

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I - PLAN COMMISSION

4-1-1 **ESTABLISHED.** A Plan Commission is hereby created under authority of the **Illinois Compiled Statutes, Chapter 65, Sections 5/11-12-4 through 5/11-12-12.**

4-1-2 **MEMBERSHIP.** The Plan Commission shall consist of **nine (9) members;** said members to be residents of the City, appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the City Council.

4-1-3 **TERM OF OFFICE.** The members shall serve for a period of **three (3) years.** Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the City Council deems it advisable, they may receive such compensation as provided by the City Council by appropriation.

4-1-4 **PROCEDURE.** The Plan Commission shall elect such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the City Code and State Law. The Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and City Council, setting forth its transactions and recommendations.

4-1-5 **POWERS AND DUTIES.** The Plan Commission shall have the following powers and duties:

(A) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the City. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.

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

(B) To designate land suitable for annexation to the City and the recommended zoning classification for such land upon annexation.

(C) To recommend to the City Council, from time to time, such changes in the comprehensive plan or any part thereof, as may be deemed necessary.

(D) To prepare and recommend to the City Council, from time to time, plans and/or recommendations for specific improvements in pursuance to the official comprehensive plan.

(E) To give aid to the officials of the City charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.

(F) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(G) To cooperate with municipal or regional plan commissions and other agencies or groups to further the local plan program and to assure harmonious and integrated planning for the area subject to approval of the City Council.

(H) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the City Council.

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include

all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the City. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. **(See 65 ILCS Sec. 5/11-12-12)**

4-1-7 IMPROVEMENTS. The City Clerk shall furnish the Plan Commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council.

4-1-8 FURTHER PURPOSES. The Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

(A) To regulate and limit the height and bulk of buildings hereafter to be erected.

(B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or flood water runoff channel or basin.

(C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.

(D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

(E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this Section.

(F) To fix standards to which buildings or structures therein shall conform.

(G) To prohibit uses, buildings, or structures incompatible with the character of such districts.

(H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

4-1-9 **EXPENDITURES.** Expenditures of the Commission shall be at the discretion of the City Council and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the City Council and appropriations by the City Council therefor. **(See 65 ILCS Sec. 5/11-12)**

ARTICLE II

BOARD OF POLICE AND FIRE COMMISSIONERS

4-2-1 **BOARD ESTABLISHED.** Pursuant to the provisions of and as required by **Division 2.1 of Article 10 of the Illinois Municipal Code (65 ILCS Sec. 5/10-2.1-1 et seq.)** for municipalities of a population of at least **five thousand (5,000)** and not more than **two hundred fifty thousand (250,000)**, a Board of Police and Fire Commissioners consisting of **three (3) persons** is established for the City hereinafter referred to as the "Board".

4-2-2 **APPOINTMENT.** The Board shall consist of **three (3) members**, whose terms of office shall be **three (3) years** and until their respective successors are appointed and have qualified. The appointment shall be made by the Mayor, with the consent of the City Council. Every member shall serve until his successor is appointed and has qualified. **(See 65 ILCS Sec. 5/10-2.1-1)**

4-2-3 **VACANCIES.** Vacancies on the Board shall be filled in the same manner as the original appointment. **(See 65 ILCS Sec. 5/10-2.1-2)**

4-2-4 **CHAIRMAN ELECTED.** The members of the Board shall elect a Chairman to serve during the municipal fiscal year. **(See 65 ILCS Sec. 5/10-2.1-1)**

4-2-5 **QUORUM.** A majority of the Board shall constitute a quorum for the conduct of all business. **(See 65 ILCS Sec. 5/10-2.1-1)**

4-2-6 **OATH AND BOND.** The members of the Board shall be considered officers of the City and shall file an oath and a fidelity bond in such amount as may be required by the governing body of the City. **(See 65 ILCS Sec. 5/10-2.1-3)**

4-2-7 **CONFLICTING OFFICES.** No person holding an office of the City shall be a member of the Board or the Secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation of his office as a member of the Board or the Secretary thereof. No person shall be appointed a member of the Board who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the City. No more than **two (2) members** of the Board shall belong to the same political party existing in the City at the time of such appointments and as defined in **Section 10-2 of the Election Code (10 ILCS Sec. 5/10-2)**. If only one or no political party exists in the City at the time of such appointments, then state or national political party affiliation shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as member of the Board. **(See 65 ILCS Sec. 5/10-2.1-3)**

