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CHAPTER 1 OFFICIAL MUNICIPAL CODE

SECTION:

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1-1-1: TITLE:

Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official Code of the City. This City Code of ordinances shall be known and cited as the GENOA CITY CODE and it is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-4 of this Chapter. 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 City Code by title in any legal documents. (1993 Code)

1-1-2: ACCEPTANCE:

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in 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. (1993 Code)

1-1-3: JURISDICTION:

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the City to regulate such particular acts outside the corporate limits. (1978 Code §1.05)

1-1-4: AMENDMENTS:

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1993 Code)

1-1-5: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City 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 the City Code shall make every effort to maintain said Code current as to the most recent ordinances codified. 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 City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council. (1993 Code)

CHAPTER 2 SAVING CLAUSE

SECTION:

1-2-1: Repeal of General Ordinances

1-2-2: Public Utility Ordinances

1-2-3: Court Proceedings

1-2-4: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed to the extent they are superseded by the terms of this Code, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not 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; and all special ordinances. (1993 Code)

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as the City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1993 Code)

1-2-3: COURT PROCEEDINGS:

- A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. 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.
- C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City 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 Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1993 Code)
- D. No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this Code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby. (1978 Code §1.04)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1993 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:

- A. Whenever any word in any section of this City 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 City 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 City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. 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. (1993 Code)
- C. Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided. (1978 Code §1.06)

1-3-2: DEFINITIONS, GENERAL:

Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms. (1978 Code §1.02)

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 with authority conferred either expressly or implied, to do so.

CITY: The City of Genoa, County of De Kalb, State of Illinois.

CODE: The Municipal Code of the City of Genoa.

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 Genoa".

FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation. (1993 Code)

FISCAL AND MUNICIPAL YEAR: The fiscal and municipal year of the City shall commence on May 1 of each year and end on the day immediately preceding the succeeding first day of May. (1978 Code §3.11)

ILLINOIS MUNICIPAL CODE: Chapter 65 of the Illinois Compiled Statutes. (1978 Code §1.02)

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

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

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.

OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Genoa".

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

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: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Includes every description of money, goods, chattels, effects, evidences 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.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STREET: Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

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

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. (1993 Code)

1-3-3: CATCHLINES:

The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1993 Code)

CHAPTER 4 GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-2: Application of Provisions

1-4-3: Responsibility for Acts

1-4-1: GENERAL PENALTY :

A. Petty Offense: Unless specifically provided elsewhere, any person found to have been in violation of any of the terms and provisions of this Code which constitutes a petty offense shall be fined in an amount not to exceed five hundred dollars (\$500.00), and may be ordered to perform some reasonable public service work

such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities.

B. Misdemeanor: A person found to have committed a violation of this Code which constitutes a misdemeanor shall be sentenced, either alone or in combination as follows:

1. A period of incarceration not to exceed six (6) months;
2. A fine not to exceed five hundred dollars (\$500.00); or
3. Reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. (1993 Code)

C. A person to whom a notice is issued by a City law enforcement officer for a violation of one of the following offenses, shall pay the amount specified for the violation with thirty (30) days of receipt. If payment is made within fourteen (14) days, a \$10.00 discount applies to all violations except handicapped parking and public smoking. (Ord. 2008-16, 04-20-2008)

Title 6 - Chapter 2 Parking Violations	Fine
Routine Parking Violation	\$35.00
Handicap Parking Violation	\$250.00
Parked on Snow Route	\$60.00
Blocking a Fire Lane	\$60.00
Overweight Parking: Semis or dump trucks parked overnight on the Street	\$60.00
Miscellaneous Violations	Fines
Title 5 - Chapter 3: Animal Control	
No Dog License	\$45.00
Dog Running	\$45.00
Barking Dog	\$45.00
Failure to Remove Excrement	\$45.00
Title 5 - Chapter 5-2-1: Curfew	\$100.00
Title 5 - Chapter 5-2-2: Tobacco Products	\$200.00 – 1 st Offense \$400.00 – 2 nd Offense \$600.00 – 3 rd Offense within 12 months.
Title 5 - Chapter 5-4-2-2: Posting Bills	\$100.00
Title 5 - Chapter 5-4-2-3: Trespass	\$100.00
Title 5 - Chapter 5-4-2-5: Loitering	\$100.00

