defraud.** Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
 - 4.2 Liability of Employers and Agents.** When the provisions of any Section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer agents and all other persons concerned with in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.
- SECTION 5. CODE ALTERATION.** it shall be deemed unlawful for any person to alter, change, replace, or deface in any way any Section or any page of this Village Code in such a manner that the meaning of any phrase or order may be changed or omitted.

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Replacement pages shall be inserted according to the official instructions when so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Village Code shall make every effort to maintain said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code Books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Clerk when decided so to do by order of the Village Board.

SECTION 6. RULES OF CONSTRUCTION. in the construction of the Village Code the following rules shall be observed, unless such construction would be inconsistent with the intent of the Board or contradictory to the context of the provisions.

- a. TENSE: words used in the present tense include the future.
- b. MAY: is permissive.
- c. MUST: state a requirement.
- d. SHALL: is mandatory.

SECTION 7. CATCHLINES AND NOTES. The catchlines of the several sections of the Village Code, titles, headings (chapter, article, section, and subsection), editor's notes, cross references, and state law references, unless set out in the body of the section itself, contained in the Village Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

SECTION 8. SEVERABILITY. If any section, provision, or part of the Village Code is adjudged invalid or unconstitutional, such adjunction will not affect the validity of the Village Code as a whole or any section, provision, or part not adjudged invalid or unconstitutional.

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ARTICLE 2

SAVINGS CLAUSE

SECTION 1. REPEAL OF GENERAL ORDINANCES. All general ordinances of the Village passed prior to the adoption of this Village 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), from which are excluded 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 Village; and all special ordinances.

SECTION 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 adoption of this Village Code or by virtue of the preceding Section, excepting as this Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

SECTION 3. COURT PROCEEDINGS. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture, or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgement 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 provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Article be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any

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person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Village Code.

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ARTICLE 3

DEFINITIONS

SECTION 1. CONSTRUCTION OF WORDS. Whenever any word in any Section of this Village 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 Village 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, provided, that these rules of construction shall not be applied to any Section of this Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

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

Agent	The word "agent" as used in this Code shall mean a person acting on behalf of another.
Board	The word "Board" unless otherwise indicated, shall mean the Board of Trustees of the Village of Alpha.
Code	The word "Code" shall mean the Municipal Code of Alpha and amendments thereto.
County	The word "County" shall mean County of Henry.
Employees	The word "employees" shall mean the following; Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Alpha."
Fee	The word "fee" as used in this Code shall mean a sum of money charged by the Village for the carrying on of a business, profession or occupation.
Fiscal Year	The term "fiscal year" of the Village shall begin on May 1st of each year and end on April 30th of the following year.
Improvement	The word "improvement" shall mean any new construction of, an addition to, or an alteration of any existing real property or utility system which cost of such work exceeds \$1,000.00.

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Knowingly	The word "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. it does not require any knowledge of the unlawfulness of such act or omission.
License	The word "license" as used in this Code shall mean the permission granted for the carrying on of a business, profession, or occupation.
Misdemeanor	The word "misdemeanor" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law.
Negligent	The word "negligent", as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
Nuisance	The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; 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.
Occupant	The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
Offense	The word "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
Officers	Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Alpha."
Operator	The word "operator" as used in this Code shall mean the person who is in charge of any operation, business or profession.
Owner	The word "owner" 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	The word "person" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver, or other representative appointed by the Court. Whenever the word "person" is used in any Section of this Code prescribing a penalty

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or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said Section.

Personal Property	The term "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 or property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
Retailer	The word "retailer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities direct to the consumer.
Sidewalk	The word "sidewalk" as used in this Code shall mean that portion or margin of a street which is between the curb line. or edge of pavement If no curbs in place, and the adjacent property line.
State	The word "State", unless otherwise indicated, shall mean the State of Illinois.
Street	The word "street" shall include alleys, lanes, courts, boulevards, public squares, public places, and sidewalks.
Tenant	The word "tenant" 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.
Village	The word "Village" shall mean the Village of Alpha, County of Henry, State of Illinois.
Wholesaler	The words "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.
willfully	The word "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. it does not require any intent to violate law, or to injure another, or to acquire an advantage.
Witten, in Writing	The terms "written" or "in writing" may include printing and any other mode of representing words and letters, but when the wntten signature of any person is required

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by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

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ARTICLE 4

PENALTY

SECTION 1. PENALTY. Any person convicted of a violation of any Section of this Code shall be fined in a sum not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) unless otherwise specified; or, where consistent with the provisions of the Illinois Municipal Code and its amendments thereto, a violation of applicable Sections of this Code shall be punishable by incarceration in a penal institution other than a penitentiary, not to exceed six (6) months; or by both such fine and imprisonment.

SECTION 2. LICENSE. When a person is convicted of a violation of any Section of this Village Code any license previously issued to him by the Village may be revoked by the court or by the Board of Trustees.

SECTION 3. APPLICATION. The penalty provided in this Chapter shall be applicable to every Section of this Village Code the same as though it were a part of each and every separate Section. Any person convicted of a violation of any Section of this Village Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

In all cases where the same offense is made punishable or is created by different causes or Sections of this Village Code the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any Section or provisions of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Article shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

SECTION 4. LIABILITY OF OFFICERS. No provisions of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty.