4-2-8 **REMOVAL FROM OFFICE.** Members shall not be subject to removal, except for cause, upon written charges and after an opportunity to be heard within **thirty (30) days** in his, her or their own defense, before a regular meeting of the City Council. A majority vote of the elected members of the City Council of the City shall be required to remove any such member from office. **(See 65 ILCS Sec. 5/10-2.1-3)**

4-2-9 **EMPLOYMENT OF SECRETARY.** The Board may employ a Secretary, or may designate one of its own members to act as Secretary. The Secretary (1) shall keep the minutes of the Board proceedings, (2) shall be the custodian of all records pertaining the business of the Board, (3) shall keep a record of all examinations held, (4) shall perform all other duties the Board prescribes and (5) shall be custodian of the seal of the Board, if one is adopted, and the Board is hereby authorized to adopt an official seal and to prescribe the form thereof by resolution of the Board.

4-2-10 **COMPENSATION OF SECRETARY.** The Secretary may be paid a reasonable compensation for his or her services, to be fixed by the corporate authorities. The corporate authorities may also fix the compensation to be paid to the members of the Board, but until the corporate authorities make provision therefor, the members of the Board shall serve without compensation.

4-2-11 **POWERS OF BOARD.** The Board shall have the following powers and duties:

(A) To prepare and keep an "Eligibility Register" resulting from the examination process for original appointments to the Police Department and Fire Department, ranking the candidates in order of relative excellence, without reference to priority of the time of examination.

(B) To prepare and keep a "Lateral Entry Eligibility Register" for the Police Department of persons who have previously been full-time sworn officers of a regular police department in any municipal, county, university, or State law enforcement agency, provided they are certified by the Illinois Law Enforcement Training Standards Board and have been with their respective law enforcement agency within the State for at least **two (2) years**, ranking the candidates in order of relative excellence as determined by the Board.

(C) Upon request by the Mayor, the Board shall deliver to the Mayor a list of the top **five (5)** eligible candidates from any of the eligibility registers that are kept by the Board, as may be requested by the Mayor.

(D) The Board shall have no authority to make original appointments to the Police Department or Fire Department. Original appointments to the Fire Department, shall be made by the Mayor, at the discretion of the Mayor, from the list of the top **five (5)** eligible candidates provided by the Board. Original appointments to the Police Department may be made by the Mayor, at the discretion of the Mayor, from either the list of the top **five (5)** eligible candidates from the Eligibility Register, the top **five (5)** eligible candidates from the Lateral Entry Eligibility Register, or alternatively, by appointment of a certified police officer pursuant to **Section 4-2-13**.

(E) The Board shall have the further powers set forth in Division 2.1 of Article 10 of the Illinois Municipal Code (**65 ILCS 5/10-2.1-1 et seq.**) except as to the extent of any conflict with this Section regarding original appointments to the Police Department or Fire Department and including the following:

- (1) To make promotions within the Police Department and Fire Department, except with regard to the offices of Chief of Police, Deputy Chief of Police and Fire Chief.
- (2) To discipline, suspend, remove, or discharge officers and members of the Police Department, except the Chief of Police, Deputy Chief of Police and Fire Chief.
- (3) To conduct hearings on charges brought against a member of the Police Department or Fire Department, except the Chief of Police, Deputy Chief of Police and Fire Chief.

Nothing in this Section shall be construed to prevent the Chief of Police or Fire Chief from suspending, without pay, a member of the Police Department or Fire Department for a period of not more than **five (5) calendar days**, which right is hereby granted to the Chief of Police and Fire Chief. Notice of any such suspension shall be given to the Board and shall be subject to review as provided in **65 ILCS 5/10-2.1-17. (Ord. No. 14-4; 03-11-14)**

4-2-12 **APPOINTMENT OF CHIEF OF POLICE, DEPUTY CHIEF OF POLICE AND FIRE CHIEF.** The Chief of Police, Deputy Chief of Police and Fire Chief shall be appointed by the Mayor, with the consent of the City Council, and may be removed or discharged by the Mayor upon confirmation by the City Council in the same manner as is set forth in **65 ILCS 5/10-2.1-4**. All other full time officers and members of the Police Department and Fire Department shall be appointed, promoted, removed or discharged in the manner provided in **65 ILCS 5/10-2.1-1 et seq.**, except as is provided in **Section 4-2-11** of this Article relating to original appointments to the Police Department and Fire Department. **(Ord. No. 08-12; 05-13-08)**

4-2-13 **APPOINTMENT OF CERTIFIED POLICE OFFICERS.** In the alternative to appointment from the Eligibility Register or Lateral Entry Eligibility Register, original appointment to the Police Department may be made from certified police officers meeting the following requirements:

(A) The candidate must be certified as a full-time police officer by the Illinois Law Enforcement Training and Standards Board (ILETSB) or must have the equivalent certification from another state that would be transferable to Illinois.

