

TITLE 1

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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.

WHOLESALER: The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things 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, Bond Fees, Court Costs

1-4-2: Application of Provisions

1-4-3: Responsibility for Acts

1-4-1: GENERAL PENALTY :

FINE SCHEDULE FOR PRE-PAYMENT OF ORDINANCE CITATIONS (ASSUMES ANY ORDINANCE NOT LISTED HERE IS A MANDATORY COURT DATE UNTIL OTHERWISE AMENDED)

- 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 Seven hundred fifty dollars (\$750.00), 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 Seven hundred and fifty dollars (\$750.00); 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.
- D. A person who fails to pay in accordance with Paragraph C above may be prosecuted in an administrative adjudication hearing. 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 Finance Office within thirty (30) days, the City will seek court adjudication and a fine of up to \$750.00. (Ord 2015-19, 10-6-2015)
- E. A person found to have committed a violation of this Code which requires a mandatory court appearance shall be fined between the minimum fine of \$25.00 and maximum fine of \$750.00.
- F. Any minor (under eighteen years of age) who is issued a notice of a violation of the Genoa Ordinance's will be required to appear at an administrative adjudication hearing with a parent or guardian.

Title 3: Business and License Regulations

3-3-18-A Bartenders license	Mandatory
3-3-21-B Open container	\$100
3-4-2-D Coin/Credit Operated Machine	\$25 per Machine
Video Gaming Terminal	\$25 per Terminal
3-4-3-C Music Devices	\$25 per Music Device
3-4-4-C Bowling Alleys	\$25 per Bowling Alley
3-5-2 Raffle license	\$100
3-6-2 Soliciting license	\$100
3-6-8-A Uninvited soliciting	\$100
3-6-8-B Soliciting- prohibited hours	\$100
3-6-13 Precious Metal/Pawnshops	\$750
3-10-1 Advertisements/handbills posting	\$ 50
3-12-2 Tobacco license	\$100
3-13-2-A Public smoking	\$100

Title 4: Public Health and Safety

4-1-2 Public nuisances prohibited	Mandatory
4-1-5 Nuisances affecting peace and safety (cite specific)	\$ 50
4-2-1 Accumulation of garbage and refuse	\$ 50
4-3-2 Weeds height restriction	Mandatory
4-3-3 Planned Natural Landscaping	\$50
4-4-1 Burning in city limits (cite specific)	\$ 50

Title 5: Police Regulations

5-2-1-C Curfew	Mandatory
5-2-2-A Possession of tobacco/e-cigarettes by a minor	Mandatory
5-2-2-B Sale of tobacco to minor	Mandatory
5-3-2-A Cruelty to animal	Mandatory
5-3-2-B Noisy animal	\$ 50
5-3-6-A Dog running at large	\$ 50
5-3-6-C Vicious domestic animal	Mandatory
5-3-6-D Removal of excrement	\$ 50
5-4-1 Disorderly conduct (list specific)	\$100
5-4-2 Quiet hours	\$100
5-4-3-B Posting bills	\$100
5-4-4 Trespass	\$100
5-4-6 Loitering	\$100
5-4-7-A Fireworks	\$100
5-4-12 Illegal Possession of Drug Paraphernalia	\$200
5-4-13 Illegal Possession of Cannabis	\$200
5-4-14 Littering	\$100
5-4-15-B Consumption of Alcohol by a Minor 18 through 20 years of age	\$100
5-4-15-C Consumption of Alcohol by a Minor under 18 years of age	Mandatory
5-4-16-B Possession of Alcohol by a Minor 18 through 20 years of age	\$100
5-4-16-C Possession of Alcohol by a Minor under 18 years of age	Mandatory
5-4-17-C Retail Theft	\$200
5-4-17-D Retail Theft Committed by a Minor	Mandatory
5-4-18-B Theft	\$200
5-4-18-C Theft Committed by a Minor	Mandatory
5/3-707 Operation of uninsured motor vehicle	Penalty Mandatory
5/6-112 License/permits to be carried, exhibited on demand	\$ 75
5/12-101 Scope and effect of equipment requirements	\$ 75
5/12-201 When lighted lamps are required	\$ 75
5/12-202 Clearance, identification and side marker lamps	\$ 75
5/12-203 Lamps on parked vehicles	\$ 75
5/12-204 Lamp or flag on projecting load	\$ 75
5/12-205 Lamps on other vehicles and equipment	\$ 75
5/12-205.1 Implements of husbandry or slow-moving Vehicles - display of amber signal lamp	\$ 75
5/12-207 Spot lamps and auxiliary driving lamps	\$75
5/12-208 Signal lamps and signal devices	\$75
5/12-209 Additional lighting equipment	\$75
5/12-210 Use of headlamps and auxiliary driving lamps	\$75
5/12-211 Number of driving lamps required or permitted	\$75