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ARTICLE 1

OFFICERS

SECTION 1. OFFICERS NAMED. The elected officers of the Village shall consist of a Village President, six (6) Trustees and a Village Clerk. The Village Treasurer, the Police Chief, the Superintendent of Public Works, and the Collector shall be non-elected officers appointed by the Village President with consent of Village Trustees. As deemed necessary to implement any provision of the Code, other non-elected officers may be appointed by the President with the consent of the Board of Trustees.

SECTION 2. VACANCIES. Vacancies occurring in any office except that of the Village President or Trustee, shall be filled by appointment of the Village President, with the consent of the Board of Trustees

SECTION 3. OATH, BONDS; WHO MAY ADMINISTER. All officers of the Village shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois and that I will faithfully discharge the duties of _____ according to the best of my ability.

Which oath or affirmation so subscribed to shall be filed with the Village Clerk. The President and Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.

All such officers, except the Trustees shall, before entering upon the duties of their respective offices, execute a bond, with security to be approved by the Board of Trustees, payable to the said Village, in such penal sum as is set forth by the State and Board of Trustees, conditioned for the faithful performance of the duties of the office, and the payment of all moneys received by such officer, according to the law and the ordinances of the Village.

The following shall give bond in the following amounts:

Village President	\$3,000.00
Village Clerk	\$2,000.00
Village Treasurer	\$3,000.00
Chief of Police	\$2,000.00
Collector	\$2,000.00
Superintendent of Public Works	\$2,000.00

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- SECTION 4. QUALIFICATIONS.** No person shall be eligible to any elective office who is not a qualified elector of the Village and who shall not have resided therein at least one year preceding his election or appointment. Nor shall any person be eligible to any elective office who is in default to the Village, or has been convicted of any infamous crime, bribery, perjury, or other felony in any court of the United States.
- SECTION 5. OFFICER TO HOLD ONE OFFICE ONLY.** The Village President, or any member of the Board of Trustees shall not hold any other office under the Village government during his term of office.
- SECTION 6. CONSERVATORS OF PEACE.** The Village President, Trustees, and Chief of Police shall be conservators of the peace, and as such shall exercise the powers conferred upon them under the Statutes of the State of Illinois.
- SECTION 7. POWERS CONFERRED UPON STATE OFFICERS.** Any sheriff of Henry County, Illinois may serve any process or make any arrest authorized to be made by any Village officer.
- SECTION 8. SALARIES.** The compensation paid the elected and appointed officials of the Village and of the various employees thereof shall be set from time to time by the President and Board of Trustees. All employees shall be paid semi-monthly. All elected and appointed officials shall be paid within ten (10) days after the last regular meeting of the fiscal year.

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ARTICLE 2

BOARD OF TRUSTEES

SECTION 1. TERM OF OFFICE. The Board of Trustees shall consist of the Village President and six (6) Trustees who shall hold their offices for four (4) years, and the Village President shall hold his office for four (4) years, and until their successors are elected and qualified.

SECTION 2. VACANCIES. Whenever a vacancy in the office of a trustee occurs during the trustee's term, the vacancy shall be filled for the remainder of the term at the next general municipal election as provided by Illinois Compiled Statutes governing municipalities. During the period from the time that the vacancy occurs until a trustee is elected as provided in this Section and has qualified, the vacancy may be filled by the appointment of a trustee by the President with the advice and consent of the remaining trustees.

If there is a failure to elect any Village officer, or the person elected fails to qualify, the person filling the office shall continue in office until his successor has been elected and has qualified.

SECTION 3. JUDGE OF OWN ELECTION. The Board of Trustees shall be the Judge of the election and qualifications of its own members.

SECTION 4. MEETINGS.

4.1 Regular Meetings. The Board of Trustees shall meet regularly on the first Monday of each month at seven o'clock (7:00) P.M. at the Village Hall in the Village, unless otherwise ordered by the Village Board. If such meeting date shall fall on a legal holiday date, the Village meeting shall be held on the following calendar day.

4.2 Special Meetings. The Village President. or any three (3) Trustees, may call special meetings of the Board, which call shall specify the time and place of meeting and shall be filed with the Village Clerk, who shall cause notice of same to be served on the other members of the Board by delivering a copy thereof to each of them, or by leaving the same at his place of residence at least twenty-four (24) hours before the time of meeting named in said notice. Notice of adjourned meetings shall be given in like manner to each member of the Board not present at the time of adjournment.

4.3 Trustees to Attend. it shall be the duty of each and every member of the Board to attend each regular and special meeting of the Board duly called, at the hour appointed for convening.

4.4 Correspondence. Copies of pertinent correspondence received by any Village Officer shall be distributed before the meeting to all Board members. Correspondence received by Village Officials need not be

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read in full at Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board meetings.

SECTION 5. STANDING COMMITTEES. The Standing Committees of said Board of Trustees shall be as follows:

Water and Sewer
Streets and Alleys
Police
Finance and Planning

Said Committees shall be appointed annually by the Village President, with the advice and consent of the Board of Trustees.