(B) For out of state certified police officers, the candidate must also meet the following:

(1) Must have completed a required probationary period as a full-time law enforcement officer within the state where training was certified, which probationary period must have been a minimum of **six (6) months**.

(2) Must meet all requirements of ILETSB for waiver of the Illinois Basic Training Academy and certification as a full-time police officer.

(C) The following procedures shall apply to appointment of certified police officers:

(1) The candidate shall submit an application to the Chief of Police.

(2) The Chief of Police, in his discretion, may refer any candidate to the Board for oral interview.

(3) Upon completion of oral interview to the satisfaction of the Board, the Board shall refer the candidate to the Mayor for consideration.

(4) Appointment may be made by the Mayor, at the discretion of the Mayor. The Chief of Police and the Board shall have no authority to make appointment to the Police Department.

(D) For out of state certified police officers, the following further procedures shall apply:

(1) After hire, verification must be received from the ILETSB that the out of state basic training is sufficient for waiver by the ILETSB of the Illinois Basic Training Academy.

(2) Within **ninety (90) days** after the receipt of said verification, the candidate must complete mandatory firearms training, Law for Illinois Police Court – 40 hours, Illinois Equivalency Exam with passing score and any further requirements of the ILETSB to complete the waiver process.

(3) Failure to meet any of the requirements for waiver, or the failure to be granted a waiver for any reason, shall result in immediate termination of employment with the City.

(E) Certified police officers are subject to the requirements of medical exam, a **twelve (12) month** probationary period and any other requirements or provisions that new appointments are subject to, except where inconsistent with this Section.

(Ord. No. 14-4; 03-11-14)

4-2-14 **ADOPTION OF RULES AND REGULATIONS.**

(A) The Board shall have the power and authority to make such reasonable rules concerning the conduct of examinations for original appointment and for promotions and for the conduct

of hearings on charges brought against a member of the Police Department or Fire Department and for the discipline to be imposed against any member. No such rule shall be made to govern the operation or administration of the Police Department or Fire Department or the conduct of its respective members in the discharge of their duties. No such rule shall be adopted by the Board which is contrary to the provisions of this Article.

(B) The Board shall cause such rules or changes therein to be printed and shall give notice of the places where the printed rules may be obtained, and the date, not less than **ten (10) days** subsequent to the time of publication, when the rules or changes therein shall go into effect. The notice shall be published once in a newspaper of general circulation within the City.

(Ord. No. 14-4; 03-11-14)

4-2-15 **CITY ATTORNEY REPRESENTS BOARD.** The City Attorney shall represent the Board and shall handle prosecutions before the Board.

4-2-16 **APPLICATION OF LAW.** This Article shall apply only to full-time officers and members of the Police Department and Fire Department of the City and not to any other personnel of any kind or description. **(Ord. No. 08-12; 05-13-08)**

4-2-17 **STATUTES ADOPTED.** **Division 2.1 of Article 10** of the **Illinois Municipal Code**, as amended **(65 ILCS 5/10-2.1-1 et seq.)**, is hereby incorporated in and made part of this Article the same as if recited herein verbatim, except to the extent of any conflict with this Article. In case of any conflict between the provisions of this Article and said Division, this Article shall control. **(Ord. No. 08-12; 05-13-08)**

[See 1965 Code; Article II in part]

ARTICLE III

POLICE PENSION BOARD

4-3-1 BOARD ESTABLISHED. Pursuant to the provisions of and as required by **Article 3** of the **Illinois Pension Code (See 40 ILCS Sec. 5/3-101 et seq.)** for municipalities with a population of **five thousand (5,000)** or more but less than **five hundred thousand (500,000)** inhabitants, a Police Pension Fund is established for the benefit of police officers of the Police Department and their surviving spouses, children and certain other dependents, as provided in the aforesaid Illinois Pension Code.