Title 5 - Chapter 5-4-3-1: Fireworks	\$100.00
Title 5 - Chapter 5-4-1: Disorderly Conduct	
Disorderly Conduct	\$100.00
Noise Violation	\$50.00
Fighting	\$100.00
Public Intoxication	\$100.00
Offensive Language	\$100.00
Chapter 3-13: Public Smoking	
Person Smoking	\$100.00-\$250.00
Person who owns, operates, or otherwise controls public place or place of employment	\$250.00 (1 st Offense) \$500.00 (2 nd Offense) \$2,500.00 (Each Additional within 12 months)
Chapter 3-3-21: Open Alcohol	\$100.00

D. A person who fails to pay in accordance with Paragraph C above may be prosecuted by the City Attorney in Circuit Court. Any person found to have committed a violation shall be subject to the provisions of Sub-paragraph A or B of this Paragraph. If the offender fails to pay the City Clerk within thirty (30) days, the City will seek court adjudication and a fine of up to \$500.00. (Ord. 2008-16,04-20-2008)

1-4-2: APPLICATION OF PROVISIONS:

- A. The penalty provided in this Chapter shall be applicable to every section of this City 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 City Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City 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.
- C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty

specifically declared for such breach, the provisions of this Chapter shall apply. (1993 Code)

1-4-3: RESPONSIBILITY FOR ACTS:

- A. Generally: Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, on conviction, is punishable as if he had directly committed such act. (1978 Code §1.08)
- B. Liability of Officers: No provision of this City 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 City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1993 Code)

CHAPTER 5 MAYOR

SECTION:

- 1-5-1: Chief Executive Officer**
- 1-5-2: Bond and Compensation**
- 1-5-3: Powers and Duties**

1-5-1: CHIEF EXECUTIVE OFFICER:

The Mayor shall be the chief executive officer of the City and shall attend the meetings of the City Council and preside over them. (1978 Code §3.01)

1-5-2: BOND AND COMPENSATION:

- A. The Mayor shall, before he enters upon the duties of his office, execute a bond to the City in the penal sum of three thousand dollars (\$3,000.00), with the sureties to be approved by the City Council conditioned as prescribed by law. The Mayor shall

receive as compensation nine thousand six hundred dollars (\$9,600.00) annually, payable in twelve (12) equal monthly installments.

- B. Any ordinance providing for a change in the compensation or fringe benefits of the Mayor shall be adopted no less than one hundred eighty (180) days before the beginning of the term of the Mayor. (Ord. 98-16-1, 5-5-1998)

1-5-3: POWERS AND DUTIES:

The Mayor shall:

- A. Have authority to assign to any officer of the City the duty of enforcing any ordinance or performing any Municipal function or duty which is not specifically assigned to any particular officer.
- B. Perform all the duties required of him by law and the ordinances of the City.
- C. Supervise the conduct of City officers.
- D. See that all the ordinances are properly enforced.
- E. Supervise the corporate business and affairs and see that the interests of the City are in all cases properly protected and taken care of. (1978 Code §3.01)

CHAPTER 6 CITY COUNCIL

SECTION:

- 1-6-1: Election and Terms of Aldermen**
- 1-6-2: Compensation**
- 1-6-3: Council Meetings**
- 1-6-4: Setting Agenda**
- 1-6-5: Rules and Order of Business**
- 1-6-6: Standing Committees**
- 1-6-7: Disturbing Meetings**
- 1-6-8: Sergeant – At – Arms**
- 1-6-9: Smoking in Council Chambers Prohibited**

1-6-1: ELECTION AND TERMS OF ALDERMEN :

(65 ILCS 5/3-4-1, 5/3-4-7, 5/3-4-9 and 5/3-4-13) There shall be elected eight (8) Aldermen, two (2) from each ward ³, to serve four (4) year staggered terms. (1993 Code)

1-6-2: COMPENSATION:

- A. Any person duly elected or appointed as an Alderman of the City shall receive as compensation for the performance of his duties one hundred dollars (\$100.00) for attendance at each regular or special meeting of the City Council and fifty dollars (\$50.00) for attendance at meetings of the committees to which the Alderman has been appointed. Such compensation shall be paid monthly and shall not exceed three hundred dollars (\$300.00) per month and three thousand six hundred dollars (\$3,600.00) annually. Aldermen shall not be compensated for more than four unexcused absences from City Council meetings or committee meetings. (Ord. 98-15-1, 4-21-1998; amd. Ord. 99-58-1, 12-7-1999, Amd. 01-19-2008)
- B. Any ordinance providing for a change in the compensation or fringe benefits for Aldermen shall be adopted no less than one hundred eighty (180) days before a regularly scheduled Municipal election for the office of Alderman. (Ord. 98-15-1, 4-21-1998)

