

TITLE III: ADMINISTRATION

Chapter

- 30. CITY COUNCIL**
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CHAPTER 30: CITY COUNCIL

Section

30.01 Meetings

30.02 Compensation

Statutory reference:

Commission forms of government, see ILCS Ch. 65, Act 5, §§ 4-4-1 et seq.

§ 30.01 MEETINGS.

(A) Regular meetings of the City Council for the City of Grayville, White and Edwards Counties, Illinois for the fiscal year beginning May 1, 2021 shall be held on the second and fourth Mondays of each month in the City Hall, 122 South Court Street, Grayville, White and Edwards Counties, Illinois, commencing at 7:00 p.m.

(B) Public notice of such meetings shall be posted in the City Council Chambers and in the office of the City Clerk in the City Hall, 122 South Court Street, Grayville, White County Illinois.

(Ord. 1, passed - - ; Am. Ord. 384, passed 5-1-79; Am. Ord. 460, passed 5-2-88; Am. Ord. 546, passed 4-18-94; Am. Ord. 566, passed 5-28-96; Am. Ord. 572, passed 4-28-97; Am. Ord. 577, passed 4-27-98; Am. Ord. 587, passed 4-26-99; Am. Ord. 602, passed 4-24-00; Am. Ord. 617, passed 4-9-01; Am. Ord. 630, passed 4-22-02; Am. Ord. 651B, passed 4-28-03; Am. Ord. 663, passed 4-26-04; Am. Ord. 667, passed 4-25-05; Am. Ord. 674, passed 4-24-06; Am. Ord. 685, passed 4-16-07; Am. Ord. 706, passed 4-28-08; Am. Ord. 726, passed 4-13-09; Am. Ord. 742, passed 7-10-10; Am. Ord. 748, passed 4-25-11; Am. Ord. 758, passed 5-14-12; Am. Ord. 770, passed 4-22-13; Am. Ord. 782, passed 5-12-14; Am. Ord. 800, passed 4-27-15; Am. Ord. 821, passed 5-9-16; Am. Ord. 841, passed 4-24-17; Am. Ord. 856, passed 4-23-18; Am. Ord. 871, passed 4-22-19; Am. Ord. 887, passed 5-26-20; Am. Ord. 914, passed 5-10-21)

§ 30.02 COMPENSATION.

The Commissioners will be paid \$150 each month, plus \$75 for each regular meeting of the Grayville City Council they attend. No compensation will be paid for special Council meetings, or regular meetings not attended.

(Ord. passed 6-3-46; Am. Ord. 854, passed 3-12-18)

CHAPTER 31: CITY OFFICIALS AND EMPLOYEES

Section

31.01 Mayor; compensation

31.02 Budget Officer

§ 31.01 MAYOR; COMPENSATION.

The Mayor will be paid \$325 each month, plus \$162.50 for each regular meeting of the Grayville City Council he or she attends. No compensation will be paid for special Council meetings, or regular meetings the Mayor fails to attend.

(Res. passed 6-3-46; Am. Ord. 854, passed 3-12-18)

§ 31.02 BUDGET OFFICER.

(A) The city hereby adopts ILCS Ch. 65, Act 5, § 8-2-9.1 and §§ ILCS 8-2-9.2 through 8-2-9.10, and pursuant thereto, authorizes the Commissioner of Accounts and Finances, shall appoint a City Budget Officer, upon the terms and conditions set forth in the Municipal Code.

(B) The Budget Officer shall take an oath and post bond as provided in ILCS Ch. 65, Act 5, § 3.1-10-30, and shall have all of the powers and duties allowed in ILCS Ch. 65, Act 5, § 8-2-9.2, including authority to prepare annual city budgets.

(C) Annual budgets may be revised in the manner described in ILCS Ch. 65, Act 5, § 8-2-9.6, and contingency funds may be set aside to the extent allowed by ILCS Ch. 65, Act 5, § 8-2-9.7.

(Ord. 542, passed 4-26-93)

CHAPTER 32: CIVIL DEFENSE

Section

- 32.01 Civil defense organization established
- 32.02 Director appointed by Mayor
- 32.03 Functions and duties
- 32.04 Service as mobile support teams
- 32.05 Emergency action
- 32.06 Compensation
- 32.07 Reimbursement by the state
- 32.08 Oath
- 32.09 Office space designated
- 32.10 Board's authority to appropriate for defense

§ 32.01 CIVIL DEFENSE ORGANIZATION ESTABLISHED.

There is hereby created the local Municipal Civil Defense Organization to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action in accordance with the Illinois Civil Defense Act of 1951. This Civil Defense Organization shall consist of the Director and ten additional members selected by the Director.
(Ord. 178, passed 1-31-57)

§ 32.02 DIRECTOR APPOINTED BY MAYOR.

(A) The Director of the Municipal Civil Defense Organization shall be appointed by the Mayor with the consent of the City Council and shall serve until removed by the same. The Director shall have direct responsibility for the organization, administration, training and operation of the Civil Defense Organization, subject to the direction and control of the Mayor as provided in the statute.

(B) In the event of the absence, resignation, death or inability to serve as the Director, the Mayor, or any person designated by him, shall be and act as Director until a new appointment is made as provided in this chapter.

(Ord. 178, passed 1-31-57)

§ 32.03 FUNCTIONS AND DUTIES.

The Municipal Civil Defense Organization shall perform such civil defense functions within the city as shall be prescribed in and by the State Civil Defense plan and organization prepared by the Governor, such orders, rules and regulations as may be promulgated by the Governor. In addition, the Civil Defense Organization shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality, entered into as provided by the Illinois Civil Defense Act of 1951.

(Ord. 178, passed 1-31-57)

§ 32.04 SERVICE AS MOBILE SUPPORT TEAMS.

All or any members of the Municipal Civil Defense Organization may be described as members of the Mobile Support Team created by the Director of the Municipal Civil Defense Organization. Any member of a Mobile Support Team, who is a municipal employee or officer, while serving on call to duty by the Governor or the State Director of Civil Defense, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the municipality, while so serving, shall receive from the State reasonable compensation as provided by law.

(Ord. 178, passed 1-31-57)

§ 32.05 EMERGENCY ACTION.

If the Governor declares that a Civil Defense emergency exists, in the event of an actual enemy attack upon the United States, or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, it shall be the duty of the Municipal Civil Defense Organization to cooperate fully with the State Office of Civil Defense or with the Governor in the exercise of emergency powers as provided by law.

(Ord. 178, passed 1-31-57)

§ 32.06 COMPENSATION.

Members of the Civil Defense Organization, who are paid employees or officers of the municipality, if called for training by the State Director of Civil Defense, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not municipal members or officers shall receive from such training time such compensation as may be established by the City Council.

(Ord. 178, passed 1-31-57)

§ 32.07 REIMBURSEMENT BY THE STATE.

The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the municipality for expenses incident to training members of the Civil Defense Organization as prescribed by the State Director of Civil Defense. Compensation for services and expenses of members of a mobile support team, while serving outside the municipality in response to a call by the Governor or State Director of Civil Defense, as provided by law and any other reimbursement made by the state incident to Civil Defense activities as provided by law.

(Ord. 178, passed 1-31-57)

§ 32.08 OATH.

Every person appointed to serve in any capacity in the Municipal Civil Defense Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:

I, _____, do solemnly swear, or affirm, that I will support and defend and swear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois and the territorial institutions and facilities thereof, both public and private, against all enemies, foreign or domestic; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am able to enter, and I do further swear, or affirm, that I do not advocate, nor am I, nor have I been a member of a political party or organization that advocates the overthrow of the Government of the United States or this State by force or violence, and that, during such time as I am affiliated with the Municipal Civil Defense Organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence.

(Ord. 178, passed 1-31-57)

§ 32.09 OFFICE SPACE DESIGNATED.

The Mayor is authorized to designate space in the City Hall, or elsewhere, as may be provided by the City Council for the Municipal Civil Defense Organization as its office.
(Ord. 178, passed 1-31-57)

§ 32.10 BOARD'S AUTHORITY TO APPROPRIATE FOR DEFENSE.