4-3-2 TERMS. The terms used in this Article have the meanings ascribed to them in this Section:

(A) **"Board"** means the Board of Trustees of the Police Pension Fund of the City.

(B) **"Police Officer"** means any person who (1) is appointed to the police force of the police department and sworn and commissioned to perform police duties; (2) is found upon examination of a duly licensed physician or physicians selected by the Board to be physically and mentally fit to perform the duties of a police officer; and (3) within **three (3) months** after receiving his or her first appointment, and if reappointed within **three (3) months** thereafter, makes written application to the Board to come under the provisions of this Ordinance and **Article 3** of the **Illinois Pension Code**.

(C) **"Salary"** means the annual salary, including longevity, attached to the police officer's rank, as established by the City's appropriation ordinance, including any compensation for overtime which is included in the salary so established, but excluding any "overtime pay", "holiday pay", "bonus pay", "merit pay", or any other cash benefit not included in salary so established.

4-3-3 PENSION FUNDS. The Police Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the City.

(A) All moneys derived from the taxes levied under **Article 3** of the **Illinois Pension Code (40 ILCS Sec. 5/3-101 et seq.)**;

(B) Contributions by police officers under **40 ILCS Sec. 5/3-125.1**;

(C) All moneys accumulated by the City under any previous legislation establishing a fund for the benefit of disabled or retired police officers;

(D) Donations, gifts or other transfers authorized by **40 ILCS Sec. 5/3-101 et seq.**

4-3-4 **TAX LEVY.** The City Council shall annually levy and tax upon all the taxable property of the City at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) the amount necessary to amortize the fund's unfunded accrued liabilities as provided by **40 ILCS Sec. 5/3-127**. The tax shall be levied and collected in the same manner as the general taxes of the City, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the City.

4-3-5 **EMPLOYEE CONTRIBUTION.** Each police officer shall contribute to the police pension fund **nine percent (9%)** of his or her salary which shall be deducted monthly. However, the Chief of Police may elect to participate in the Illinois Municipal Retirement Fund rather than in the fund created under this Article. Such election shall be irrevocable, and shall be filed in writing, with the Board.

4-3-6 **BOARD MEMBERSHIP.** A Board of **five (5) members** shall constitute a Board of Trustees to administer the police pension fund and to designate the beneficiaries thereof. The Board shall be known as the "Board of Trustees of the Police Pension Fund of the City of Murphysboro".

Two (2) members of the Board shall be appointed by the Mayor, one of whom shall serve for **one (1) year** beginning on the **second (2nd) Tuesday** in May after the Municipality comes within the provisions of **Article 3** of the **Illinois Pension Code**. The other appointed member shall serve for **two (2) years** beginning on the same date. The successors to each of the foregoing Trustees shall serve for **two (2) years** each or until their successors are appointed and qualified.

Two (2) members of the Board shall be elected from the active participants of the pension fund by such active participants. **One (1) member** of the Board shall be elected by and from the beneficiaries. The election of these Board members shall be held biennially on the **third (3rd) Monday** in April, at such place or places in the City and under the Australian ballot system and such other regulations as shall be prescribed by the appointed members of the Board.

The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than **one (1) ballot** at such election. The term of elected members shall be **two (2) years**, beginning on the **second (2nd) Tuesday** of the first May after the election.

4-3-7 **VACANCIES AND RESIGNATIONS.** Upon the death, resignation, or inability to act of any elective Board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the Board and conducted in the same manner as the regular biennial election.

4-3-8 **COMPENSATION.** Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as Trustees in that office.

4-3-9 **QUARTERLY MEETINGS.** The Board shall hold annually regular quarterly meetings in July, October, January and April, and special meetings as called by the President.

At the regular July meeting, the Board shall select from its members a President, Vice-President, Secretary and Assistant Secretary to serve for **one (1) year** and until their respective successors are elected and qualified.

4-3-10 **VICE-PRESIDENT'S DUTIES.** The Vice-President shall perform the duties of President during any vacancy in that office, or during the President's absence from the City, or if he or she is by reason of illness or other causes unable to perform the duties of the office.

The Assistant Secretary shall act for the Secretary whenever necessary to discharge the functions of such office.