SECTION 6. QUORUM ABSENTEES. A majority of the Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel absentees to attend any regular meeting or special meeting, by a written citation to that effect stating the day and hour of such meeting; such citation shall be signed by the Village President or Trustees issuing the same, and may be served by the Chief of Police or any officer authorized to serve the processes of said Village, by reading the same to such absentees, and upon the repeated refusal to obey such citation, such member of the Board may be expelled and his office declared vacant.

SECTION 7. EXPENDITURES LIMITED. Neither the Board of Trustees, nor any department or officer of the corporation, shall add to the corporation expenses in any one year, anything over and above the amount provided for the annual appropriation bill of that year, except as herein otherwise specifically provided; and no expenditure for any improvement to be paid for out of the general fund of the corporation shall exceed in any one year, the amount provided for such improvement in the annual appropriation bill; provided, however, that nothing herein contained shall prevent the Board of Trustees from ordering, by a two-thirds (2/3) vote, any improvement, the necessity of which is caused by any casualty or accident happening after such appropriation bill shall have been made. The Board may, by a like vote, order the Village President to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as last above mentioned, for a space of time not exceeding the close of the next fiscal year; which sum, and the interest, shall be added to the amount authorized to be raised by the next general tax levy and embraced therein. Should any Judgement be obtained against the Village, the Village President, with the sanction of the Board of Trustees, may borrow a sufficient sum to pay the same for a space of time not exceeding the next fiscal year, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

SECTION 8. MINUTES.

8 .1 The proceedings of all meetings of the Board of Trustees and its committees and subcommittees shall be kept in written form. Minutes shall be kept whether a meeting is open or closed. The minutes shall be recorded and maintained in accordance With the Illinois Open Meetings Act.

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- 8.2 The Chairman, or his or her designee, shall take the minutes of all Standing Committee meetings. The Village Clerk shall take minutes of Board meetings.
- 8.3 Prior to the opening of each Board meeting, the Clerk shall provide each member a copy of the previous Board meeting minutes which may be amended to correctly reflect the view of the legislative body as to the events which occurred.

SECTION 9. ORDER OF BUSINESS. The order of business shall be as follows:

- a. Call to order by presiding officer.
- b. Roll call.
- c. Establishment of quorum.
- d. Public discussion and/or comments from the floor.
- e. The reading and approval (with corrections and additions, if any) of the minutes of the previous meeting or meetings.
- f. Acceptance of Treasurer's Report.
- g. Report of the standing committees:
 - Water and Sewer
 - Streets and Alleys
 - Police
 - Finance and Planning
- h. Report of special committees.
- i. Petitions, communications, order, resolution, and ordinance by the Trustees.
- j. Old business.
- k. New business.
- l. Adjournment.

SECTION 10. DUTIES OF THE PRESIDING OFFICER. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order. The presiding officer may speak to matters being considered by the Board without relinquishing his or her chair.

In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

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SECTION 11. DUTIES OF MEMBERS. While the presiding officer is putting the question, no member shall walk across or out of the Board chamber without first obtaining permission from presiding officer.

Every member previous to his or her speaking, making a motion or seconding the same, shall address himself or herself to the presiding officer and shall not proceed with his or her remarks until recognized by the Chair. He shall confine himself to the questions under debate avoiding personalities and refraining from impugning the motives of any member's argument or vote.

When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak. The Trustees may by two-thirds vote expel a Trustee for disorderly conduct.

SECTION 12. VISITORS. Except during the time allotted for public discussion and comment, no person other than a member of the Board shall address that body, except with the consent of the presiding officer.

SECTION 13. PRESENTATION OF NEW BUSINESS AND DEFERMENT. Upon the request of any two trustees present, any report of a committee of the Board shall be deferred (for final action) to the next regular meeting of the Board after the report is made.

SECTION 14. DEBATE. No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so. No member shall speak longer than five minutes at any one time, except by consent of the presiding officer; and in closing debate on any question, as above provided, the speaker shall be limited to three minutes, except by special consent of the presiding officer.

While a member is speaking, no member shall hold any private discussion, nor pass between the Speaker and the Chair.

SECTION 15. CALL OF MEMBERS TO ORDER. A member, when called to order by the Chair, shall discontinue speaking and take his or her seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.

SECTION 16. QUESTION OF PERSONAL PRIVILEGE. The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his or her integrity, character or motives are assailed, questioned, or impugned.

SECTION 17. VOTING. Every member who shall be present when a question is stated from the Chair shall vote, unless excused, or unless he or she is personally interested in the question, in which cases he or she shall not vote.

SECTION 18. SPECIAL ORDER OF BUSINESS. Any matter before the Board may be set down as a special order of business at a time certain, If two-thirds of the Trustees present vote in the affirmative, but not otherwise.