The City Council may make an appropriation for Civil Defense purposes in the manner provided by law and may levy, in addition, for Civil Defense purposes only, a tax of the assessed value of all taxable property in addition to all other taxes as provided by the Illinois Civil Defense Act of 1951.
(Ord. 178, passed 1-31-57)

CHAPTER 33: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

General Provisions

- 33.01 Administrative powers and duties

Certain Departments and Boards Designated

- 33.10 Department of Public Affairs
- 33.11 Department of Accounts and Finance
- 33.12 Department of Public Health and Safety
- 33.13 Department of Public Streets and Public Improvement
- 33.14 Department of Public Property
- 33.15 Board of Health
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Planning Commission

- 33.30 Purpose
- 33.31 Membership
- 33.32 Term of Office
- 33.33 Procedure
- 33.34 Powers and duties
- 33.35 Land subdivision; official map
- 33.36 Improvements
- 33.37 Expenditures

Supervisory Committees

- 33.45 Police Department
- 33.46 Public Works
- 33.47 City park
- 33.48 Oak Grove Cemetery

Library Board

- 33.55 Composition; appointment of members
- 33.56 Qualification of members
- 33.57 Initial and regular terms of members

- 33.58 Removal of members
- 33.59 Vacancies; compensation
- 33.60 Organization; meetings; authority
- 33.61 Rules and regulations
- 33.62 Annual report to City Council
- 33.63 Supervisory power of City Council

Cross-reference:

Planning, see Chapter 152

GENERAL PROVISIONS

§ 33.01 ADMINISTRATIVE POWERS AND DUTIES.

(A) The executive and administrative powers and duties in the city shall be distributed into and among the five departments as follows:

- (1) Department of Public Affairs
- (2) Department of Accounts and Finance
- (3) Department of Public Health and Safety
- (4) Department of Streets and Public Improvements.
- (5) Department of Public Property.

(B) The Mayor shall be Commissioner of Public Affairs and as such shall be superintendent of that department; and the City Council shall at its first regular meeting on the first Monday in May, of each year, designate by a majority vote, one commissioner to be Commissioner of Accounts and Finance, who shall be superintendent of that department; one to be Commissioner of Streets and Public Improvement, who shall be superintendent of that department, and who ex officio shall be Commissioner of Public Work, and one to be Commissioner of Public Property, and as such to be superintendent of that department; but such designations may be changed by the City Council whenever it appears that the public service would be benefited thereby.

(Ord. 1, passed - -)

CERTAIN DEPARTMENTS AND BOARDS DESIGNATED**§ 33.10 DEPARTMENT OF PUBLIC AFFAIRS.**

The Mayor shall as head of this department, sign all commissions, permits, ordinances, granted by the authority of the City Council, and all other instruments, to be executed on the part of the City, except as otherwise provided by law, ordinances or resolution of the Council. The Mayor shall supervise the general conduct of the City Officers, inquire into all reasonable complaints made against them and cause all their neglect and violation of official duty to be promptly corrected or reported to the proper tribunal for punishment. The Mayor shall advise and assist the several commissioners in conducting the affairs of their prospective departments, and in the absence or inability of any of the commissioners to act shall exercise temporary supervision over the departments assigned to the commissioner. The Mayor shall have general supervision over the office of City Attorney and shall have charge of the Police Department, Chief of Police, night patrol, and all other policemen, and shall cause all ordinances of the city to be enforced.

(Ord. 1, passed - -)

§ 33.11 DEPARTMENT OF ACCOUNTS AND FINANCE.

The Commissioner of Accounts and Finance shall have charge and supervision over all accounts and records of the city and of all officers and boards who are required to keep accounts, make reports or records, and shall cause proper accounts and records to be kept and proper reports to be made, he shall carefully inspect the accounts of every officer or employee, who receives or disburses city money. He or she shall cause all license fees, taxes, assessments, rentals, or other money which may be due the city, to be collected. He or she shall report to the City Council any failure to make reports or to pay moneys due to the city, with such recommendation in relation thereto as he may deem proper. The City Clerk and special collector and the City Treasurer shall be assigned to the supervision of this department. The Commissioner of Accounts and Finance shall be authorized to supervise the purchase of necessary supplies for the use of this department and he or she shall also be vice-president of the City Council and in the absence of the Mayor or his/her inability to act shall preside over the City Council and perform all the usual duties of the Mayor and the head of the Department of Public Affairs.

(Ord. 1, passed - -)

§ 33.12 DEPARTMENT OF PUBLIC HEALTH AND SAFETY.

The Commissioner in charge of this department shall have general supervision of the Board of Health of the city and shall be Chairman of the Board. He shall cause the enforcement of all ordinances of the Board of Health, shall cause all quarantine regulations to be enforced. He shall direct the abatement of all nuisances which are detrimental to health of any other citizen. The Commissioner in charge of this department shall have the supervision of the enforcement of the fire limit ordinance and the construction and repair of all buildings within the fire limit of the city. He shall also have charge

of the construction and maintenance of any building within the city which might be a menace to the safety of persons or property of another. He shall also have charge of traffic appliances, railroad crossing protection, gasoline tanks, and all explosives, safety appliances, fire escapes, and exits of all theaters, picture shows, and all places where public meetings are held. He shall purchase all necessary supplies required by his authority.

(Ord. 1, passed - -)

§ 33.13 DEPARTMENT OF PUBLIC STREETS AND PUBLIC IMPROVEMENT.

The Commissioner in charge of this department shall have general supervision of the construction and maintenance of repairs of all streets, avenues and alleys of the city including the paving, sewers, curbing and sidewalks and the construction of bridges, and the maintenance of drains and sewers. He shall supervise the work of the superintendent of streets, if any, and employ necessary labor and purchase necessary materials for the use of the department. He shall have charge of the enforcement of all ordinances of the city relative to the protection of the streets and alleys of the city. The Commissioner shall have charge of the care and protection of all tools, machines, and appliances used by the superintendent of streets and other laborers in the care of, construction, and repair of the streets and alleys of the city. The Commissioner in charge of this department shall also supervise the location of the Y connections on the line of sanitary sewers and inspect the connection before the excavations are refilled.

(Ord. 1, passed - -)

§ 33.14 DEPARTMENT OF PUBLIC PROPERTY.

The Commissioner in charge of this department shall supervise the Public Utilities operating within the city, including water, lights, heat, gas, telephone, and telegraph system; it shall also include the laying of gas and water pipes, placing poles and wires. He shall also have the supervision of the City Hall, and Fire Station, and all city buildings, including the water plant. The offices of City Hall and Fire Station, and all members of the Fire Department shall be under his supervision. He shall also have charge of all public parks and city cemeteries, the care and up-keep of the fire appliances used by the Fire Department. He shall also have charge of the water works system, and shall supervise the operation of same.

(Ord. 1, passed - -)

§ 33.15 BOARD OF HEALTH.

The Board of Health of the city shall consist of the Mayor and all the Commissioners. The City Clerk shall be ex-officio clerk of the Board. Also one physician shall be appointed as a member of the Board of Health. The Commissioner of the Department of Health and Safety shall be Chairman of the Board.

(Ord. 1, passed - -)

§ 33.16 UTILITY DEPARTMENT.

(A) All services rendered by the city are hereby consolidated into a single department to be known as “Utilities Department.”

(B) All employees of the city, with the exception of members of the Police and Fire Departments and the Library Board, shall be regarded as employees of the Utilities Department.

(C) The City Clerk shall keep records and allocate the time spent by the several employees of the Utilities Department to the end that the expenses of operation of each of the services are segregated for audit and bookkeeping purposes.

(D) The City Council from time to time may, if it chooses, designate and appoint a superintendent of the Utilities Department who, if appointed and designated, shall be known as the “Superintendent of Utilities.”

(E) The Commissioner of each department shall continue to be superintendent of that department to the end that all the Commissioners will cooperate in the efficient conduct of the Utilities Department under the overall supervision of the Mayor.

(F) This section is for the purpose of providing for the more efficient and economical conduct of the business of the city and is adopted pursuant to the provisions of ILCS Ch. 65, Act 5, § 4-5-2 reading in part as follows:

The Council by ordinance . . . (3) may require an officer or employee to perform duties in 2 or more departments; and (4) may make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the municipality.

(G) (1) To assist with the efficient management of municipal operations, there is hereby established the office of purchasing officer. The purchasing officer shall be appointed by the Mayor, subject to the approval of the City Council, with the term of such purchasing officer to end upon the expiration of the term of the appointing Mayor.

(2) Purchases in excess of \$50 must be pre-approved by the purchasing officer and the commissioner of the affected department, prior to procurement. Purchases under \$50 may be made/approved by the Utilities Superintendent and/or City Clerk, in coordination with the purchasing officer. Emergency purchases may be made as needed; however, in the event of such emergency purchases, the purchasing officer must be notified in an expeditious manner of the emergency, and the item to be purchased. All purchases must be made under the overall supervision of the Mayor, with the cooperation of the commissioner of the affected department, and the purchasing officer.