4-3-11 **POWERS AND DUTIES.** The Board shall have the powers and duties provided under **Article 3** of the **Illinois Pension Code, (40 ILCS Sec. 5/3-101 et seq.)** including those powers and duties stated in **Sections 3-132 through 3-140.1** of said Code. **(See 40 ILCS Sec. 3-132 through 5/3-140.1)**

4-3-12 **ANNUAL STATEMENTS.** On the **second (2nd) Tuesday** in May annually, the Treasurer and all other officials of the City who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor and City Council of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board.

4-3-13 **REPORT TO CITY COUNCIL.** The Board shall report to the City Council on the condition of the pension fund. The report shall be made prior to the City Council meeting held for the levying of taxes for the year for which the report is made.

The Board shall certify:

- (A) the assets in its custody at such time;
- (B) the estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
- (C) the estimated amount required during said calendar year to (a) pay all pensions and other obligations provided in this Article and in **Article 3** of the **Illinois Pension Code**; and (b) to meet the annual requirements of the fund as provided in **Section 4** hereinabove.

4-3-14 **ILLINOIS PENSION CODE ADOPTED.** **Article 3** of the **Illinois Pension Code (40 ILCS Sec. 5/3-101 et seq.)** is incorporated by reference herein. In case of any conflict between this Ordinance and said Article, the applicable provisions of said Article shall control, and as said Code is amended from time to time, the provisions hereof, insofar as any variance may develop therefrom, if any, shall automatically be construed so as to conform therewith.

ARTICLE IV – FIREMEN’S PENSION FUND

4-4-1 **DEFINITION OF “FIREMAN” AND “FIREMEN”.** The words “fireman” and “firemen”, as used in this Chapter shall include all paid firemen employed by the City at the time this Code becomes effective and who have contributed, under the provisions of this Chapter and the law of this State, to the Firemen’s Pension Fund, but no person hereafter appointed to the Fire Department or reappointed in the Fire Department shall be considered a fireman within the provisions of this Chapter, unless at the time of his first appointment he was between the ages of **twenty-one (21)** and **thirty-five (35) years** and unless within **three (3) months** after receiving his first permanent appointment and, if reappointed unless within **three (3) months** after his reappointment, he shall make written application to the Board of Trustees of the Firemen’s Pension Fund to come under the provisions of this Chapter and shall be found, upon a medical examination of a duly licensed physician selected by the Board of Trustees of the Firemen’s Pension Fund, to be then physically and mentally fit to perform the duties of a fireman. **(See 40 ILCS Sec. 5/102 et seq.)**

4-4-2 **COMPOSITION OF FIREMEN’S PENSION FUND; TAX.** There shall be set apart the following moneys to constitute the Firemen’s Pension Fund:

(A) **One percent (1%)** of all revenues collected by the City authorizing persons or corporations to engage in the business, occupation or profession, excepting that of public utilities.

(B) All fines imposed for the violation of the provisions of this Chapter or other ordinances of the City relative to fire, the enforcement and collection of which may be charged to and be under the supervision of the Fire Chief or subordinate officers of the Fire Department.

(C) **Five percent (5%)** per month, which shall be paid or deducted from the salary of each active member of the Fire Department.

(D) All rewards in moneys, fees, gifts and emoluments that may be paid or given on account of extraordinary services of the Fire Department, or any member thereof, except when allowed to be retained by competitive awards.

(E) There shall be levied an annual tax upon all the taxable property within the City at the rate on the dollar of all such taxable property, which will produce an amount which, when added to the deductions from the salaries or wages of the firemen and receipts available from all other sources as hereinabove referred to, will equal a sufficient sum to meet the annual requirements of the pension fund under

Illinois **Compiled** **Statutes.** Such

tax shall be levied and collected in like manner with general taxes of the City and shall be in addition to all other taxes now or hereafter authorized to be levied upon all property within the City and shall be in addition to the amount authorized to be levied for general purposes as provided by **Illinois Compiled Statutes**. Such tax when collected shall be paid to the Firemen's Pension Fund as part thereof. **(See 40 ILCS Sec. 5/4-118)**

4-4-3 BOARD OF TRUSTEES; FIREMEN'S PENSION FUND. A Board of Trustees for this Fund shall be appointed provided by Statute. **(See 40 ILCS Sec. 5/4-121)**