5/12-212	Special restrictions on lamps	\$75
5/12-215	Oscillating, rotating or flashing lights on motor vehicles	\$75
5/12-216	Operation of oscillating, rotating or flashing lights	\$75
5/12-301	Brakes	\$75
5/12-401	Restriction as to tire equipment	\$75
5/12-405	Operating condition of pneumatic tires	\$75
5/12-501	Windshields and safety glazing material in motor vehicles	\$75
5/12-502	Mirrors	\$75
5/12-503	Windshields must be unobstructed and equipped with wipers	\$75
5/12-600	Definitions	\$75
5/12-601	Horns and warning devices	\$75
5/12-602	Mufflers, prevention of noise	\$75
5/12-603	Seat safety belts	\$75
5/12-603.1	Driver and passenger required to use Safety belts - exceptions and penalties	\$75
5/12-604	Television Receivers	\$75
5/12-606	Tow trucks identification - equipment – insurance	\$75
5/12-607	Suspension system	\$75
5/12-608	Bumpers	\$75
5/12-610.2	Electronic Communication Devices	\$75

Title 6: Motor Vehicle and Traffic

6-1-3-B	Vehicle weight (300 S. Hadsall)	\$100
6-1-4-B	Engine braking	\$50
6-1-5	U-Turn	\$ 50
6-1-6	Vehicle on sidewalk	\$ 20
6-2-2-2	Parked facing wrong way	\$ 20
6-2-3	No parking (specify section)	\$ 20
6-2-3-F	Parked blocking fire hydrant	\$ 50
6-2-4-A	Parked blocking alley	\$ 20
6-2-4-B	Vehicle for sale	\$ 20
6-2-4-C	Vehicle parked on street with expired registration	\$ 20
6-2-5-B	Snow route	\$ 50
6-2-5A	Winter parking restrictions	\$ 50
6-2-7	Handicap parking	\$250

(Ord. 2014-02, 02-18-2014; Ord 2015-18, 10-6-2015)

BOND FEES:

In addition to any bail required in accordance with the laws of the State of Illinois, or any other state, or the United States of America, any person arrested for violating aailable

municipal ordinance or state or federal law, shall pay a fee of twenty (\$20.00) for bail processing. (Ord. 2012-13, 06-05-2012)

COURT FEES:

Upon determination of liable in an Administrative Adjudication hearing a fine shall be imposed as prescribed in Title 1 Chapter 4 Section 1. In addition court costs shall be assessed at a rate of \$50.00 per violation. (Ord. 2012-14, 06-05-2012)

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 fifteen thousand (\$15,000.00) as compensation 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, 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 one hundred dollars (\$100.00) for attendance at meetings of the committees to which the Alderman has been appointed, however, for purposes of this paragraph, every alderman shall be considered to have attended a meeting if such meeting had been scheduled and thereafter cancelled. 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 per fiscal year. (Ord. 98-15-1, 4-21-1998; amd. Ord. 99-58-1, 12-7-1999, Ord 2003-26, 12-09-2003; Ord. 2008-08, 02-19-2008)

- 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, 421-1998)

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 (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; Ord 2009-21, 11-23-09; Ord 2015-10, 5-19-2015)

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 Remote 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 City Clerk and Finance Office Manager by 3 PM of the day of 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. The Clerk shall record in the minutes of every meeting the members physically present, absent and present by audio or video conference. (Ord 2006-37, 11-06-06; Ord 2016-12, 07-05-2012)

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. 9815-1, 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. 9815-1, 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 Finance Office Manager 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; Ord 2015-19, 10-6-2015)

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. Any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer of this section shall be fined in accordance with Section 1-4-1. (Ord. 2011-29, 09-20-2011)

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 Finance Office 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; Ord 2015-19, 10-6-2015)

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 or her by law (65 ILCS 5/3-10-1) and ordinance. He or she 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 or her to be kept, it shall be his or her 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 or her 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 or her 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 or her term of office, he or she shall promptly turn over the same to the City Administrator or the Finance Office Manager. (Ord 2015-19, 10-6-2015)

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 or her successor when the same shall be duly qualified or to the City Administrator or City Treasurer, all books, records, money and other property of which he or she may have possession or custody as such officer or employee belonging to the City. (1978 Code §3.08; Ord 2015-19, 10-6-2015)