(Ord. 316, passed 10-15-73; Am. Ord. 702, passed 3-24-08)

PLANNING COMMISSION**§ 33.30 PURPOSE.**

In order that adequate provisions be made for the preparation of a comprehensive City Development Plan for the guidance, direction and control of the growth and development or redevelopment of the city and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, a Plan Commission is hereby created under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" (ILCS Ch. 65, Act 5, §§ 11-12-4 et seq.) approved May 29, 1961 and as amended.

(Ord. 221, passed 1-21-63)

§ 33.31 MEMBERSHIP.

The Plan Commission shall consist of nine members, citizens 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.

(Ord. 221, passed 1-21-63)

§ 33.32 TERM OF OFFICE.

Of the nine members, three shall serve for a period of one year, three for a period of two years, three for a period of three years. The terms of members appointed shall expire on the first day of January on the first, second and third years respectively, thereafter, the terms of the members shall be three years. Vacancies shall be filled by appointments for unexpired terms 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 may be fixed from time to time by the City Council and provided for in the appropriation ordinance.

(Ord. 221, passed 1-21-63)

§ 33.33 PROCEDURE.

Immediately following their appointment, the members of the Plan Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with city ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the Mayor, and the City Council, setting forth its transactions and recommendations.

(Ord. 221, passed 1-21-63)

§ 33.34 POWERS AND DUTIES.

The Plan Commission shall have the following powers and duties.

(A) To prepare and recommend to the City Council a comprehensive development plan for the present and future development plan for the present and future development or redevelopment of the city and contiguous un-incorporated territory not more than one and one half 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 or adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Municipal 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 ordinance.

(B) To designate land suitable for annexation to the municipality 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 development 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 of the official comprehensive development 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 planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(H) To exercise such other powers to the powers granted under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" (ILCS Ch. 65, Act 5, § 11-12-5)

approved May 29, 1961, and effective July 1, 1961, and as amended, as may be conferred by the City Council.

(Ord. 221, passed 1-21-63)

§ 33.35 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP.

(A) At any time, before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive development plan or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one half miles from the corporate limits of the city. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances including the official map with the Municipal Clerk shall be complied with as provided for by law.

(B) 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 miles beyond the corporate limits, shall be entitled to record or shall be valid unless the subdivisions shown thereon provide 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, storm and flood water run-off channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment, in conformity with the applicable requirements of the chapter including the official map.

(Ord. 221, passed 1-21-63)

§ 33.36 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.

(Ord. 221, passed 1-21-63)

§ 33.37 EXPENDITURES.

The Planning Commission may, at the discretion of the City Council, employ a paid secretary, or staff, or both whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the City Council from the public funds. If the Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City Council therefore.

(Ord. 221, passed 1-21-63)

SUPERVISORY COMMITTEES**§ 33.45 POLICE DEPARTMENT.**

A three person committee, consisting of the presiding Mayor and two Commissioners, shall supervise and assist with the management of the Police Department. The Chief of the Police Department will report to, and work with the Police Committee on department management issues. The committee members, appointed by the Mayor, shall serve for a term of four years, unless the term is sooner ended by resignation or other cause.

(Res. 590, passed 5-10-99; Am. Res. 052907, passed 5-29-07)

§ 33.46 PUBLIC WORKS DEPARTMENT.

A three person committee, consisting of three Commissioners, shall supervise and assist with the management of each of the municipal utility departments making up the Public Works Department. The Utilities Manager will report to, and work with the Public Works Committee on management and administration issues in the Water/Sewer, Gas and Street Departments. The committee members, appointed by the Mayor, shall serve for a term of four years, unless the term is sooner ended by resignation or other cause.

(Res. 590, passed 5-10-99; Am. Res. 052907, passed 5-29-07)

§ 33.47 CITY PARK.

A three person committee, consisting of the presiding Mayor and two Commissioners, shall supervise and assist with the management of activities at the City Park. The Utilities Manager will report to, and work with the Parks Committee on department management issues. The committee members appointed by the Mayor, shall serve for a term of four years, unless the term is sooner ended by resignation or other cause.

(Res. 590, passed 5-10-99; Am. Res. 052907, passed 5-29-07)

§ 33.48 OAK GROVE CEMETERY.

A three person committee, consisting of the presiding Mayor and two Commissioners, shall supervise and assist with the management of activities at the Oak Grove Cemetery. The Sexton will report to, and work with the Cemetery Committee on department issues. The committee members appointed by the Mayor, shall serve for a term of four years, unless the term is sooner ended by resignation or other cause.

(Res. 052907, passed 5-29-07)

LIBRARY BOARD**§ 33.55 COMPOSITION; APPOINTMENT OF MEMBERS.**

The Library Board shall consist of nine members, who shall be appointed by the Mayor, with the consent of the City Council.

(Ord. 759, passed 5-14-12)

§ 33.56 QUALIFICATION OF MEMBERS.

Members of the Library Board shall be chosen from the residents of the city, with proper regard for their fitness for such office. Individuals having a Grayville address, as established by the area 911 system, although not residing within the corporate limits, may serve as Library Board members. No more than one member of the City Council shall at any one time serve as a member of the Library Board.

(Ord. 759, passed 5-14-12)

§ 33.57 INITIAL AND REGULAR TERMS OF MEMBERS.

Concurrently with the passage of this subchapter, members of the Library Board will be newly appointed. Three shall be appointed for a term of one year; three shall be appointed for a term of two years; and three shall be appointed for a term of three years. Thereafter, there shall annually be appointed to the Library Board three members for a term of three years.

(Ord. 759, passed 5-14-12)

§ 33.58 REMOVAL OF MEMBERS.

The Mayor may, with the consent of the City Council, remove any member of the Library Board for any misconduct or neglect of duty.

(Ord. 759, passed 5-14-12)

§ 33.59 VACANCIES; COMPENSATION.

Vacancies on the Library Board occasioned by removals, resignation, or otherwise, shall be reported to the Mayor, and filled in like manner as original appointments. No Library Board member shall receive compensation for his or her duties, but shall be entitled to reimbursement for the actual and necessary expenses incurred in the performance of Library Board duties, from the library fund.

(Ord. 759, passed 5-14-12)

§ 33.60 ORGANIZATION; MEETINGS; AUTHORITY.

The first action to be taken at the organizational meeting of the new Library Board appointed pursuant to this subchapter, shall be the election of a President and Secretary, and such other officers as the Library Board may deem necessary. The Board members shall determine the time and place of all official meetings of the Board at which any legal action may be taken, and shall post notice thereof at the Grayville public library and at Grayville City Hall, at least 48 hours in advance thereof.
(Ord. 759, passed 5-14-12)

§ 33.61 RULES AND REGULATIONS.

The Library Board shall act in accordance with the by-laws, rules and regulations in effect as of the date of appointment of its Board members. The Library Board may amend such by-laws, rules and regulations for their own guidance and for the governance of the library, as may be expedient and not inconsistent with the provisions of this subchapter or state law. The Board and its members shall have the duties set forth in those sections of the Illinois Compiled Statutes governing Library Board activities. Any Board member, including its appointed Treasurer, having the authority to expend funds on behalf of the Grayville library, shall be properly bonded. All checks issued from the library account or accounts shall be signed by at least two authorized Board members.
(Ord. 759, passed 5-14-12)

§ 33.62 ANNUAL REPORT TO CITY COUNCIL.

The Library Board shall, within 30 days after the expiration of each fiscal year of the city, make a report of the condition of their trust as of the last day of the fiscal year, to the City Council. Such report shall be made in writing and shall be certified to be true by the Secretary or some other responsible officer of the Board. It shall contain an itemized statement of the various sums of money received from all sources; an itemized statement of the objects and purposes for which those sums of money have been expended; a statement of the number of books, periodicals, and other forms of media available for use, and the number and character thereof circulated; a statement of any real and personal property acquired by legacy, purchase, gift or otherwise; a statement of the character of any extensions of library service which have been undertaken; a statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the City Council, and the amount of money, which, in the judgment of the Library Board will be necessary to levy for library purposes in the next annual tax levy ordinance; a statement as to any outstanding liabilities, including those for bonds outstanding or amounts due for judgments, settlements, liability insurance or for amounts due under a certificate of the Board; and any other statistics, information and suggestions that may be of interest to the City Council. If required by statute, a copy of the report shall also be filed at the same time with the proper state authority.
(Ord. 759, passed 5-14-12)

§ 33.63 SUPERVISORY POWER OF CITY COUNCIL.