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- SECTION 19. SECONDING OF MOTIONS REQUIRED; WRITTEN MOTIONS - READING OF MOTIONS, RESOLUTIONS, ORDINANCES, AND MINUTES.** No motion shall be put or debated in the Board unless it be seconded, provided however that neither the maker nor seconder of a motion shall be required to vote in favor of that motion. When a motion is seconded it shall be stated by the presiding officer before debate, and every motion in the Board except motions of procedure, shall be reduced to writing, if required by a member, and the member who proposed the motion shall be entitled to the floor. No resolution, ordinance nor minutes need be read prior to consideration but such items may be read in response to a motion passed seeking such reading.
- SECTION 20. WITHDRAWAL OF MOTIONS.** If the maker of the motion desires to withdraw the motion they may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw his or her second they may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker or the seconder of a motion may withdraw the motion, except with the consent of a majority of the Board, once discussion on the motion has ceased.
- SECTION 21. RECORD OF MOTIONS.** In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.
- SECTION 22. DIVISION OF QUESTIONS.** If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such question.
- SECTION 23. TAKING AND ENTERING THE VOTES: EXPLANATION OF VOTES.** The "yeas" and nays" upon any question shall be taken and entered in the journal. When the Clerk has commenced to call the roll of the Board for the taking of a vote by "yeas" and "nays", all debate on the question before the Board shall be deemed concluded and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the Clerk by answering "yea" or "nay", as the case may be.
- SECTION 24. RECONSIDERATION.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed nor shall a motion to reconsider be reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearing shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. When a motion to reconsider such a motion is made at the same meeting as the passage of the original motion it may be tabled to a later date.

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

SECTION 25. STYLE OF ORDINANCES. The style of all ordinances shall be "BE IT ORDAINED by President and Board of Trustees of...", as is provided by statute.

SECTION 26. RECORD OF ORDINANCES. The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

SECTION 27. PUBLICATION. All ordinances imposing any penalty for a violation or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form, in which case, the ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the Village Hall.

SECTION 28. TIME OF TAKING EFFECT. No ordinance which must be published to comply with the foregoing section shall go into effect until ten (10) days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon passage, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

SECTION 29. ADOPTION OF ROBERTS "RULES OF ORDER REVISED". The rules of parliamentary practice comprised in the latest published edition of Roberts "Rules of Order Revised" shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board or the statutes or laws of the State.

SECTION 30. TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES. These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of the corporate authorities then holding office.

ARTICLE 3

VILLAGE PRESIDENT

SECTION 1. VACANCY. The Village President shall be a Citizen of the United States.

- 1.1 Whenever a vacancy shall occur in the office of Village President, when the unexpired term shall be one year or more, from the date when the vacancy occurs, it shall be filled by special election. If the vacancy is less than one year, the Board of Trustees shall elect one of its own members to act as President until the next annual election, and until his successor is elected and qualified. If the President, at any time during his term of office, shall move from the limits of said Village, his office shall thereby become vacant.
- 1.2 During a temporary absence or disability of the Village President, the Board shall elect one of its own members to act as President pro tem, who during such absence or disability of the President, shall possess the power of the President.

SECTION 2. DUTIES.

- 2.1 The President shall preside at all meetings of the Board, but shall not vote except in case of a tie when he shall give the casting vote.
- 2.2 The President shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the Village demand such removal, but he shall report the reasons for such removal to the Board of Trustees at a meet thereof to be held not less than five (5) days nor more than ten (10) days after such removal. If the President shall fail or refuse to file with the Village Clerk a statement of the reasons of the said removal, or If the Board by two-thirds (2/3) vote of all its members authorized by law to be elected., disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed, but he shall give new bonds and take new oath of office. No officer shall be removed a second time for the same offense.
- 2.3 The President may release any person imprisoned for the violation of any Village ordinance, and shall report such release, with the cause thereof, to the Board at its first session thereafter.
- 2.4 The President shall perform such duties as are or may be required by law or by the Village ordinances, and shall take care that the laws and ordinances are faithfully executed. He shall have the power at all times to examine and inspect books, records and papers of any agent. employee or officer of the Village.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

SECTION 3. APPROVAL OR VETO OF ORDINANCES. All ordinances passed by the Board of Trustees shall, before they take effect, be deposited with the Village Clerk. If the Village President approves thereof, he shall sign the same, and such as he does not approve he shall return to the Board with his objections thereto in writing at the next regular meeting of the Board, occurring not less than five (5) days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto extends only to part of such ordinance, the residue thereof shall take effect and be in force, but in case the President shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly.

Upon the return of any ordinance vetoed by the President, the vote by which the same was passed shall be reconsidered by the Board at its next regular meeting, and if, after such reconsideration, two-thirds (2/3) of all the members elected to the Board shall agree by yeas and nays, to pass the same, it shall go into effect, notwithstanding the President may refuse to approve the same. The yeas and nays vote shall be recorded in the minutes of the meeting.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 4

VILLAGE CLERK

SECTION 1. DUTIES.