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 or her appointment or election or entry upon the incumbency of any office. (1978 Code §3.08)

CHAPTER 10 CITY COLLECTOR (Repealed by Ord. 95-11-24, 11-14-1995)

CHAPTER 11 CITY ATTORNEY

SECTION:

- 1-11-1: Office Established; Appointment
1-12-2: Duties
1-13-3: Failure to Perform
1-14-4: City Attorney Pro Tem

1-11-1: OFFICE ESTABLISHED; APPOINTMENT:

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

1-11-2: 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 or her 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 or she shall comply with such request as soon as may be possible by filing his or her 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 or her 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 or she 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 or her. (1978 Code §3.05)

1-11-3: FAILURE TO PERFORM:

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

1-11-4: 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)

CHAPTER 12 DIRECTOR OF PUBLIC WORKS

SECTION:

- 1-12-1: Established; Appointment and Term**
- 1-12-2: Powers and Duties**

1-12-1: 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 or her successor is appointed and qualified. (1978 Code §3.15)

1-12-2: 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 or her (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, 4-251995)

CHAPTER 13 CITY ADMINISTRATOR

SECTION:

- 1-13-1: Office Established; Appointment**
- 1-13-2: Qualification for Office**
- 1-13-3: Compensation**
- 1-13-4: Duties and Powers**
- 1-13-5: City Administrator Pro Tem**

1-13-1: 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)

1-13-2: 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)

1-13-3: 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)

1-13-4: 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 or her office as the City Council may require of him or her and have all powers assigned by law or ordinance as may be lawfully assigned to him or her. (Ord. 856, 4-26-1994)
- I. Act as, or designate, the Zoning Officer. (Ord. 1995-11, 4-25-1995)

1-13-5: CITY ADMINISTRATOR PRO TEM:

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

**CHAPTER 14
BUDGET OFFICER**

SECTION:

- 1-14-1: Office Established; Appointment**
- 1-14-2: Oath and Bond**
- 1-14-3: Oath and Duties**
- 1-14-4: Eligibility for Office and Compensation**

1-14-1: 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. The appointed City Treasurer shall also serve as the Budget Officer (Ord. 1995-3, 1-10-1995; Ord. 2018-12, 04-17-2018)

1-14-2: 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)

1-14-3: POWERS AND DUTIES:

The Budget Officer shall have the following powers and duties (Ord. 95-11-24, 19951996):

- 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 or her Budget Officer, taking proper receipts therefor, which receipts shall be kept on file in his or her office.
- J. Receive all warrants delivered to him or her 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 or her 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, and he or she 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 or her custody at all times, unless produced by him or her elsewhere by order of a court or by the City Council. At the termination of his or her term of office, he or she shall promptly deliver all records of his or her 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 or she shall have no authority to compromise or make adjustments of amounts shown to be unpaid on warrants in his or her hands, except as authorized specifically by the City Council, and he or she 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 or her office.
- N. The Budget Officer is prohibited from keeping monies paid in to him or her as such officer in his or her 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 or her to the City Treasurer or other person entitled to receive the same. (1978 Code §3.04; amd. Ord. 95-11-24, 11-14-1995)

1-14-4: 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)

CHAPTER 15

COMMUNITY DEVELOPMENT DIRECTOR

SECTION:

- 1-15-1: Office Established; Appointment**
- 1-15-2: Powers and Duties**
- 1-15-3: Qualifications and Compensation**

1-15-1: 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.

1-15-2: 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.

1-15-3: 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. (Ord 2005-25, 07-05-05)

**CHAPTER 16
MISCELLANEOUS PROVISIONS**

SECTION:

- 1-16-1: Wards**
- 1-16-2: Corporate Seal**
- 1-16-3: Fiscal System**
- 1-16-4: Office Hours**

1-16-1: 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 (Canadian Pacific) Railroad which is also east of a line along the center line of Stott Street (if extended), also that territory southwest of the Canadian National railway which is also east of the centerline of Sycamore Street and Dander Lane, also that territory northeast of the Canadian National Railroad and also west of the centerline of Stott Street (if extended) that is also south of the centerline of Hill Street.

- B. Second Ward: The Second Ward shall comprise all that territory lying south of the centerline of Illinois Route 72/Main Street/Park Avenue, which is also east of the Canadian National Railroad, and also west of the center line of Emmett Street and also north of the center line of Hill Street; also that territory west of the Canadian National Railroad which is also south of the centerline of Route 72/Park Avenue and east of a line along the centerline of Madison Street, and also north of Cherry Tree Lane and also northeast of the centerline of Forest View Drive and east the centerline of Sycamore Street.