The City Council retains supervisory power over the operation and maintenance of the Grayville public library and library building, and, to the extent allowed by state statute, may by a majority vote set aside any acts of the Library Board.

(Ord. 759, passed 5-14-12)

CHAPTER 34: EMERGENCY SERVICES

Section

- 34.01 Establishment
- 34.02 City dispatcher
- 34.03 Requirements for service
- 34.04 Fee for service
- 34.05 Administration
- 34.06 Conflicts of requirements

§ 34.01 ESTABLISHMENT.

Ambulance service by a city-wide vehicle, staffed with qualified and certified emergency medical technicians, is hereby established.

(Ord. 388, passed 7-16-79)

§ 34.02 CITY DISPATCHER.

The City Dispatcher shall be the telephone contact point for emergency medical service during the hours of 5:00 p.m. to 8:00 a.m. and during all hours of city holidays. The City Clerk shall be dispatcher and point of contact for such emergency service between the hours of 8:00 a.m. and 5:00 p.m. on days of regular city business.

(Ord. 388, passed 7-16-79)

§ 34.03 REQUIREMENTS FOR SERVICE.

Service by the emergency vehicle and its staff shall be for emergency purposes only. An emergency under this chapter shall be defined by ILCS Ch. 210, Act 50, § 4.11. Should any question arise as to whether a requested use of the vehicle and staff fulfills this requirement, the determination of the staff member in charge of the emergency vehicle at the time such service is requested shall be determinative. The duty to make such determination shall be a part of the official duties of such ranking staff member of the emergency vehicle.

(Ord. 388, passed 7-16-79)

§ 34.04 FEE FOR SERVICE.

(A) The patient or person, patients or persons, being transported or given emergency care shall be responsible for fees and costs charged for such emergency medical or other care. Emergency medical care shall not be refused any party because of actual or presumed inability to pay all or any part of such fees or costs. The fees charged shall be due and payable to the city at City Hall 30 days from the initial date of service.

(B) A charge of \$40 shall be made for each call by a person living within the municipal boundaries of the city or \$50 per call for a person living outside the municipal boundaries of city. Such fee shall be charged and payable if such request is made and if such request remains in force and is not cancelled prior to the staff arriving at the site or storage of any emergency vehicle or equipment used by them. A further charge of \$.75 per mile, for persons living within the municipal boundaries of the city and \$1.00 per mile for persons not living within the municipal boundaries of the city, shall be made for each mile of transportation of any patient to any place of medical or other care necessitated by their condition or requested by the patient, his or her doctor, or any other authorized person. In addition to the charges shown above a cost charge shall be made for all materials and supplies used or expended on behalf of any patient. After an authorized medical practitioner determines that the patient may be returned to his or her or their home after treatment or medical attention and there will be a waiting period for the emergency medical vehicle of longer twenty minutes, there shall be a charge of \$15 an hour for such waiting period. Should more than one patient be transported in the emergency medical vehicle or cared for by the emergency staff in a single trip or instance the charge to each patient shall be 87½ % of the charge which would have been charged such patient according to the rates given above had such patient been alone on such trip or provided such service. The fee schedule stated above may be charged at any time by simple majority vote of the City Council without other amendment to or change in any other part of this chapter.

(C) Each member of the staff of the emergency medical services team, whether an emergency medical technician-ambulance (EMT-A) or an emergency medical technician-paramedic (EMT-P) or a registered nurse shall be paid a fee of \$10 for each instance of provision of medical care in which they have any participation. The payment schedule stated above may be changed at any time by simple majority vote of the City Council without other amendment to or change in any other part of this chapter.

(D) All fees payable to such emergency medical staff members shall be paid by the city government out of general funds, after approval by the City Council member in charge of the emergency vehicle service. The city shall provide and purchase malpractice insurance coverage having a substantial liability limit covering all persons qualified and authorized to participate in the provision of emergency medical care under this chapter. In addition, the city shall save and hold harmless all such certified and authorized persons from any judgement or other liability

which they may incur or suffer as the result of the provision of such emergency medical service unless a finding of wanton and willful misconduct or culpability of a substantially similar form has been made against such person being held liable.
(Ord. 388, passed 7-16-79)

§ 34.05 ADMINISTRATION.

A City Council member in charge of the Emergency Vehicle Services Department shall have cognizance of and shall report to the City Council as a body relating to emergency medical services rendered under this chapter.
(Ord. 388, passed 7-16-79)

§ 34.06 CONFLICTS OF REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this chapter are at variance or in any other way conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.
(Ord. 388, passed 7-16-79)

CHAPTER 35: PERSONNEL POLICIES

Section

- 35.01 Social Security
- 35.02 Insurance
- 35.03 Profit sharing plan
- 35.04 Retirement fund; employer paid contributions
- 35.05 Adoption of prevailing rate of wages
- 35.06 Travel, meal and lodging expenses for employees and officers

§ 35.01 SOCIAL SECURITY.

All municipal employees of the city shall be covered and protected by the provisions of the Federal Insurance Contributions Act of the United States of America (Social Security Act) effective January 1, 1955, and the city shall pay, as the same become due from time to time, its share of taxes due in connection therewith, commonly known as "Social Security taxes."
(Ord. 162, passed 3-7-55)

§ 35.02 INSURANCE.

(A) The city shall provide life, or group life, health, accident, hospital and medical insurance, or either or any of the different types of insurance, on its full-time appointed employees, including the City Clerk, and their dependents, with such insurance company or companies as the city may from time to time select. The term "full-time employees" shall be defined as any employees working regularly 20 hours or more per week.

(B) The premium for the insurance shall be paid as follows: ½ by the city and ½ by the employee, the employee's share of the premium to be withheld by the city from compensation due the employee.

(C) This chapter shall apply and cover only those employees who make application for such insurance on forms provided by the insurance company and otherwise qualify under the rules and regulations of the insurance company, and give consent in writing for the city to withhold his or her share of such premiums.
(Ord. 306, passed 9-18-72)

§ 35.03 PROFIT SHARING PLAN.

(A) The city shall accept and adopt the IDS Prototype Profit Sharing (Pension) Plan as presented.

(B) The City Council is authorized and directed to execute in the name and on behalf of the city and under its corporate seal such agreement or agreements as may be necessary for the initiation and continuity of the plan.

(C) Such sums of money as may be necessary according to the agreement or agreements to provide benefits and to meet the expenses incurred in the administration thereof, shall, from time to time, be paid out of the funds of the city by its Treasurer, to the order of the Trustee(s).

(D) The City Council is authorized, directed and designated as Trustee(s) under the agreement to administer the plan and the funds entrusted to them under the agreement for such plan.

(E) The officers of the city are authorized and directed to execute in the name of and on behalf of the city, and under its corporate seal, any amendments to the Adopting Instrument attached to the IDS Prototype Profit Sharing (Pension) Plan to meet the requirements of Section 401 (a) of the Internal Revenue Code of 1954, as amended, even though such amendments may cause the plan to no longer be a part of the IDS Prototype Sharing (Pension) Plan.

(Res. 324, passed 5-6-74)

§ 35.04 RETIREMENT FUND; EMPLOYER PAID CONTRIBUTIONS.

(A) The city shall elect to participate in the Illinois Municipal Retirement Fund. (Ord. 349, passed 9-20-76)

(B) Employer paid contributions:

(1) Employee contributions to the Illinois Municipal Retirement Fund shall be paid by the city on behalf of all of the employees enrolled in the Fund.

(2) The payment shall be made by reducing the amount of the gross earnings payable to employees by the amount of the contributions and making payment of this amount directly to the Fund.

(3) The payment of employee contributions provided shall be effective for all compensation paid to employees.

(Ord. 418, passed 2-20-84)

§ 35.05 ADOPTION OF PREVAILING RATE OF WAGES.

(A) To extent and as required by "An Act Regulating Wages of Laborers, Mechanics and Other Workers Employed in Any Public Works by the State, County, City of Any Public Body or Any Political Subdivision or by Anyone Under Contract for Public Works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers mechanics and other workers engaged in the construction of public works coming under the jurisdiction of this city is hereby ascertained to be the same as the prevailing wage rate of wages for construction work in the White & Edwards County area as determined by the Department of Labor of the State of Illinois as of September 2017 a copy of that determination being attached to Ordinance 858 and incorporated herein by reference. The definition of any terms appearing in this chapter which are also used in aforesaid Act shall be the same as in said Act.