4-4-4 RIGHTS, POWERS, ETC., OF BOARD OF TRUSTEES UNDER STATE LAW. In the administration of the Firemen's Pension Fund, the Board of Trustees of the Firemen's Pension Fund shall have the rights, powers and duties and shall be subject to all the provisions as set forth in the **Illinois Compiled Statutes**. **(See 40 ILCS Sec. 5/4-123 to 5/129.1)**

4-4-5 ANNUAL REPORT FOR TAX LEVY. The Board of Trustees of the Firemen's Pension Fund shall, annually, prior to the meeting of the City Council held for the purpose of levying taxes for the year, certify to the City Council the following report:

- (A) The assets in the custody of the Board of Trustees at such time.
- (B) The estimated receipts during the next succeeding year, from **May 1st to April 30th**, from the deductions from salaries or wages of firemen as provided in this Chapter and from all other sources.
- (C) The estimated amount required during such period to meet the annual actuarial requirements of the Pension Fund as provided in **40 ILCS Sec. 5/4-118**.

(See 40 ILCS Sec. 5/4-134)

4-4-6 DUTIES OF TREASURER OF BOARD OF TRUSTEES. The Treasurer of the Board of Trustees of the Firemen's Pension Fund shall be the custodian of the Pension Fund and shall secure and safely keep the same, subject to the control and direction of the Board of Trustees and shall keep his books and accounts concerning the fund in such manner as may be prescribed by the Board. Such books and accounts shall be subject to the inspection of the Board or any member thereof. **(See 40 ILCS Sec. 5/4-130)**

4-4-7 **BOND OF TREASURER OF BOARD OF TRUSTEES.** The Treasurer of the Board shall, within **ten (10) days** after his election or appointment, execute a bond to the City, with good and sufficient securities and in such penal sums as the Board may direct, to be approved by the Board of Trustees, conditioned for the faithful performance of the duties of his office and that he will safely keep and well and truly account for all moneys and property which may have come into his hands as Treasurer of the Firemen's Pension Fund. The bond shall be filed in the office of the City Clerk. In case of a breach of such bond or of the conditions thereof, suit may be brought on the same in the name of the City for the use of the Board of Trustees of the Firemen's Pension Fund or of any person injured by such breach. **(See 40 ILCS Sec. 5/4-130)**

ARTICLE V – HUMAN RELATIONS COMMISSION

4-5-1 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws, it is declared to be the public policy of the City that this Council do all that it may lawfully do to insure equal opportunity to all persons within its corporate limits to live in decent housing facilities, without any discrimination against them in acquiring such facilities because of their race, color, religion, ancestry or national origin.

(B) It is further declared to be the policy of this City that, in a spirit of harmony, this Council shall endeavor to work to the end that the declared purpose of this Code, to-wit: Insuring opportunity for all persons to live in decent housing facilities without discrimination, can be accomplished in an orderly, lawful, and proper fashion. **(Ord. No. 71-11a; 09-28-71)**

4-5-2 DEFINITIONS. As used in this Article, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed in this Article:

(A) **“Discriminate” or “Discriminations”.** The terms “discriminate” or “discrimination” mean any difference in the terms of the sale, lease, rental, or financing of housing units or housing accommodations to a person applying for such sale, lease, rental, or financing, because of the race, color, religion, ancestry, or national origin of such person.

(B) **“Housing Accommodation”.** The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, or is maintained, arranged, or designed to be used or occupied, as a home, residence, or sleeping place of **one (1)** or more human beings.

(C) **“Real Estate Broker”.** The term “real estate broker” means any natural person, partnership, association or corporation, or agent thereof, who for a fee or other valuable consideration, offers, sells, purchases, exchanges or rents, or negotiates, for the sale, purchase, exchange or rental of the real property of another, or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another.

(D) **“Human Relations Commission”.** The term “Commission” means the Human Relations Commission of the City.

(E) **“Unlawful Housing Practice”.** The term “unlawful housing practice” is the commission of any act prohibited by **Section 4-5-3** hereafter.

4-5-3 **PROHIBITED ACTS.** It shall be an unfair housing practice and unlawful for any real estate broker or agent thereof, licensed as such by the State of Illinois:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of the race, color, religion or national origin.

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin.

(C) To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(D) To publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to the sale, rental or leasing of any housing accommodation within the City, which will indicate or express any limitation or discrimination in the sale, rental or leasing of such housing accommodation, predicated upon the race, color, religion, ancestry, or national origin of any prospective buyer, lessee or renter of such property.