- 1.1 The Village Clerk shall attend every meeting of the Board of Trustees and shall keep a correct record of all proceedings of said Board, and safely keep the Corporate Seal and use it in all cases where necessary, when-ever applied to for that purpose; the Clerk shall notify all committees appointed by said Board of their appointment; and the Clerk shall perform all other duties which, by usage and custom, devolve upon clerks and secretaries of incorporated bodies; and to facilitate the discharge of the Clerk's duties, the Clerk may, and the clerk is hereby authorized, to procure for said Village, such blank forms as may be necessary for the above purpose.
- 1.2 The Clerk shall keep all the records, papers, ordinances, votes and proceedings of the Board, and of the Village, and of the elections of the Village officers, and shall record in a book, all ordinances of said Village, and all appointments of officers of said Village, and have all ordinances, when so required by law, published immediately after their passage; and should any records or papers, or other instrument of writing belonging to said Village be lost or obliterated the Clerk shall be responsible for the damage that may accrue by such loss.
- 1.3 The Clerk shall keep a list of all committees appointed by said Board or Village President, and in conjunction with the Village President, sign all ordinances, bonds and licenses and affix the Seal of the Village thereto, and perform such other duties as may be required by the Board of Trustees.
- 1.4 The Clerk shall have charge of all deeds, vouchers, books and papers of any kind; the control of which is not given to any other officer.
- 1.5 The Clerk shall turn over all money received by him or her on behalf of the Village to the Village Treasurer. With such money, he or she shall give a statement as to the source thereof.
- 1.6 The Clerk may serve as the Village Collector upon recommendation by the Village President and approval by the Board of Trustees.

ARTICLE 5

VILLAGE COLLECTOR

- SECTION 1. CREATION OF OFFICE.** There is hereby created the Office of the Village Collector
- SECTION 2. APPOINTMENT.** The Village Collector shall be appointed by the Village President with the consent of the Board of Trustees.
- SECTION 3. SALARY.** The salary of the Village Collector shall be fixed each year by the order of the Village President and Board of Trustees, and shall be paid semi-monthly
- SECTION 4. DUTIES.** It shall be the duty of the Village Collector to collect and receive monies that are not paid directly to the Treasurer, and to keep such records pertaining to such collections as may be required by statute or ordinance.
- SECTION 5. REPORTS.** The Village Collector shall make such reports as are required by statute. The Village Collector shall also make an annual report during the last month of the fiscal year, showing all the activities of his or her office.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 6

VILLAGE TREASURER

SECTION 1. TERM OF APPOINTMENT. The Village Treasurer may be appointed to serve the same term as the Village President.

SECTION 2. DUTIES. The Village Treasurer shall receive all monies belonging to said Village and shall keep his books and accounts in such a manner as to exhibit, at all times, the true financial condition of the corporation, and such books and accounts shall always be subject to the inspection of any member of the Board of Trustees. He shall give every person paying money into the Treasury a receipt therefor, specifying the date of payment and on what account, and shall keep such receipt on file. He shall pay out money only on warrants and bonds signed by the Village President and Clerk; or bills approved by the Board of Trustees. He shall keep all monies belonging to said Village in some secure place, separate and distinct from his own monies, and he shall not use, either directly or indirectly, corporation money in his custody, for his own use.

At each regular meeting the Village Treasurer shall render an account and state the balance of money in the Treasury, and turn over all vouchers received by the him, together with said account, to the Village Clerk. At the end of the fiscal year he shall make out and file with the Clerk a full detailed account of all receipts and expenditures of said Village.

SECTION 3. EXPENDITURES PAID PRIOR TO APPROVAL. Expenditures normally approved by the Board of Trustees, and not exceeding a total of \$500.00 per month, may be paid by the Treasurer with the approval of the Village President. Such expenditures shall be ratified by the Board of Trustees at its next regular meeting.

SECTION 4. TRANSFER OF FUNDS. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the President and Board of Trustees in manner and form prescribed by statute.

SECTION 5. INVESTMENT OF FUNDS. Actions involving investment of Village funds by the Treasurer shall require prior approval of the Board of Trustees.

SECTION 6. SALARY. The salary of the Village Treasurer shall be fixed each year by the order of the Village President and Board of Trustees, and shall be paid on an annual basis.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 7

CHIEF OF POLICE

- SECTION 1. TERM OF APPOINTMENT.** The Village President shall annually appoint a Chief of Police, by and with the concurrence of a majority of all the Trustees elected. The Village Chief of Police shall hold his office (unless discharged sooner) until the end of the municipal year for which he is appointed and until his successor is appointed.
- SECTION 2. CONSERVATOR OF THE PEACE.** The Chief of Police shall be a conservator of the peace within the corporate limits of the Village according to State Statutes. He shall possess the power and authority of a constable at common law and under the Statutes of the State of Illinois, and shall convey any person arrested, without unnecessary delay, before the proper court and set before such court the offense with which the person or persons so arrested are charged; and the proper court before whom such charge is brought shall enter the said charge of complaint upon the counts docket together with the name of the person or persons charged, at the suit of and in the name of the Village, and shall proceed to hear and determine said case in the usual manner; provided that either party may have such case tried by a jury of six (6) men or any greater number, not exceeding twelve (12) men, as either party desires, upon advancing the jury fees allowed by law.
- SECTION 3. DUTIES.** It shall be the duty of the Chief of Police to attend, as far as practicable, all meetings of the Board of Trustees, to serve all notifications in writing, when ordered by the Board, and to perform all such other duties as shall be prescribed by ordinance or statute. He is responsible for keeping such records and making such reports as required by statute or ordinance.
- SECTION 4. SALARY.** The salary of the Chief of Police shall be fixed each year by order or resolution of the President and
- SECTION 5. STOLEN, LOST, OR ABANDONED PROPERTY.** The Chief of Police shall serve as custodian of all recovered lost, abandoned, or stolen property in the Village.
- SECTION 6. ANIMAL CONTROL OFFICER.** The Chief of Police shall supervise the performance of duties by the Animal Control Officer, or perform such duties himself, when so appointed and/or directed by the Village President with consent of the Village Board.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 8

ANIMAL CONTROL OFFICER

SECTION 1. APPOINTMENT AND SUPERVISION. The Animal Control Officer shall be appointed annually by the President with the advice and consent of the Village Board. He shall perform his duties under the supervision of the Chief of Police.