1-6-3: COUNCIL MEETINGS:

- A. Regular Meetings: All meetings of the City Council shall be held in the City Hall but may be adjourned to another location for the purpose of the dispatch of business, and the regular meetings of the City Council shall be held on the first and third Tuesdays of each month. All regular meetings shall commence at seven o'clock (7:00) P.M. on the day fixed. (1978 Code §2.02; amd. Ord. 878, 10-11-1994; Ord. 96-69-2, 9-10-1996; Ord. 98-15-1, 4-21-1998)
- B. Special Meetings: Whenever the Mayor or any three (3) Aldermen call a special meeting as by law provided, the call shall be in writing and delivered to the City Clerk who shall thereupon file the same in his office and make copies thereof. The Clerk may thereupon either personally deliver copies of the call as herein provided or deliver the copies to the Chief of Police who shall deliver the same as herein provided. A copy of such call shall be delivered to the Mayor and each Alderman, except the persons making the call, or such copy may be left at their place of residence at least ten (10) hours before the time of any special meeting. The call shall state the time and, in general, the object of the special meeting. (1978 Code §2.03; amd. Ord. 98-15-1, 4-21-1998)
- C. Absence From Meetings:
 - 1. The Mayor of the City shall have the sole authority to determine whether an absence from a City Council meeting by an Alderman shall be deemed excused.

2. When an absence by an Alderman from a City Council meeting has been deemed excused by the Mayor, the Alderman shall receive compensation as provided by ordinance as though the Alderman had attended the meeting. (Ord. 804, 5-12-1992; amd. Ord. 98-15-1, 4-21-1998)

D. Rules for Meeting Attendance:

In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1, City Council meetings shall be subject to the following rules:

1. A quorum of the City Council shall be physically present at the location of an open or closed meeting.
2. Provided a quorum is physically present, a member may be allowed to attend the meeting by audio or video conferencing.
3. Any member who wishes to be considered present at a meeting via audio or video conference may make such a request to the City Council by notifying the Clerk prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:
 - a. Personal illness or disability;
 - b. Employment purposes or City business; or
 - c. A family or other emergency.
4. An affirmative vote by a majority of the City Council physically present may allow a member to attend a meeting as provided herein.
5. The Clerk shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference.

1-6-4: SETTING AGENDA:

The following procedures with respect to the setting of the agenda for City Council meetings are hereby adopted: (1978 Code §2.09; amd. Ord. 805, 5-12-1992; Ord. 98-15-1, 4-21-1998)

- A. Non-City officials attending City Council meetings will be allowed to address the Council on any appropriate subject. However, if said subject(s) is not on the official agenda, said persons are limited to a maximum of five (5) minutes to address the Council per Council meeting. (1978 Code §2.09; amd. Ord. 805, 5-12-1992; Ord. 1995-11, 4-25-1995; Ord. 98-15-1, 4-21-1998)

1-6-5: RULES AND ORDER OF BUSINESS:

A. Order Of Business: At every meeting of the Council at which a quorum is present, the order of business shall be as follows: (1978 Code §2.04; amd. 1993 Code; Ord. 98-15-1, 4-21-1998)

1. Call to order/roll call of members.
2. Approval of minutes from previous meeting.
3. Approval of bills payable (every other meeting).
4. Items from individuals in attendance.
5. Old business.
6. Consent agenda (omnibus vote).
7. New business.
8. Items desired for discussion by the Mayor or Aldermen. (Ord. 1995-11, 4-25-1995; amd. Ord. 98-15-1, 4-21-1998)

B. Resolutions And Motions: In all cases where a resolution or motion shall be entered in the minutes of the proceedings of the Council, the names of the members moving and seconding the same shall be entered in the minutes. (1978 Code §2.04; amd. 1993 Code; Ord. 98-15-1, 4-21-1998)

1-6-6: STANDING COMMITTEES:

(Rep. by Ord. 1995-11, 4-25-1995; amd. Ord. 98-15-1, 4-21-1998)

1-6-7: DISTURBING MEETINGS:

It shall be unlawful for any person to interrupt, interfere with or disturb any meeting of the City Council. (1978 Code §2.07; amd. Ord. 98-15-1, 4-21-1998)

1-6-8: SERGEANT-AT-ARMS:

The Chief of Police or his designee shall attend every regular meeting of the Council and shall be sergeant-at-arms. He shall have the care and custody of the Council room and shall cause the same to be kept clean and otherwise properly attended to. He shall

receive from the Clerk the necessary articles required for such duties. (1978 Code §2.06; amd. Ord. 1995-11, 4-25-1995; Ord. 98-15-1, 4-21-1998)

1-6-9: SMOKING IN COUNCIL CHAMBERS PROHIBITED:

- A. Declared Unlawful: It shall be unlawful for any person to smoke or carry a lighted cigarette, cigar or pipe within the City Council chambers located in the City Hall.
- B. Violation And Penalty: Any person found in violation of this Section shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) per violation. (1978 Code §10.01; amd. Ord. 98-15-1, 4-21-1998)

CHAPTER 7 CITY CLERK

SECTION:

- 1-7-1: Election and Term**
- 1-7-2: Bond**
- 1-7-3: Power and Duties**
- 1-7-4: Compensation**
- 1-7-5: Additional Duties**

1-7-1: ELECTION AND TERM:

The City Clerk shall be elected and serve for a four (4) year term and until the successor is elected and qualified as provided by statute. (Ord. 2002, 2-15-2000)

1-7-2: 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 reasonably required by the Council, conditioned upon the faithful performance and duties. (Ord. 2002, 2-15-2000)

1-7-3: POWER AND DUTIES:

- A. Meetings: The City Clerk shall attend all meetings of the corporate authorities, and keep a full record of its proceedings.
- B. Elections: The Clerk has various duties in the Municipal election process. One of these duties is receiving nominating papers and certifying the names of all

candidates entitled to be printed on the ballot. The Clerk shall conduct the elections process according to the State statutes.

- C. Publications: The City Clerk shall ensure the publication of all ordinances, resolutions, and notices as required by law.
- D. Oaths: The City Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.
- E. Signatures: The City Clerk shall seal and attest all contracts of the City and all licenses and other such documents as shall require this formality.
- F. Seal: The Clerk shall be custodian of the City Seal and shall affix its impression on documents whenever this is required.
- G. Documents: The Clerk shall be custodian of all documents belonging to the City which are not assigned to the custody of some other officer of the City by the Mayor. (Ord. 2002, 2-15-2000)

1-7-4: COMPENSATION:

The salary of the City Clerk shall be set by ordinance at four thousand eight hundred dollars (\$4,800.00) per year for a four (4) year term. (Ord. 2002, 2-15-2000)

1-7-5: ADDITIONAL DUTIES:

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

The City Clerk may have the ability to hold another position, so long as the other position does not interfere in the daily running of City Hall. (Ord. 2002, 2-15-2000)

CHAPTER 8 CITY TREASURER

SECTION:

1-8-1: Bond

1-8-2: Duties

1-8-3: Inspection of Books and Records

1-8-4: Appointment

1-8-1: BOND:

The Treasurer's bond shall be an amount of money that is not less than three (3) times the latest Federal census population or any subsequent census figure used for motor fuel tax purposes (65 ILCS 5/3-14-3). The City shall pay the premium on such bond. (1978 Code §3.03; 1993 Code)

1-8-2: DUTIES:

A. Generally: The City Treasurer shall perform all the duties required of him by law (65 ILCS 5/3-10-1) and ordinance. He shall:

1. Keep books wherein shall be recorded and safely kept a record of all transactions of his office. In keeping the books and records herein required by him to be kept, it shall be his duty to do the work in such manner so that the books and records will at all times contain and disclose, in detail, the accounts, transactions, business and affairs of his office.

2. Keep separate the transactions and affairs relating to the various funds, departments and offices of the City.

B. Properties Of Office: The Treasurer shall preserve and safely keep in his custody the books, records and property under his control pertaining to his office and shall not permit the same to leave his custody and control unless so ordered by a court or the City Council, and upon termination of his term of office, he shall promptly turn over the same to the Mayor or the City Clerk.

C. Regulations: The Treasurer shall at all times follow the regulations that may be prescribed by the Council or by law pertaining to the office or the conduct, management and affairs thereof and shall at all times follow the system of accounting provided and adopted by the City.