(E) To exploit or overcharge any person for housing accommodations in the City because of race, color, religion, ancestry, or national origin.

(F) To solicit for sale, lease or listing for sale or lease, any housing accommodation within the City on the ground of loss of value due to the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, ancestry, or national origin.

(G) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation in the City to sell or lease his property because of any present or prospective change in the race, color, religion, ancestry, or national origin of persons in the neighborhood.

4-5-4 **PROCEDURE.** It shall be the duty of the Commission to:

(A) Receive and investigate complaints charging an unlawful housing practice.

(B) Seek conciliation of parties involved in such complaints by conciliation conferences, hold hearings where necessary, make findings of fact, issue recommendations, and report their findings to the Council.

(C) From time to time, but not less than once a year, make written reports to the City Council concerning the enforcement of this Article, including recommendations relating thereto.

(D) Report violations to the City Attorney for action.

4-5-5 REQUIREMENTS. All real estate brokers licensed to do business in the City must be familiar with the terms of this Article and must, at all times, comply with all the provisions of this Article.

4-5-6 ENFORCEMENT. The City Attorney shall have the power to enforce the provisions of this Article, and upon request of the Commission, the City Attorney is hereby directed to bring appropriate actions, in the name of the City, for the violation of the terms of this Article.

4-5-7 DISCRIMINATION PROHIBITED. Nothing in this Article shall be construed to discourage the real estate broker or salesman from engaging in the legitimate practices of buying and selling real property in any neighborhood of the City to persons of any race, color, religion, national origin or ancestry; nor shall anything in this Article be construed as discouraging any person or family of whatever race, color, religion, ancestry, or national origin from seeking real property in any neighborhood.

4-5-8 COMMISSION ESTABLISHED. There is hereby created an Advisory Commission on Human Relations.

(A) **Membership.** The Commission shall consist of **five (5) members** to be appointed by the Mayor, with the consent of the City Council. All members shall serve terms of **two (2) years**, when their successors shall be appointed in the same manner.

(B) **Election of Officers.** The Commission shall elect its own officers from among its members, and adopt rules for transaction of its business, and make arrangements for taking and preserving the minutes of its meetings.

(C) **Purpose of Commission.** The purpose of the Commission is to help bring about mutual understanding and respect among all people in the City in order that prejudice, intolerance, and discrimination, and the disorder caused thereby may be eliminated.

(D) **Report to Council.** The Commission shall, from time to time, when necessary, make a report of its activities and recommendations to the Mayor and City Council.

[See 1965 Code, Ch. 10]

ARTICLE VI – ARBOR COMMISSION

4-6-1 **ESTABLISHED.** An Arbor Commission is hereby established. Its functions and duties are limited to those set forth in this Article, as amended.

4-6-2 **MEMBERSHIP.**

(A) **Generally.** The Arbor Commission shall be composed of **seven (7) Commissioners. Five (5) Commissioners** shall be appointed by the Mayor with the approval of the City Council. These **five (5) Commissioners** shall serve without pay. The remaining **two (2) Commissioners** shall be ex-officio and shall not vote. The **two (2)** ex-officio Commissioners shall be:

- (1) the Street Department Superintendent; and
- (2) the City Code Enforcement Officer.

Subject to the exceptions in subsection (B), immediately below, each Commissioner of the Arbor Commission shall serve a term of **three (3) years.**

(B) **Appointment of Members.** **One (1)** of the **five (5) Commissioners** initially appointed to the Arbor Commission who are not ex-officio members shall serve for a term of **one (1) year; two (2)** of the **five (5) Commissioners** initially appointed shall serve for a term of **two (2) years;** and **two (2)** of the **five (5) Commissioners** initially appointed shall serve for a term of **three (3) years.** Determination of the terms of the **five (5) Commissioners** initially appointed shall be by lot. Members may be reappointed to an additional **three (3) year** term following the expiration of their initial term of appointment.

(C) **Expiration or Vacation of Terms.** Within **thirty (30) days** following the expiration of the term of any appointed Commissioner, a successor shall be appointed by the Mayor with the approval of the City Council, and the successor shall serve for a term of **three (3) years.** Should any Commissioner resign or be removed from the Arbor Commission, a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term. A member of the Arbor Commission may be removed by the Mayor with the approval of a majority of the City Council for good cause. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(D) **Compensation.** Members of the Commission shall serve without compensation.