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

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

(D) The City Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination starting the particular rates and the particular class of workers whose wages will be affected by such rates.

(E) The City Clerk shall promptly file a certified copy of the section with both the Secretary of State and the Department of Labor of the State of Illinois.

(F) The City Clerk shall cause to be published in a newspaper of general circulation within the area a copy of the section, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

(Ord. passed 12-3-45; Am. Ord. 512, passed 8-6-92; Am. Ord. 517, passed 10-5-92; Am. Ord. 543, passed 6-21-93; Am. Ord. 549, passed 7-5-94; Am. Ord. 561, passed 6-26-95; Am. Ord. 567, passed 6-24-96; Am. Ord. 573, passed 6-9-97; Am. Ord. 579, passed 6-22-98; Am. Ord. 594, passed 7-14-99; Am. Ord. 606, passed 7-10-00; Am. Ord. 654, passed 6-23-03; Am. Ord. 664, passed 6-14-04; Am. Ord. 669, passed 7-13-05; Am. Ord. 687, passed 6-25-07; Am. Ord. 711, passed 6-9-07; Am. Ord. 730, passed 6-22-09; Am. Ord. 741, passed 6-14-10; Am. Ord. 749, passed 6-13-11; Am. Ord. 763, passed 6-11-12; Am. Ord. 775, passed 6-24-13; Am. Ord. 784, passed 6-23-14; Am. Ord. 802, passed 6-22-15; Am. Ord. 824, passed 6-13-16; Am. Ord. 845, passed 6-12-17; Am. Ord. 858, passed 6-25-18)

§ 35.06 TRAVEL, MEAL AND LODGING EXPENSES FOR EMPLOYEES AND OFFICERS.

(A) *Definitions.*

ENTERTAINMENT. Includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

PUBLIC BUSINESS. Expenses incurred in the performance of a public purpose which is required or useful for the benefit of the city to carry out the responsibilities of city business.

TRAVEL. Any expenditure directly incident to official travel by employees and officers of the city or by wards or charges of the city involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(B) (1) The city shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

<i>Category of Expense</i>	<i>Maximum</i>
Travel- Auto (privately owned)	\$0.565 per mile or current IRS mileage rate
Travel - Auto (rental)	100% of cost of least expensive economy rental
Travel - Airplane	100% of best economy class rate**
Travel - Tolls	100% of tolls along direct route of travel
Travel - Taxi	100% of taxi fare along direct route of travel
Travel - Parking	100% of best economy option
Lodging	100% of conference rates or best economy option
Meals	Union contract per diem for employee; for officers, 100% not to exceed the following: Breakfast - \$25.00 Lunch - \$35.00 Dinner - \$60.00

(2) Alcohol is specifically excluded from reimbursement.

(C) No reimbursement of travel, meal or lodging expenses incurred by a city employee or officer shall be authorized unless the "travel, meal, and lodging expense reimbursement request form", attached to Ordinance 837 and incorporated herein by reference, has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (ILCS Ch. 5, Act 140 §§ 1 et seq.).

(D) Expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under division (B); or (2) any member of the corporate authorities of the city/village may only be approved by roll call vote at an open meeting of the corporate authorities of the city/village. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

(E) The city/village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this section.

(Ord. 837, passed 12-12-16)

CHAPTER 36: POLICE AND FIRE DEPARTMENTS

Section

General Provisions

- 36.01 Employment of non-residents

Police Department

- 36.15 Establishment
36.16 Appointment of members
36.17 Powers and duties
36.18 Rules and regulations
36.19 Monitoring alarm system receivers
36.20 Traveling outside of standard jurisdictional limits for 9-1-1 calls
36.21 Part-time police officers
36.22 Policies and procedures for the use of auxiliary police officers

Fire Department

- 36.30 Fire protection services outside city limits; rate

GENERAL PROVISIONS

§ 36.01 EMPLOYMENT OF NON-RESIDENTS.

ILCS Ch. 65, Act 5, § 3.1-10-6 requires that all municipal officers reside within the municipality unless, upon the adoption of an ordinance in municipalities having a population of not more than 500,000 authorizing the employment of policemen and firemen who reside out of the corporate limits of the municipality. The city is hereby empowered to employ firemen, policemen, and emergency medical technicians who reside outside the corporate limits of the city.

(Ord. 367A, passed - -)

POLICE DEPARTMENT**§ 36.15 ESTABLISHMENT.**

There is hereby created a Police Department for the city which consists of such members with such rank as may be approved by the Mayor and the City Council. The Mayor and the City Council may designate a member of the Police Department as Chief of Police.

(Ord. 367, passed 10-3-77)

§ 36.16 APPOINTMENT OF MEMBERS.

The members of the Police Department shall be appointed and their ranks established by the Mayor with the advice and consent of the City Council.

(Ord. 367, passed 10-3-77)

§ 36.17 POWERS AND DUTIES.

(A) The Police Department shall be responsible to keep the City Jail and shall have custody of all persons incarcerated therein. The Department shall keep such records and make such reports concerning its activities as may be required by statute or by the City Council. The Mayor, or upon designation of a Chief of Police, then the Chief of Police shall be responsible for the performance of the Police Department and all persons who are members of the Police Department shall serve subject to his orders.

(B) It shall be the duty of the members of the Police Department to see to the enforcement of all the ordinances of the city and all statutes applicable thereto; to the enforcement of all criminal statutes, both local and state; and to preserve order and prevent infractions of the law and arrest violators thereof.

(C) All members of the Police Department shall perform the duties and have the powers prescribed to them by any ordinance or resolution of the City Council or by any law of this state applicable to their office. Each member shall, before entering upon the duties of his office execute a bond in the sum of \$5,000 to the city with surety and which bond shall be conditioned that the member of the Police Department will faithfully perform the duties of his office as a policeman of the city according to the best of his ability, that he will make prompt payment to the city of all monies received by him and that he will perform his duties according to the laws and ordinances of the city. Each bond and the surety therein shall be subject to approval by the Mayor and City Council.

(D) All members of the Police Department shall also, before entering upon their duties of office, take an oath or affirmation as prescribed by law, which oath or affirmation, together with the bond required hereunder, shall be filed with the City Clerk.
(Ord. 367, passed 10-3-77)

§ 36.18 RULES AND REGULATIONS.

The Mayor, or the Chief of Police, if a Chief of Police is appointed, may make and prescribe such rules and regulations for the operation of the Police Department as he shall deem advisable and such rules, when approved by the City Council, shall be binding upon the members of the Police Department. Such rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the efficiency of the department. The rules and regulations shall, however, be consistent with the ordinances of the city and the laws of the state.
(Ord. 367, passed 10-3-77)

§ 36.19 MONITORING ALARM SYSTEM RECEIVERS.

The Police Department will only monitor those alarm system receivers that are served by Judge Antennae and Alarms, Inc.
(Res. 580, passed 9-14-98)

§ 36.20 TRAVELING OUTSIDE OF STANDARD JURISDICTIONAL LIMITS FOR 9-1-1 CALLS.

Police officers of the City of Grayville Police Department are authorized, when deemed necessary to assure the fastest response to enhanced 9-1-1 emergency calls, to travel outside the standard jurisdictional limits of the Police Department, to offer emergency assistance, under the control and guidance of the law enforcement agency responsible for the handling and disposition of such 9-1-1 emergency calls.
(Res. 582, passed 11-9-98)

§ 36.21 PART-TIME POLICE OFFICERS.

(A) *Employment.* The city may employ part-time police officers from time to time as they deem necessary. The number of hours a part-time officer may work shall fall below the number of hours set forth by the collective bargaining agreement for full-time employees of the city. In the absence of the collective bargaining agreement, the hours of a part-time officer shall be in accordance with the City of Grayville Employee Policy and Procedures Manual.

(B) *Duties.* A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (ILCS Ch. 50, Act 705, §§ 1 et seq.) and the rules and requirements of the ILETSB.

(C) *Hiring standards.* Any person employed as a part-time police officer must meet the following standards:

(1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.

(2) Be at least 21 years of age.

(3) Pass a medical examination.

(4) Possess a high school diploma or GED certificate.

(5) Possess a valid State of Illinois driver's license.

(6) Possess no prior felony convictions.

(7) Any individual who has served in the U.S. military must have been honorably discharged.