SECTION 2. ANIMAL SHELTER AND OTHER FACILITIES. The Animal Control Officer shall have the care, custody control and supervision of the animal shelter of the Village, if there is such an animal shelter, and of all dogs and cats confined and impounded therein, and shall have the care and custody and control of all trucks and other paraphernalia used by him or his assistants for the impounding of dogs and cats.

In the event there is no such shelter, he shall have the duty of delivering such animals to such other place as the Village may provide for this purpose.

SECTION 3. IMPOUNDMENT OF DOMESTIC ANIMALS. The Animal Control Officer shall impound or cause to be impounded and shall dispose of according to the provisions of this Code, all domestic animals running at large within the Village and shall keep a record of every domestic animal so impounded, describing the kind of animal together with the time and place the animal was captured or received and the final disposition made of each animal, together with such other information as may come to his attention.

The Animal Control Officer shall have the power to issue Citations to persons in violation of any ordinance of the Village Code of the Village, controlling animals, and it shall be his duty to issue a Citation for any offense which he has reasonable grounds to believe has been committed.

SECTION 4. NUISANCE WILDLIFE CONTROL. The Animal Control Officer shall control nuisance wildlife within the corporate limits using procedures prescribed by the Illinois Department of Natural Resources.

SECTION 5. SALARY. The salary of the Animal Control Officer shall be fixed each year by order of the Village President and Board of Trustees, and shall be paid on a semi-monthly basis.

SECTION 6. MISCELLANEOUS. Upon order of the Village President and Board of Trustees, the duties of the Animal Control Officer may be performed by the Chief of Police.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 9

SUPERINTENDENT OF PUBLIC WORKS

- SECTION 1. APPOINTMENT.** The Village President shall annually appoint a Superintendent of Public Works by and with the consent of the Board of Trustees. This appointment will be for the Village fiscal year unless his services are terminated. He shall attend all Board meetings.
- SECTION 2. GENERAL DUTIES.** The Superintendent of Public Works shall perform all duties as prescribed by ordinance or statute as well as other duties inherent to the job. He shall have charge and be responsible for:
- 2.1 The construction and maintenance of all public streets, including sidewalks, alleys, and driveways in the Village.
- 2.2 The construction, operation, and maintenance of the Village wells and water distribution system.
- 2.3 Construction, operation and maintenance of the Village sewer disposal plant, lift stations, and sewer collection system.
- 2.4 The care, safeguarding, and custody of all Village owned real estate and Village equipment under his control.
- SECTION 3. SALARY.** The salary of the Superintendent of Public Works shall be fixed each year by order of the President and Board of Trustees, and shall be paid semi-monthly.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 10

VILLAGE INSPECTOR

- SECTION 1. APPOINTMENT.** The Village inspector shall be appointed annually by the Village President with the advice and consent of the Board of Trustees.
- SECTION 2. POWERS.** This Ordinance is enacted pursuant to the powers granted to this Village by Illinois Compiled Statutes, latest edition, in order to describe the duties, term and compensation of the Office of Village inspector.
- SECTION 3. DUTIES.** The Office of Village inspector of the Village shall have all duties and responsibilities as provided by Ordinances of the Village.
- SECTION 4. SALARY.** The Village inspector shall be paid such compensation as determined by the Board of Trustees, and shall be paid semi-monthly.

TITLE 1—ADMINISTRATION

CHAPTER 2—PERSONNEL

ARTICLE 11

PART TIME POLICE OFFICERS

SECTION 1. The Village of Alpha hereby establishes the following minimum standards for individuals employed as part time police officers by the Village of Alpha:

1. The individual must be twenty-one (21) year old or older.
2. The individual must not have been convicted of a felony offense or other crime involving moral turpitude.
3. The individual must be of good moral character.
4. The individual must pass a basic background investigation which shall include the submission of fingerprints to the Illinois State Police Bureau of Identification and the Federal Bureau of investigation.
5. The individual must have some police training and shall be trained under the intergovernmental Law Enforcement Officers in Service Training Act in accordance with the procedures for part time officers established by the Illinois Law Enforcement Training Standards Board, including forty (40) hours of firearms training.

SECTION 2. A copy of this ordinance establishing hiring standards for part time officers shall be submitted to the Illinois Law Enforcement Training Standards Board.