C. Third Ward: The Third Ward shall comprise all that territory lying north of the centerline of Illinois Route 72/Main Street/Park Avenue 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 Emmett 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/Park Avenue, which is also west of the centerline of Madison Street; and also the territory south of the centerline of Cherry Tree Lane which is also east of the centerline of Madison Street which is also southwest of center line of Forest View Drive which is also west of the centerline of Sycamore Street/Dander Lane. (Ord 2005- 41,10-18-05; Ord 2012-20, 9-4-2012)

1-16-2: 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)

1-16-3: 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)

1-16-4: 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)

CHAPTER 17

Ethics

SECTION:

1-17-1: Definitions

1-17-2: Prohibited Political Activities

1-17-3: Gift Ban

1-17-4: Disposition of Gifts

1-17-5: Ethics Advisor

1-17-6: Ethics Commission

1-17-7: Policy Prohibiting Sexual Harassment

1-17-1: DEFINITIONS:

For the purposes of this ordinance, the following terms shall be given these definitions:

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

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

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

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

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

“Contribution” has the same meaning as that term is defined in section 9-1-4 of the Election Code (10 ILCS 5/9-1/4).

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

“Employer” means the City of Genoa.

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

“Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

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

“Political activity” means any activity in support of or in connection with campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

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

“Prohibited political activity” means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or heling in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing preparing for distribution, or mailing campaign literature, campaign designs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

1. Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employees:
2. Does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
3. Conducts activities regulated (i) by the officer or (ii) by an employee, or by the office or another employee directing that employee; or
4. Has interests that may be substantially affected by the performance of the official duties of the officer or employee.

1-17-2: PROHIBITED POLITICAL ACTIVITIES:

- A. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City of Genoa in connecton with any prohibited political activity.

- B. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- C. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- D. Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer employee on a voluntary basis which are not prohibited by this Ordinance.
- E. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

1-17-3: Gift Ban:

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

Section 1-17-3 is not applicable to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials or missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter--in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother,

stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship, the determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction, or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. For the purpose of this Act, intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers or death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

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

1-17-4: DISPOSITION OF GIFTS:

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

1-17-5: ETHICS ADVISOR:

The Mayor, with the advice and consent of the City Council shall designate an Ethics Advisor for the City of Genoa. The duties of the Ethics Advisor may be delegated to an officer or employee of the City of Genoa unless the position has been created as an office by the City of Genoa.

The Ethics Advisor shall provide guidelines to the officers and employees of the City of Genoa concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.

1-17-6: ETHICS COMMISSION:

There is hereby created a commission to be known as the Ethics Commission of the City of Genoa. The Commission shall be comprised of three members appointed by the Mayor with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or marriage up to the degree of first cousin, to any elected officer of the City of Genoa.

At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms and the third commissioner shall serve a one-year term. Commissioners may be appointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson (Ord 2004-28, 05-18-2004).

1-17-7: POLICY PROHIBITING SEXUAL HARASSMENT:

A. Prohibition on Sexual Harassment

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City of Genoa to prohibit sexual harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees, and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

B. Definition of Sexual Harassment

1. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Conduct which may constitute as sexual harassment includes:
 - a. Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
 - b. Non-verbal: suggesting or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises.
 - c. Visual: posters, signs, pin-ups or slogans of sexual nature, viewing pornographic material or websites.
 - d. Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
 - e. Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

C. Procedure for Reporting an Allegation of Sexual Harassment

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person".

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending

employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

1. **Electronic/Direct Communication:** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or memo.
2. **Contact with Supervisory Personnel:** At the same time direct communication is undertaken, or in the event the employee feels threatened by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, the city manager or administrator, or the chief executive officer of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are not witnesses and the victim fails to notify a supervisor or the responsible officer, the municipality will not be presumed to have knowledge of the harassment.

3. **Resolution Outside the Municipality:** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and the incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. (Ordinance 2018-27, 11-06-2018)

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

D. Prohibition on Retaliation for Reporting Sexual Harassment Allegations

No municipal official, municipal agency, municipal employee or office shall take any retaliation action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purpose of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge- either due within 300 days. (Ordinance 2018-27, 11-06-2018)

E. Consequences of a Violation of the Prohibition on Sexual Harassment

Any person who violates this policy will be subject to discipline up to and including discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any fines or penalties imposed by a court of law or a State or federal agency.

F. Consequences for Knowingly Making a False Report

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness for the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline up to and including discharge. (Ord. 2018-1, 01-02-2018)