(D) *Discipline.* Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the city authorities, shall not have any property rights in said employment, and may be removed by the city authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(Res. 595, passed 7-12-99; Am. Ord. 761, passed 5-14-12)

§ 36.22 POLICIES AND PROCEDURES FOR THE USE OF AUXILIARY POLICE OFFICERS.

(A) Auxiliary police officers shall not be members of the regular Police Department. Auxiliary police officers shall not supplement members of the regular police department of any municipality in the performance of their assigned and normal duties, except as otherwise provided in ILCS Ch. 50, Act 5, § 3.1-30-20.

(1) Auxiliary police officers shall only be assigned to perform the following duties in a municipality:

(a) To aid or direct traffic within the municipality.

(b) To aid in control of natural or man-made disasters.

(c) To aid in case of civil disorder as directed by the Chief of Police.

(2) However, when Grayville's full-time and part-time police officers are unable to perform their normal and regular police duties, the Chief of Police, with the prior consent of the Mayor, may assign auxiliary police officers to perform those normal and regular police duties.

(3) Identification symbols worn by auxiliary police officers shall be different and distinct from those used by members of the regular Police Department.

(4) Auxiliary police officers shall at all times during the performance of their duties, be subject to the direction and control of the Chief of Police. Auxiliary police officers shall not carry firearms, except with the permission of the Chief of Police, while in uniform, and in the performance of their duties.

(5) Auxiliary police officers for the city shall be appointed as "non-conservator of the peace" officers. Thus, such auxiliary officers shall lack the power, unless otherwise authorized by this section: to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the state; to commit arrested persons for examination; if necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper court; and to exercise all the other powers as conservators of the peace prescribed by the corporate authorities of this municipality.

(B) Auxiliary police officers, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them under this code.

(C) The training and course of study shall be determined and provided by the corporate authorities of the municipality employing auxiliary police officers.

(D) The municipal authorities may require that all auxiliary police officers be residents of the municipality served by them.

(E) The Board of Commissioners, in adopting this section, acknowledge and accept the Statement of Policy attached to Ordinance No. 725 and incorporated by reference herein.
(Ord. 725, passed 5-11-09)

FIRE DEPARTMENT**§ 36.30 FIRE PROTECTION OUTSIDE CITY LIMITS.**

The rate for fire protection services provided by the city's Fire Department outside the city limits shall be \$500 per call and shall be billed to the owner of the property on which services were rendered. (Ord. 504, passed 10-21-91)

CHAPTER 37: TAXATION AND FINANCE

Section

General Provisions

- 37.01 Tax levy
- 37.02 Responsible bidder requirement

Hotel Tax

- 37.20 Definitions
- 37.21 Rates; exception
- 37.22 Books and records
- 37.23 Tax return; payment of tax
- 37.24 Fraudulent returns
- 37.25 Improper reimbursement by hotel operator
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Municipal Service Retailers' Tax

- 37.35 Tax imposed
- 37.36 Report required; filing
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Municipal Service Occupation Tax

- 37.50 Tax imposed
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Locally Imposed and Administered Tax Rights and Responsibilities

- 37.60 Scope
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- 37.69 Abatement
- 37.70 Installment contracts
- 37.71 Statute of limitations
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- 37.99 Penalty

GENERAL PROVISIONS

§ 37.01 TAX LEVY.

That there be and is hereby levied upon all the taxable property within the corporate limits of the city, subject to taxation, the total sum as specified in the tax levy ordinance for the specific purposes mentioned in the appropriation bill and in the respective sums as set forth in the appropriation bill.
(Ord. 464, passed 9-12-88)

§ 37.02 RESPONSIBLE BIDDER REQUIREMENT.

Bids for construction contracts (whether for construction of new facilities, renovation of existing facilities, road or bridge construction projects, or other public improvements) at costs greater than \$10,000 shall only be accepted from "responsible bidders", meaning a bidder who meets all of the following applicable criteria, and submits evidence of such compliance:

(A) All applicable laws prerequisite to doing business in Illinois.

(B) Evidence of compliance with:

(1) Federal Employer Tax Identification Number or Social Security Number (for individuals);
and

(2) Provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).

(C) Evidence of insurance, indicating the following coverages: general liability, worker's compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.

(D) Compliance with all applicable provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the Act.

(E) Participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.
(Ord. 715, passed 8-11-08)

HOTEL TAX

§ 37.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT. The Department of Revenue.

HOTEL. Any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

OCCUPANCY. The use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

OPERATOR. Any person operating a hotel.

PERMANENT RESIDENT. Any person who occupied or has the right to occupy any room or rooms in a hotel for at least 30 consecutive days.

PERSON. Any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

RENT or RENTAL. The consideration received for occupancy, valued in money, whether received in money or otherwise including all receipts, cash, credits and property or services of any kind or nature.

ROOM or ROOMS. Any living quarters, sleeping or housekeeping accommodations.
(Ord. 478, passed 4-16-90)

§ 37.21 RATES; EXCEPTION.

(A) (1) A tax is imposed upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 5% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent

residents of that hotel. From the 5% tax collected, 1.5% of the gross rental receipts shall be repaid to the operator ("the rebate"), for advertising to promote overnight stays in Grayville. Subject to the provisions of § 37.23(B) and (C) providing for the filing of hotel tax returns on a quarterly or annual basis, the rebate will be paid to the operator on a monthly basis, in the following manner:

(2) Promptly at the end of each calendar month, each operator shall deliver to the city a check for the hotel tax generated during the preceding month, and the city agrees to pay to the operator the monthly rebate not later than the tenth day of each month with respect to the tax generated at the hotel during the prior month. All tax payments by the operator shall otherwise be in accordance with the provisions of § 37.23.

(B) No funds received pursuant to this chapter shall be used to advertise for or otherwise promote new competition in the hotel business.

(C) However, such tax is not imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state.

(D) Persons subject to the tax imposed by this chapter may reimburse themselves for their tax liability under this chapter by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any tax imposed by the county or state.

(E) If any hotel operator collects an amount (however designated) which purports to reimburse such operator for hotel operators' occupation tax liability measured by receipts which are not subject to hotel operators' occupation tax, or if any hotel operator, in collecting an amount (however designated) which purports to reimburse such operator for hotel operators' occupation tax liability measured by receipts which are subject to tax under this chapter, collects more from the customer than the operators' hotel operators' occupation tax liability in the transaction is, the customer shall have a legal right to claim a refund of such amount from such operator. However, if such amount is not refunded to the customer for any reason, the hotel operator is liable to pay such amount to the city.

(Ord. 478, passed 4-16-90; Am. Ord. 820, passed 4-25-16)

§ 37.22 BOOKS AND RECORDS.

Every operator shall keep separate books or records of his or her business as an operator so as to show the rents and occupancies taxable under this chapter separately from his or her transactions not taxable hereunder. If any such operator fails to keep such separate books or records, he or she shall be liable to tax at the rate designated in § 37.21 (A), upon the entire proceeds from his or her hotel.

(Ord. 478, passed 4-16-90)

§ 37.23 TAX RETURN; PAYMENT OF TAX.

(A) Except as provided hereinafter in this chapter, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel during the preceding calendar month, shall file a return with the city, stating:

(1) The name of the operator.

(2) His or her residence address and the address of his or her principal place of business and the address of the principal place of business (if that is a different address) from which he or she engages in the business of renting, leasing or letting rooms in a hotel in this city.

(3) Total amount of rental receipts received by him or her during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month.

(4) Total amount of rental receipts received by him or her during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month.

(5) Total amount of other exclusions from gross rental receipts allowed by this chapter.

(6) Gross rental receipts which were received by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(7) The amount of tax due.

(8) The amount of penalty due, if any.

(9) Such other reasonable information as the city may require.

(B) If the operator's average monthly tax liability to the city does not exceed \$500, the city may authorize its returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year; and with the return for October, November and December of a given year being due by January 31 of the following year.