ARTICLE 12

OTHER PROVISIONS FOR VILLAGE OFFICIALS AND PERSONNEL

SECTION 1. PURCHASES BY EMPLOYEES OR OFFICIALS. No employee or official of the Village shall incur any single expense on behalf of the Village, nor make any single purchase on behalf of the Village, either of which exceeds one hundred dollars (\$100.00) unless such employee or official shall have first obtained the approval of the Village Board of Trustees

SECTION 2. PUBLIC WORKS CONSTRUCTION; WAGES PAID LABORERS. To the extent and as required by "An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the state, county, city or any public body or any political subdivision or by anyone under contract for public works", approved June 26,1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the most recent prevailing rate of wages for construction work in Henry County area as determined by the Department of Labor of the State of Illinois, said determination being incorporated herein by reference. The definition of any terms appearing in this Section which are also used in the aforesaid Act shall be the same as in said Act.

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

The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village this determination of such prevailing rate of wage.

The Village Clerk shall mail a copy of this determination to any employer and to any association of employees and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates.

SECTION 3. FILES. All official Village files, reports, correspondence etc. shall be maintained in Village owned file cabinets in the Village Hall. Each officer and/or employee is responsible for maintaining their files in compliance with guidelines provided by the State of Illinois Local Records Commission. The Village Clerk shall request a review of Village files by the Local Records Commission as required, but no less frequent than every four (4) years.

ARTICLE 1

ALPHA EMERGENCY SERVICES AND DISASTER AGENCY

SECTION 1. ESTABLISHMENT. There is hereby created the Alpha Emergency Services and Disaster Agency (ESDA) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or manmade disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975".

The Alpha ESDA shall consist of the Coordinator and additional members to be selected by the Coordinator.

SECTION 2. COORDINATOR. The Coordinator of the Alpha ESDA shall be appointed by the President with the consent of the Board of Trustees, and shall serve until removed by the same or by resignation.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Alpha ESDA, subject to the direction and control of the Village President, as provided by Statute.

In the event of the absence, resignation, death or inability to serve of the Coordinator, the Village President or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

SECTION 3. FUNCTIONS. The Alpha ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the "State ESDA Act of 1975".

SECTION 4. SERVICE AS MOBILE SUPPORT TEAM. All or any members of the Alpha ESDA may be designated as members of a Mobile Support Team created by the State ESDA as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the Alpha ESDA Organization.

Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director of ESDA, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office.

Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State reasonable compensation as provided by law.

TITLE 1—ADMINISTRATION

CHAPTER 3—BOARDS AND COMMISSIONS

- SECTION 5. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.** The Coordinator of the Alpha ESDA may negotiate Mutual Aid Agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Board of Trustees and by the State Director of ESDA.
- SECTION 6. EMERGENCY ACTION.** If the Governor declares that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of major disaster resulting from enemy sabotage or other hostile action or from natural or manmade disaster, it shall be the duty of the Alpha ESDA to cooperate fully with the State office of ESDA and with the Governor in the exercise of emergency powers as provided by law.
- SECTION 7. COMPENSATION.** Members of the Alpha ESDA who are paid employees or officers of the village, if called for training by the State Director of ESDA, shall receive for time spent in such training the same rate of pay as is attached to the position held; members who are not such municipal employees or officers shall receive for such training time such compensation as may be established by the Board of Trustees.
- SECTION 8. REIMBURSEMENT BY STATE.** The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the Village for expenses incident to training members of the ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the Village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities, as provided by law.
- SECTION 9. PURCHASES AND EXPENDITURES.** The Board of Trustees may, on recommendation of the Coordinator, authorize any purchase or contracts necessary to place the Municipality in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster or from natural or manmade disaster.
- In the event of manmade or natural disaster, the Coordinator is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by "The State ESDA Act of 1975", provided that, if the Board of Trustees meets at such times, he shall act subject to the directions and restrictions imposed by that body.
- SECTION 10. OATH.** Every person appointed to serve in any capacity in the Alpha ESDA Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator.
- "I, (Name), a member of the ESDA Organization of the Village of Alpha do solemnly swear that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against

TITLE 1—ADMINISTRATION

CHAPTER 3—BOARDS AND COMMISSIONS

all enemies foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter, and I do further swear that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Alpha ESDA Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 11. OFFICE. The Village President is authorized to designate space in the Village Hall or elsewhere as may be provided for by the Village Board for the Alpha ESDA Organization as its office.

SECTION 12. APPROPRIATION; LEVY OF TAXES. The Village Board may have an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for civil defense purposes only, a tax not to exceed five cents (\$.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975; provided, however, that the amount collectable under such levy shall in no event exceed twenty-five cents (\$.25) per capita.

TITLE 1—ADMINISTRATION

CHAPTER 3—BOARDS AND COMMISSIONS

ARTICLE 2

BOARD OF APPEALS OF ZONING AND SUBDIVISION ORDINANCES

SECTION 1. APPOINTMENT. There is hereby created a Board of Appeals for zoning and subdivision matters which shall consist of seven members to be appointed by the Village President with the advice and consent of the Board of Trustees. One member of this Board shall be designated as Chairman.

SECTION 2. TERM. Each member of the Board of Appeals shall serve for five years, provided however that the terms of the members shall be staggered as provided by statute.