D. Reports Required: The Treasurer shall make all reports as are required by law, and such other and further reports as may be required by the City Council. (1978 Code §3.03)

1-8-3: INSPECTION OF BOOKS AND RECORDS:

The books and records of the Treasurer's office shall at all times be open to inspection by the Mayor, Council, or the City Administrator. (Ord. 1995-11, 4-25-1995)

1-8-4: APPOINTMENT:

A. The office of City Treasurer shall be filled by appointment by the Mayor, with the advice and consent of the City Council.

- B. The office of City Treasurer as an elected office shall continue as such until the expiration of the current term of the City Treasurer. (Ord. 1995-8, 3-28-1995)

CHAPTER 9 CITY OFFICERS AND EMPLOYEES

SECTION:

1-9-1: Duties

1-9-2: Council authority to Abolish Office, Establish New Duties

1-9-1: DUTIES:

- A. Orders, Reports: Every officer, agent or employee of the City shall at all times promptly execute and carry out all orders, directions and instructions concerning corporate matters issued by the Mayor or City Council or any superior officer, and every such officer shall, whenever requested by the Mayor or City Council, make report upon such corporate matters about which such request is made so far as the same are within knowledge, duties or authority.
- B. Return City Properties: It shall be the duty of every officer or employee of the City, upon the termination of his service for the City, to turn over to his successor when the same shall be duly qualified or to the City Clerk or City Treasurer, all books, records, money and other property of which he may have possession or custody as such officer or employee belonging to the City. (1978 Code §3.08)

1-9-2: COUNCIL AUTHORITY TO ABOLISH OFFICE, ESTABLISH NEW DUTIES:

Nothing in any ordinance shall be construed or held to prohibit the abolishment of any office created by the Council or the discharge of any agent or employee or officer or the adding, assigning or transferring to any such officer of new duties or corporate work, from time to time, whether before or after his appointment or election or entry upon the incumbency of any office. (1978 Code §3.08)

1-9A ARTICLE A. CITY COLLECTOR (Rep. by Ord. 95-11-24, 11-14-1995)

1-9B ARTICLE B. CITY ATTORNEY

SECTION:

- 1-9B-1: Office Established; Appointment**
- 1-9B-2: Duties**
- 1-9B-3: Failure to Perform**
- 1-9B-4: City Attorney Pro Tem**

1-9B-1: OFFICE ESTABLISHED; APPOINTMENT:

There is established the office of City Attorney. He shall be appointed by the Mayor by and with the advice and consent of the City Council. (1978 Code §3.05)

1-9B-2: DUTIES:

The City Attorney shall:

- A. Advise Council and Officers: Act as legal adviser of the City Council and of all the City officers, and the Council may require his opinion, in writing, upon any question of law arising in connection with any City affairs or upon any suit, claim or demand in which the City is or may become interested. In every case where a written opinion is requested, he shall comply with such request as soon as may be possible by filing his opinion in the office of the City Clerk or by presenting it to the Council when in session.
- B. Attend Council Meetings: Attend one regular meeting of the City Council each month and special meetings when requested to do so by the Mayor or City Clerk.
- C. Prepare Documents: Prepare all contracts and other legal documents of the City when requested and prepare such ordinances for the City as may be requested of him by the Mayor or Council.
- D. Suits and Actions: Act as counsel for the City in every suit or legal proceeding in which the City may be interested and take such steps and adopt such measures therein as he shall deem for the best interests of the City and for the promotion of justice.
- E. Other Duties: Perform such other duties properly pertaining to the duties of his office as the Council may require of him. (1978 Code §3.05)

1-9B-3: FAILURE TO PERFORM:

In case the failure of the City Attorney to attend to any legal business shall result from wilful neglect or inattention to the duties of his office, the fees paid for such service shall be deducted from the salary of the City Attorney. (1978 Code §3.05)

1-9B-4: CITY ATTORNEY PRO TEM:

Whenever the City Attorney shall be unable to attend to any legal business of the City, the Mayor may employ an attorney to attend to the same, and reasonable fees shall be paid to such attorney so employed. (1978 Code §3.05)

1-9C ARTICLE C. DIRECTOR OF PUBLIC WORKS

SECTION:

1-9C-1: Established; Appointment and Term

1-9C-2: Powers and Duties

1-9C-1: ESTABLISHED; APPOINTMENT AND TERM:

- A. Office Established: There is hereby established for the City the office of Director of Public Works. The Director shall be appointed by the Mayor with the advice and consent of the City Council.
- B. Term: The term of the Director of Public Works shall be one year, beginning May 1 of each year and until his successor is appointed and qualified. (1978 Code §3.15)

1-9C-2: POWERS AND DUTIES:

The Director of Public Works shall:

- A. Generally: Perform all duties and have all the powers assigned by law or ordinance to a director of public works and such other duties and functions as may be lawfully assigned to him (See Sections 7-2-7B and 8-1-2 of this Code).
- B. Accounts And Records: Keep accounts and records of all business connected with the streets, alleys, storm sewers, water and wastewater treatment. (1978 Code §3.15)
- C. Plat Of Waterworks System: Maintain and keep a plat of the waterworks system, showing the location of the pumping station, all mains and size of the same, hydrants, cutoffs, taps, etc., and to extend such plat, from time to time, as the development of the system may require to keep the plat accurate and complete.

Such plat shall be kept on file at the office of the Director of Public Works for inspection by the officers of the City. (1978 Code §3.15; amd. Ord. 1995-11, 4-25-1995)

1-9D ARTICLE D. CITY ADMINISTRATOR

SECTION:

- 1-9D-1: Office Established; Appointment**
- 1-9D-2: Qualification for Office**
- 1-9D-3: Compensation**
- 1-9D-4: Duties and Powers**
- 1-9D-5: City Administrator Pro Tem**

1-9D-1: OFFICE ESTABLISHED; APPOINTMENT:

There is hereby established the office of City Administrator. If, in the Mayor's discretion, it is determined that the appointment of a City Administrator is necessary, the Mayor, with the advice and consent of the City Council, shall appoint a City Administrator. If there exists a vacancy in the office of the City Administrator, the Mayor shall, to the extent permitted by law, assume the powers and duties of the office of City Administrator, but shall not receive additional compensation for the performance of such duties. (Ord. 97-27-1, 11-18-1997)

1-9D-2: QUALIFICATION FOR OFFICE:

The position of City Administrator requires a Master's Degree in Public Administration or a closely related field. This requirement may be delayed upon evaluation of experience in local government administration and concurrent work toward the required degree. (Ord. 856, 4-26-1994)

1-9D-3: COMPENSATION:

The City Administrator shall receive such compensation as may be fixed from time to time by the corporate authorities and shall receive benefits afforded to other City employees and department heads. (Ord. 856, 4-26-1994)

1-9D-4: DUTIES AND POWERS:

The City Administrator shall:

- A. Act as advisor to the Mayor and City Council upon questions arising in connection with all City affairs. (Ord. 856, 4-26-1994)
- B. Serve as chief administrative officer overseeing the day-to-day operation of all City departments and functions.
- C. If so designated by the Mayor and approved by the City Council, serve as the Budget Officer, with such powers and duties for such position as set forth in the Genoa Municipal Ordinances. (Ord. 1995-4, 1-10-1995)
- D. Make recommendations concerning risk management, including insurance contracting and safety/loss control.
- E. Coordinate economic development and recommend plans of action. (Ord. 856, 4-26-1994)
- F. Act as Personnel Director administering all such duties and responsibilities as set forth in the City Personnel Manual and as may be assigned by the Mayor and City Council. (Ord. 1995-4, 1-10-1995)
- G. Act as City representative to outside individuals and organizations.
- H. Perform such other duties properly pertaining to the duties of his office as the City Council may require of him and have all powers assigned by law or ordinance as may be lawfully assigned to him. (Ord. 856, 4-26-1994)
- I. Act as, or designate, the Zoning Officer. (Ord. 1995-11, 4-25-1995)

1-9D-5: CITY ADMINISTRATOR PRO TEM:

Whenever the City Administrator is unable to attend to the duties of his position, the Mayor may temporarily designate another qualified person to act as City Administrator. (Ord. 856, 4-26-1994)

1-9E ARTICLE E. BUDGET OFFICER

SECTION:

- 1-9E-1: Office Established; Appointment**
- 1-9E-2: Oath and Bond**
- 1-9E-3: Oath and Duties**
- 1-9E-4: Eligibility for Office and Compensation**

1-9E-1: OFFICE ESTABLISHED; APPOINTMENT:

There is established the position of Budget Officer. The Budget Officer shall be appointed by the Mayor, with the approval of the City Council. The Budget Officer shall serve at the pleasure of the Mayor. (Ord. 1995-3, 1-10-1995)

1-9E-2: OATH AND BOND:

Before entering upon the duties of the office, the Budget Officer shall take an oath and post a bond as provided in the Illinois Municipal Code. (Ord. 1995-3, 1-10-1995)

1-9E-3: POWERS AND DUTIES :

The Budget Officer shall have the following powers and duties (Ord. 95-11-24, 1995-1996):

- A. Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all Municipal departments, commissions, and boards.
- B. Compile an annual budget in accordance with State law.
- C. Examine all books and records of all Municipal departments, commissions, and boards which relate to monies received by the Municipality, Municipal departments, commissions, and boards, and paid out by the Municipality, Municipal departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the Municipality, Municipal departments, commissions, and boards.
- D. Obtain such additional information from the Municipality, Municipal departments, commissions, and boards as may be useful to the Budget Officer for purposes of compiling a Municipal budget, such information to be furnished by the Municipality, Municipal departments, commissions, and boards in the form required by the Budget Officer. Any department, commission or board which refuses to make such information as is requested of it available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the Municipality until such Municipal department, commission, or board shall comply in full with the request of the Budget Officer.
- E. Establish and maintain such procedures as shall ensure that no expenditures are made by the Municipality, Municipal departments, commissions, or boards except as authorized by the budget.
- F. Such other duties as may be designated by the Mayor. (Ord. 1995-3, 1-10-1995)

- G. Exercise supervision over all officers of the City charged in any manner with the receipt, collection, or disbursement of City revenues and return of such revenues to the City Treasurer. (Ord. 1995-11, 4-25-1995)
- H. Collect, when due and payable, all special assessments levied upon premises in the City, upon warrants therefor issued and delivered to the Budget Officer for the collection therefor and collect all water and sewer taxes for the City.
- I. Each month, and more often if required by the City Council, pay over to the persons or officers authorized to receive the same, all monies collected by him as Budget Officer, taking proper receipts therefor, which receipts shall be kept on file in his office.
- J. Receive all warrants delivered to him for collection of special assessments and keep and preserve the same and keep and preserve in a well-bound book an account of all monies received by him as such officer, showing dates when, persons from whom received and amounts of such monies received by him.
- K. Annually, between April 1 and April 10 of each year, prepare and present to the City Council a statement of all monies collected by him as Budget Officer during the preceding year, the assessment or account on which collected, the balance due and uncollected on all warrants in his possession and the balance remaining due and uncollected at the time of return on all warrants, as provided by law ^B, and he shall publish or post the same as required by law to be done in regard to the annual report of the City Treasurer.
- L. Maintain a system of records consistent with any general plan of accounting and keeping records adopted by the City, preserve and keep the same in his custody at all times, unless produced by him elsewhere by order of a court or by the City Council. At the termination of his term of office, he shall promptly deliver all records of his office to his successor or such person as the City Council may direct.
- M. The Budget Officer shall neither give nor issue a receipt in full payment for any special assessment or installment thereof or interest thereon, unless the same has, in fact, been paid in full, and he shall have no authority to compromise or make adjustments of amounts shown to be unpaid on warrants in his hands, except as authorized specifically by the City Council, and he shall at all times observe and follow any regulations from time to time prescribed by the City Council relative to the conduct and management of his office.
- N. The Budget Officer is prohibited from keeping monies paid in to him as such officer in his hands or in the hands of any person, for or to his use, beyond the time prescribed for the payment of the same by him to the City Treasurer or other person entitled to receive the same. (1978 Code §3.04; amd. Ord. 95-11-24, 11-14-1995)

1-9E-4: ELIGIBILITY FOR OFFICE AND COMPENSATION:

The Budget Officer designated by the Mayor may hold another Municipal office. The Budget Officer shall receive such compensation as specified by the Mayor, and such compensation may be received in addition to other compensation received for serving in such other Municipal office. (Ord. 1995-3, 1-10-1995)

1-9F ARTICLE F. COMMUNITY DEVELOPMENT DIRECTOR

SECTION:

- 1-9F-1: Office Established; Appointment**
- 1-9F-2: Powers and Duties**
- 1-9F-3: Qualifications and Compensation**

1-9F-1: OFFICE ESTABLISHED: APPOINTMENT:

There is established a position of Community Development Director. The Community Development Director shall be appointed by the Mayor, with the approval of the City council. The community Development Director shall serve at the pleasure of the Mayor.