(C) If the operator's average monthly tax-liability to the city does not exceed \$20, the city may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year. Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns. Notwithstanding any other provision in this chapter concerning the time within which an operator may file his or her

return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this chapter, such operator shall file a final return under this chapter with the city not more than one month after discontinuing such business. Where the same person has more than one business registered with the city under separate registrations under this chapter, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business. In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the city in the manner hereinafter provided for the correction of returns. Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer, or by the properly accredited agent of such corporation. The person filing the return herein provided for shall, at the time of filing such return, pay to the city the amount of tax herein imposed. The city may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the city on a form prescribed by the city, within not less than 60 days after receipt of the notice, an annual information return for the tax year specified in the notice. Such annual return to the city shall include a statement of gross receipts as shown by the operator's last state income tax return. If the total receipts of the business as reported in the state income tax return do not agree with the gross receipts reported to the city for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the two amounts and the reason for the difference. The operator's annual information return to the city shall also disclose payroll information of the operator's business during the year covered by such return, and any additional reasonable information which the city deems would be helpful in determining the accuracy of the monthly, quarterly, or annual tax return by such operator as hereinabove provided for in this section.

(D) If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable for a penalty equal to $\frac{1}{6}$ of 1% of the tax due from such taxpayer under this chapter during the period to be covered by the annual return for each month, or fraction of a month, until such return is filed as required; the penalty to be assessed and collected in the same manner as any other penalty provided for in this chapter.

(E) The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the city shall include a warning that the person signing the return may be liable for perjury.

(Ord. 478, passed 4-16-90; Am. Ord. 883, passed 1-13-20)

§ 37.24 FRAUDULENT RETURNS.

Any person engaged in the business of renting, leasing or letting hotel rooms in this city who fails to make a return, or to keep books and records as required, or who makes a fraudulent return, or who willfully violates any rule or regulation of the city for the administration and enforcement of the provisions of this chapter, or any officer or agent of a corporation engaged in the business of renting, leasing or letting hotel rooms in this city who signs a fraudulent return made on behalf of such corporation, shall be subject to the penalty set forth in § 37.99 of this chapter.

(Ord. 478, passed 4-16-90)

§ 37.25 IMPROPER REIMBURSEMENT BY HOTEL OPERATOR.

Any hotel operator who collects or attempts to collect an amount (however designated) which purports to reimburse such operator for hotel operators' occupation tax liability measured by receipts which such operator knows are not subject to hotel operators' occupation tax, or any hotel operator who knowingly over-collects or attempts to over-collect an amount purporting to reimburse such operator for hotel operators' occupation tax liability in a transaction which is subject to the tax that is imposed by this chapter, shall be subject to the penalty as set forth in § 37.99.

(Ord. 478, passed 4-16-90)

§ 37.26 EXEMPTIONS.

Persons engaged in the business of renting, leasing or letting rooms in a hotel only to permanent residents are exempt from the provisions of this chapter.

(Ord. 478, passed 4-16-90)

MUNICIPAL SERVICE RETAILERS' TAX**§ 37.35 TAX IMPOSED.**

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this city at the rate of 1 % of the gross receipts from such sales made in the course of such business while this chapter is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-1.

(Ord. 165, passed 8-15-55; Am. Ord. 251, passed 7-10-67; Am. Ord. 274, passed 9-8-69)

§ 37.36 REPORT REQUIRED; FILING.

Every person engaged in the business of selling tangible personal property at retail in the city shall file all reports as required by ILCS Ch. 35, Act 120, § 3 to the state Department of Revenue.

§ 37.37 PAYMENT.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

(Ord. 165, passed 8-15-55; Am. Ord. 251, passed 7-10-67; Am. Ord. 274, passed 9-8-69)

MUNICIPAL SERVICE OCCUPATION TAX**§ 37.50 TAX IMPOSED.**

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of 1% of the cost price of all tangible personal property transferred by the servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-5.

(Ord. 213, passed 8-7-61; Am. Ord. 254, passed 7-18-67; Am. Ord. 260, 4-15-68; Am. Ord. 275, passed 9-8-69)

§ 37.51 REPORT REQUIRED; FILING.

Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this municipality shall file all reports as required by ILCS Ch. 35, Act 115, § 9 to the state Department of Revenue.

§ 37.52 PAYMENT.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.

(Ord. 213, passed 8-7-61; Am. Ord. 254, passed 7-18-67; Am. Ord. 260, 4-15-68; Am. Ord. 275, passed 9-8-69)

§ 37.53 MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX.*(A) Tax imposed; rate.*

(1) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the city at the rate of 3% of the gross receipts from those sales made in the course of that business.

(2) The imposition of this tax is in accordance with the provisions of § 8-11-23, of the Illinois Municipal Code (ILCS Ch. 65, Act 5 § 8-11-23).

(B) Collection of tax by retailers.

(1) The tax imposed by this section shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this section and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the state. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any state tax that sellers are required to collect.

(2) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this section.

(Ord. 876, passed 9-9-19)

LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES**§ 37.60 SCOPE.**

The provisions of this subchapter shall apply to the city's procedures in connection with all of the city's locally imposed and administered taxes, including hotel/motel tax.

(Ord. 614, passed 12-26-00)

§ 37.61 DEFINITIONS.

Certain words or terms herein shall have meaning ascribed to them as follows, unless the context clearly indicates or requires a different meaning.

ACT. Local Government Taxpayers' Bill of Rights Act.

CITY. The City of Grayville, White and Edwards Counties, Illinois.

CORPORATE AUTHORITIES. The city's Mayor and City Council.

LOCAL TAX ADMINISTRATOR. The city's Treasurer is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this subchapter and to give full effect to this subchapter. The exercise of such authority by the local tax administrator shall not be inconsistent with this subchapter and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX. Each tax imposed by the city that is collected or administered by the city, not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the city other than infrastructure maintenance fees.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the city that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city.

(Ord. 614, passed 12-26-00)

§ 37.62 NOTICES.

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B) Personal service or delivery.

(Ord. 614, passed 12-26-00)

§ 37.63 PAYMENTS.

(A) *Payment.* Any payment or remittance received for a tax period shall be applied in the following order:

- (1) First to the tax due for the applicable period;
- (2) Second to the interest due for the applicable period; and
- (3) Third to the penalty for the applicable period.

(B) *Late payment.* Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is:

- (1) Physically received by the city on or before the due date; or
- (2) Received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid.
(Ord. 614, passed 12-26-00)

§ 37.64 CERTAIN CREDITS AND REFUNDS.

(A) The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be two years after the end of the calendar year in which payment in error was made. The city shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the city.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

- (a) The name of the locally imposed and administered tax subject to the claim;
- (b) The tax period for the locally imposed and administered tax subject to the claim;

(c) The date of the tax payment subject to the claim and the canceled check or receipt for the payment;

(d) The taxpayer's recalculation accompanied by an amended or revised tax return, in connection with the claim; and

(e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the city.

(2) Within ten days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

(a) Grant the claim; or

(b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 5 % per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

(Ord. 614, passed 12-26-00)

§ 37.65 AUDIT PROCEDURE.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this subchapter.

(A) Each notice of audit shall contain the following information:

(1) The tax;

(2) The time period of the audit; and

(3) A brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days nor more than 30 days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the city.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the city. If the taxpayer fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the city's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.
(Ord. 614, passed 12-26-00)

§ 37.66 APPEAL.

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) The reason for the assessment;
- (2) The amount of the tax liability proposed;
- (3) The procedure for appealing the assessment; and
- (4) The obligations of the city during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the 45 day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.

(Ord. 614, passed 12-26-00)

§ 37.67 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under § 37.66, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing, the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

(Ord. 614, passed 12-26-00)

§ 37.68 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The city hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 5% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.* If a tax return is not filed within the time and manner provided by the controlling tax ordinance, and if the tax ordinance does not otherwise contain late filing or failure to file penalties, a late filing penalty of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the city issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 10% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

(Ord. 614, passed 12-26-00)

§ 37.69 ABATEMENT.

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty, or failure to file penalty, if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

(Ord. 614, passed 12-26-00)

§ 37.70 INSTALLMENT CONTRACTS.

The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14 day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

(Ord. 614, passed 12-26-00)

§ 37.71 STATUTE OF LIMITATIONS.

The city, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the city, the tax paid was less than 75% of the tax due, the statute of limitations shall be six years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year, in which the return for the applicable period was filed.

(C) No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.
(Ord. 614, passed 12-26-00)

§ 37.72 VOLUNTARY DISCLOSURE.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent per month, for all periods prior to the filing of the application, but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

(Ord. 614, passed 12-26-00)

37.99 PENALTY.

(A) Any person who violates any provision of § 37.24 shall be subject to a sentence of up to six months in jail, or to a fine of up to \$750, or both.

(B) Any person who violates any provision of § 37.22 shall be subject to a sentence of up to six months in jail, or to a fine of up to \$750, or both. Each and every day any such person is engaged in business in violation of § 37.22 shall constitute a separate offense.