SECTION 3. DUTIES. The Board of Appeals shall pass upon all appeals from the Village inspector on questions of zoning and shall have such other powers and duties as may be delegated to it by statute or ordinance. Provided that a concurring vote of four members, as required by statute, shall be necessary to reverse any decision of the Village Inspector.

The Board of Appeals of Zoning and Subdivision Ordinances shall meet at such times as it may determine or upon call of the Chairman; and it shall keep records of its official actions.

ARTICLE 1

ORDINANCES

- SECTION 1. ANNUAL APPROPRIATION ORDINANCE.** The Board of Trustees shall, within the first quarter of each fiscal year, pass an ordinance to be termed the Annual Appropriation Bill, in which said corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object and purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make such appropriation has been first sanctioned by a majority of the legal voters of the Village, either by a petition signed by them, or at a general or special election duly called therefor.
- SECTION 2. APPROPRIATION BEFORE EXPENDITURE.** No contract shall hereafter be made by the Board of any committee or member thereof, and no expense shall be incurred by any of the officers or department of the corporation, whether the object of the expenditure shall have been ordered by the Board or not, unless an appropriation shall have been previously made concerning such expenses, excepting as expressly provided by the Statutes of the State of Illinois.
- SECTION 3. PUBLICATION.** The Board shall cause all ordinances of the Village, which impose any fines, penalties, or forfeiture, or which make any appropriation, to be published either in a newspaper published in said Village, and if there be none published in said Village then in one published in the County of Henry, and if so published in a newspaper, the same shall be done within one month after the same are passed; or said ordinances may be published in book or pamphlet form. None of the ordinances above mentioned shall take effect until ten (10) days after its publication. All ordinances printed in book or pamphlet form by the authority of the Board need not be otherwise published.
- SECTION 4. RECORD.** All ordinances passed by the Board shall be recorded by the Village Clerk in a proper book or books, with indexes. The original shall be filed with the Clerk and due proof of the publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the Clerk and attached thereto, or written and attested upon the face of such ordinances.
- SECTION 5. ELECTION OF PROCEDURE.** In all cases where the same offense may be punishable, or shall be created by different clauses or sections of the ordinances of said Village, 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.
- SECTION 6. GENERAL PENALTY PROVISION.** Whenever in this or any other ordinance hereafter passed, or passed on this day, a minimum but no maximum fine or penalty is imposed, the court may, in its discretion, adjudge the offender or offenders to pay any sum of money not exceeding the minimum fine or penalty so fixed, not exceeding the sum of five hundred dollars (\$500.00).
- SECTION 7. REPEAL NOT TO REVIVE.** When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be constructed to revive such former ordinance, clause or provision unless it shall therein be so expressly provided.

TITLE 1—ADMINISTRATION

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

- SECTION 8. GENDER AND NUMBER.** Whenever any words in any ordinance importing the plural number shall be 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 be used. And when any subject matter, party or person shall be referred to in any ordinance by word 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 included; provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision including such construction, or where the subject matter or context of such ordinance may be repugnant thereto.
- SECTION 9. GENERAL PENALTY.** Whenever, in any ordinance, the doing of an act or the omission to do any act or duty is declared to be a breach thereof and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- SECTION 10. EFFECT OF REPEAL.** Whenever an ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance this repealed or modified shall continue in force until due publication of the ordinance repealing or modifying the same when such publication shall be required to give effect thereto, unless therein otherwise expressly provided, but no suit, proceeding, right, fine or penalty, instituted, created, given or secured or accrued under any ordinance previous to its repeal shall in any case be effected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force.
- SECTION 11. WHEN TO TAKE EFFECT.** All ordinances hereafter passed by the Board requiring publication shall take effect from and after due publication thereof, unless otherwise therein expressly provided. Ordinances not requiring publication shall take effect from their passage unless therein otherwise expressly provided.
- SECTION 12. DISTRIBUTION OF ORDINANCE BOOKS.** All printed books belonging to the Village containing the revised ordinances shall be deposited with the Village Clerk. The Clerk shall deliver one copy thereof to each elective officer of the Village and to such other persons as the Board may direct. When such books are delivered to officers or employees of the Village they shall remain the property of the Village and shall be delivered by such officers or employees to their successors in office or employment respectively.

TITLE 1—ADMINISTRATION

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

ARTICLE 2

ELECTIONS

SECTION 1. ELECTION DATE. In the best interests of the Village and pursuant to the appropriate provisions of the Illinois Compiled Statutes, the Village of Alpha hereby designates the date as set by the State of Illinois and Henry County.

SECTION 2. ELECTION PRECINCT. The territory embraced within the corporate limits of the Village shall be one election precinct and no person shall vote at any election who has not resided in said Village, in the County of Henry, and in the State of Illinois thirty (30) days previous to the time of offering his vote.

TITLE 1—ADMINISTRATION

CHAPTER 4—OTHER GOVERNMENTAL PROVISIONS

ARTICLE 3

CORPORATE LIMITS

SECTION 1. ESTABLISHMENT OF LIMITS. The corporate limits of the Village shall be established as follows:

The Village of Alpha, Henry County, Illinois and any additions or annexations thereto all as shown by the Office of the Recorder of Deeds, Henry County, Illinois.