(E) **Conflicts.** A member of the Arbor Commission shall not vote on any question in which that member, or any person, firm or corporation with whom said member is associated, directly or indirectly, has a pecuniary or direct personal interest.

4-6-3 ORGANIZATION.

(A) **Chairman.** The Arbor Commission shall select from among its members a Chairman. In the temporary absence of the Chairman, the members of the Commission may designate an acting Chairman to serve in his or her absence.

(B) **Secretary.** The Commission may designate a Secretary, who shall be a member of the Commission.

(C) **Rules.** The Arbor Commission may adopt such rules or by-laws for the conduct of its business as it may deem necessary or desirable consistent with this Article and other applicable ordinances of the City.

(D) **Meetings.** The Arbor Commission shall meet regularly at such times and places as it may determine. Special meetings as are necessary or desirable may be called by the Chairman, Secretary or any **two (2) members** of the Commission.

(E) **Quorum.** A quorum of the Arbor Commission shall be **three (3)** of its voting members. All actions of the Arbor Commission shall be determined by a majority vote of those present and voting.

4-6-4 POWERS AND DUTIES. The Arbor Commission shall have the following powers and duties:

(A) To study, investigate and develop and update as necessary and administer arboricultural specifications and regulations for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and in other public areas subject to the provisions of this Code. Such regulations or manual and any amendments made thereto will be presented to the Mayor and City Council and upon their acceptance and approval shall constitute the official comprehensive City arboricultural regulations for the City.

(B) To cause said arboricultural specifications and regulations manual, and all revisions or amendments thereto to be published and promulgated and shall cause **three (3) copies** thereof to be available for public inspection at the Office of the City Clerk. When requested by the Mayor and City Council, they shall consider, investigate, making finding, report and recommend upon new ordinances or any special matter of question coming within the scope of these powers and duties.

(C) To provide advice to the City Code Enforcement Officer and other inspectors of the City regarding interpretation and/or reinforcement of the arboricultural ordinances and regulations.

(D) To decide appeals from any order, ruling, decision or interpretation made by the City Code Enforcement Officer or other enforcing officer in relation to the enforcement of arboricultural ordinances and regulations, except any notice to abate a nuisance given or issued.

4-6-5 APPEAL PROCEDURES.

(A) **Right of Appeal.** Any owner or person who is aggrieved or affected by an order, ruling, decision or interpretation of any enforcing officer regarding such matters as are within the jurisdiction of the Arbor Commission may appeal such order, ruling, decision or interpretation as herein provided.

(B) **Initiation of Appeal.** An owner or person desiring to appeal to the Arbor Commission shall file with the Secretary of the Arbor Commission, a notice of appeal. The notice of appeal must be filed and received by the Secretary within **fourteen (14) days** from the date of the enforcing officer's order, ruling, decision or interpretation from which appealed. The notice of appeal must specify the specific grounds or reasons for the appeal and include or have attached a copy of the order, ruling, decision or interpretation, or such part thereof appealed from. A copy of the notice of appeal, together with all attachments, shall also be provided to the enforcing officer but a failure to serve such notice upon the enforcing officer shall not be jurisdictional. Timely filing of the notice of appeal with the Secretary shall be jurisdictional.

(C) **Hearing and Decision.** The Arbor Commission shall, in every case, hold a hearing. The Commission shall, at such hearing, consider all pertinent information presented by the enforcing officer and such owner or person appealing. A decision shall be reached without unreasonable or unnecessary delay. Every decision of the Arbor Commission shall be in writing and shall be promptly filed with the Secretary and the enforcing officer. A copy of the decision shall be sent by mail or otherwise delivered to the owner or person appealing. If a decision of the Commission reverse the order, ruling, decision or interpretation of the enforcing officer, the enforcing officer shall take action immediately in accordance with such decision.

(D) **Action Taken in Decision.** In rendering its decision, the Arbor Commission may take whatever action it deems appropriate under the circumstances. Such actions may include, but shall not necessarily be limited to, affirming or reversing the decision of the enforcing officer, modifying the order, ruling decision or interpretation of the enforcing officer, rendering its own order, ruling, decision, or interpretation or granting, if so requested, a variance from the applicable requirements appealed from.

(Ord. No. 92-13; 08-25-92)