(C) Any person who accepts money that is due to the city under §§ 37.20 through 37.26 from a taxpayer for the purpose of acting as the taxpayer's agent to make the payment to the city, but who fails to remit such payment to the city when due, shall be subject to a sentence of up to six months in jail, or to a fine of up to \$750, or both. Any such person who purports to make such payment by issuing or delivering a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository, shall be guilty of a deceptive practice in violation of Section 17-I of the Criminal Code of 1961, as amended.

(D) Any person who violates any provision of § 37.25 shall be subject to a sentence of up to six months in jail, or to a fine of up to \$1,000, or both.

(Ord. 478, passed 4-16-90)

CHAPTER 38: CITY POLICY

Section

Freedom of Information Act

- 38.01 Requests for access to records
- 38.02 Retrieval of records
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State Gift Ban Act

- 38.20 Adoption of act
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Policy for Non-Employees Riding in City Owned Vehicles and Equipment

- 38.50 Non-employees riding in city owned vehicles and equipment

FREEDOM OF INFORMATION ACT**§ 38.01 REQUESTS FOR ACCESS TO RECORDS.**

The City Clerk is hereby designated as the person to whom all initial written requests for access to the records of the city are to be referred. Such requests are to be made at the offices of the city at 122 S. Court Street, Grayville, Illinois, between the hours of 9:00 and 4:30 p.m., Monday through Friday. In the event that the City Clerk is not available during the times described above, the Deputy City Clerk is designated as the person to whom such initial requests are to be made.
(Ord. 585, passed 3-22-99)

§ 38.02 RETRIEVAL OF RECORDS.

Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored by the City Clerk or the Deputy City Clerk, or by an employee of the city acting under the direction of the Clerk or Deputy Clerk. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the city.
(Ord. 585, passed 3-22-99)

§ 38.03 FEES FOR COPIES.

If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the City Clerk. The City Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested. As of the date of passage of this subchapter, the fees to be assessed for any such records, if the person requesting the records wishes them to be copied, are as follows:

\$.20 per page (actual cost) if city employee copies records

\$.25 per certificate (actual cost) if the copies are to be certified

(Ord. 585, passed 3-22-99)

§ 38.04 APPEAL.

In the event that a request to inspect city records is denied by the City Clerk or the Deputy City Clerk, the denial may be appealed to the City Mayor. Such an appeal must be made within 14 days after the requesting party receives the written notice denying said request; or in the event that the denial is not by letter, the appeal must be made 14 days after the request is efficiently denied.
(Ord. 585, passed 3-22-99)

§ 38.05 PREPARATION OF DIRECTORIES AND CATALOGS.

The City Clerk shall prepare such other directories and catalogs as may be required from time to time by the Freedom of Information Act.

(Ord. 585, passed 3-22-99)

STATE GIFT BAN ACT**§ 38.20 ADOPTION OF ACT.**

(A) The State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.) is hereby adopted by section 83 of the Act (ILCS Ch. 5, Act 425, § 83).

(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the city.

(Ord. 589, passed 5-10-99)

§ 38.21 ETHICS OFFICER.

To the extent authorized by law and to the extent required by ILCS Ch. 5, Act 425, § 35, the Mayor is authorized to appoint an individual to serve as the "Ethics Officer" of the city. The Ethics Officer's duties shall be as provided in ILCS Ch. 5, Act 425, § 35.

(Ord. 589, passed 5-10-99)

§ 38.22 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS.

All complaints for violations of the Act and this subchapter shall be filed with the State Legislative Ethics Commission (created by Section 45(a)(6) of the Act).

(Ord. 589, passed 5-10-99)

§ 38.23 FUTURE AMENDMENTS TO STATE GIFT BAN ACT.

Any amendments to the State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.) that becomes effective after the passage of this subchapter shall be incorporated into this subchapter by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this subchapter by reference without formal action by the corporate authorities of the city.

(Ord. 589, passed 5-10-99)

§ 38.24 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

(A) If the Illinois Supreme Court declares the State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.) unconstitutional in its entirety, then this subchapter shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The subchapter shall be deemed repealed without further action by the corporate authorities of the city if the Act is found unconstitutional by the Illinois Supreme Court.

(B) If the Illinois Supreme Court declares part of the State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.) unconstitutional, but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this subchapter shall remain in full force and effect; however, that part of this subchapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the city. (Ord. 589, passed 5-10-99)

§ 38.25 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of ILCS Ch. 5, Act 430, §§ 5-15 and ILCS Ch. 5, Act. 430, §§ 10-10 through 10-40 of the State officials and Employees Ethics Act, ILCS Ch. 5, Act 430, §§ 1-1 et seq., (hereinafter referred to as the "Act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the city to the extent required by ILCS Ch. 5, Act 430, § 70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the city, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the city under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the city, is hereby prohibited.

(E) For purposes of this section, the terms "officer" and "employee" shall be defined as set forth in ILCS Ch. 5, Act 430, § 70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in ILCS 5, Act 430, § 50-5 for similar violations of the Act.

(G) This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of city officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of ILCS Ch. 5, Act 430, § 70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the city.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then the section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the city if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the city.

(Ord. 663, passed - -)

SEXUAL HARASSMENT PROHIBITED

§ 38.35 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 Grayville to prohibit 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.

(Ord. 851, passed 12-11-17; Am. Ord. 862, passed 11-12-18)

§ 38.36 DEFINITION OF SEXUAL HARASSMENT.

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

(1) Any unwelcome sexual advances or requests for sexual favors or any conduct of a 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 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*. Suggestive 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 a 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).

(B) 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."

(Ord. 851, passed 12-11-17; Am. Ord. 862, passed 11-12-18)

§ 38.37 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) 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.

(B) 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 a memo.

(2) *Contact with supervisory personnel.*

(a) At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a Director of Human Resources, an Ethics Officer, the City Manager or Administrator, or the Chief Executive Officer of the municipality.

(b) 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 no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

(3) *Resolution outside municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and 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 also be filed within 300 days.

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

(D) 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.

(Ord. 851, passed 12-11-17; Am. Ord. 862, passed 11-12-18)

§ 38.38 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory 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.

(B) For the purposes 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.

(C) No individual making a 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.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (ILCS Ch. 5, Act 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.

(E) Pursuant to the Whistleblower Act (ILCS Ch. 740, Act 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. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation (see ILCS Ch. 740, Act 174 § 15(b)).

(F) According to the Illinois Human Rights Act (ILCS Ch. 775, Act 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 has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) 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 of the alleged retaliation.

(Ord. 851, passed 12-11-17; Am. Ord. 862, passed 11-12-18)

§ 38.39 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the prohibition on sexual harassment contained in ILCS Ch. 5, Act 430 § 5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or 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 penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

(Ord. 851, passed 12-11-17; Am. Ord. 862, passed 11-12-18)

§ 38.40 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT.

(A) 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 of 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 or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

(B) In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. 851, passed 12-11-17; Am. Ord. 862, passed 11-12-18)

POLICY FOR NON-EMPLOYEES RIDING IN CITY OWNED VEHICLES AND EQUIPMENT**§ 38.50 NON-EMPLOYEES RIDING IN CITY OWNED VEHICLES AND EQUIPMENT.**

(A) *Parades and special events.* For parades and special events (which includes any event that has been sanctioned and allowed by the City of Grayville), the following individuals are authorized as passengers in vehicles or equipment owned by the City of Grayville, Illinois:

- (1) Elected city officials;
- (2) Appointed city officials; and

(3) The immediate family and/or step-family of city officials and employees (which shall include the parents, brothers, sisters, spouse or children of the said city officials and employees).

(B) The following individuals are authorized as passengers in vehicles or equipment owned by the City of Grayville, Illinois during the business day for the City of Grayville:

- (1) Vendors;
- (2) Contractors;
- (3) Engineers;
- (4) Elected officials of governmental entities other than the City of Grayville; and

(5) Any duly authorized agent doing authorized work for the City of Grayville, White and Edwards Counties, Illinois. The above listed authorized passengers must, at all times, be accompanied by either a city official or city employee.

(C) All drivers and passengers in vehicles or equipment owned by the City of Grayville, White and Edwards Counties, Illinois must wear seat belts (in motor vehicles) or wear safety harnesses or safety equipment (in other city owned equipment). All drivers and passengers in vehicles or equipment owned by the City of Grayville, White and Edwards Counties, Illinois must obey traffic laws.

(Ord. 874, passed 7-8-19)