1-9F-2: POWERS AND DUTIES:

The Community Development Director shall have the following powers and duties:

- A. The community Development Director shall exercise all duties and responsibilities for the Office of the Development Administrator contained within the Codes of the City of Genoa, also known and referred to as the Unified Development Ordinance of the City of Genoa. The Community Development Director, or his/her duly appointed and acting assistant, shall be responsible for the administration, interpretation and enforcement of the provisions contained with the City Code of Genoa, commonly referred to as the Unified Development Ordinance.
- B. The Community Development Director shall also re responsible for providing liaison for the Economic Development Commission.
- C. The Community Development Director shall also administer Economic Development Activities of the City.
- D. The community Development Director may obtain such additional information from the Municipality, Municipal departments, commissions, and boards as may be useful to the Community Development Director for purposes of implementing the responsibilities assigned by the City Code to this office.

E. The Community Development Director shall be responsible for such other duties as may be designated by the Mayor.

1-9F-3: QUALIFICATIONS AND COMPENSATION:

The Community Development Director shall hold a Bachelor's Degree in Public Administration, Planning or closely related field, with a Master's Degree in Public Administration, Planning or closely related field preferred. The Community Development Director shall receive such compensation as specified by the Mayor. (Amd Ord 2005-25, 07-05-2005)

CHAPTER 10 MISCELLANEOUS PROVISIONS

SECTION:

- 1-10-1: Wards**
- 1-10-2: Corporate Seal**
- 1-10-3: Fiscal System**
- 1-10-4: Office Hours**

1-10-1: WARDS:

The territory comprising the City is redistricted into four (4) wards as follows:

- A. First Ward: The First Ward shall comprise all that territory lying south of the Iowa Central and Eastern Railroad which is also east of a line along the center line of Stott Street (if extended).
- B. Second Ward: The Second Ward shall comprise all that territory lying south of the centerline of Illinois Route 72 which is also east of the Canadian National Railroad, west of the center line of Locust Street and north of the center line of Hill Street; also that territory east of the Canadian National Railroad which is south of the centerline of Hill Street and west of a line along the centerline of Stott Street (if extended); also that territory southwest of the Canadian National Railway which is also east of the centerline of Sycamore Street south of the Canadian National Railroad and west of a line along the centerline of Stott Street (if extended).
- C. Third Ward: The Third Ward shall comprise all that territory lying north of the centerline of Illinois Route 72 which is also west of the line along the centerline of Stott Street (if extended); also all that territory lying north of the Iowa, Central and Eastern Railroad east of a line along the centerline of Stott Street (if extended); and

also all that territory south of the centerline of Route 72/Main Street, north of the centerline of Hill Street, east of the centerline of Locust Street and west of the centerline of Stott Street.

D. Fourth Ward: The Fourth Ward shall comprise all that territory lying south of the centerline of Illinois Route 72, which is also southwesterly of the Canadian National Railroad and east of the centerline of Sycamore Street. (amd. Ord. 2005-41,10-18-2005)

1-10-2: CORPORATE SEAL:

The seal heretofore provided and used by and for the City, having in the center the word Seal and around the said word the words Incorporated 1911 and around the outer edge the words City of Genoa, Illinois, shall be and is hereby established and declared to have been and is now to be the Seal of the City. (1978 Code §3.12)

1-10-3: FISCAL SYSTEM:

The City Council finds that the adoption and passage of an annual budget, in lieu of passage of an appropriation ordinance, provides the best method for accounting for Municipal finances. State law allows the City to adopt the "budget system" of Municipal finance, in lieu of passage of an appropriation ordinance. Adoption of the relevant State laws is necessary to establish the "budget system" for the City. Sections 5/8-2-9.3 through 5/8-2-9.7 and 5/8-2-9.9 and 5/8-2-9.10 of the Illinois Municipal Code ¹⁰ as now or thereafter amended, are hereby adopted and made a part of this City Code as if fully set out herein. (Ord. 1995-2, 1-10-1995)

1-10-4: OFFICE HOURS:

The offices for City Hall business shall be open five (5) days each week, excluding approved holidays, for such hours as stipulated by the Mayor. Said hours shall be prominently displayed on or at the entrance thereto. (Ord. 95-11-25, 11-14-1995)