

# **ARLINGTON HEIGHTS MUNICIPAL CODE**

## **CHAPTER 1 - GENERAL PROVISIONS**

### **Article I Name and Scope of Code**

- Section 1-101 How Code Designated and Cited
- Section 1-102 Effect of Code
- Section 1-103 Reference to Section Number
- Section 1-104 Repealing Clause

### **Article II Form and Distribution**

- Section 1-201 Administrative Copies
- Section 1-202 Loose-Leaf Revisions
- Section 1-203 Legal Publications
- Section 1-204 Distribution of Code
- Section 1-205 Price and Cost of Ordinances Printed in Book Form
- Section 1-206 Enacting Style of Ordinances
- Section 1-207 Matter Adopted by Reference

### **Article III Recordation and Amendments**

- Section 1-301 Recordation and Memorandum of Ordinances - Required
- Section 1-302 Same - To Be Prima Facie Evidence of Contents, etc.
- Section 1-303 Amendments

### **Article IV Definitions**

- Section 1-401 Definitions

### **Article V Rules of Construction**

- Section 1-501 Intent
- Section 1-502 Catchlines of Sections
- Section 1-503 Constructions of Words
- Section 1-504 Effect of Repeal or Repealing Ordinances
- Section 1-505 Delegation of Authority

### **Article VI Penalties**

- Section 1-601 General Penalties
- Section 1-602 Amendment of Section Subject to Penalty
- Section 1-603 Offense Having Two Penalties
- Section 1-604 Offenses Under Repealed Provisions
- Section 1-605 Severability of Parts of this Code

### **Article VII Ethics**

- Section 1-701 Statement of Policy
- Section 1-702 Persons Affected
- Section 1-703 Disclosure of Ownership of Real Estate
- Section 1-704 Disclosure of Gifts, Loans and Services
- Section 1-705 Disclosure of Ownership of Business Interests
- Section 1-706 Disclosure of Other Employment
- Section 1-707 Campaign Contributions
- Section 1-708 Prohibition of Contributions

## **GENERAL PROVISIONS**

Section 1-709 Conflict of Interest

Section 1-710 Disclosure of Campaign Contributions

Section 1-711 Filing of Complaints

Section 1-712 Penalties for Violation

Section 1-713 Applicability of State Law

**Article VIII State Officials and Employees Ethics Act**

Section 1-801 Adoption of Act

Section 1-802 Existing Ethics Provisions

Section 1-803 Future Amendments to the Act

Section 1-804 Future Declaration of Unconstitutionality of the Act

**Article IX Membership in Organizations**

Section 1-901 Board of Trustees

# ARLINGTON HEIGHTS MUNICIPAL CODE

## Article I Name and Scope of Code

**Section 1-101 How Code Designated and Cited.** The ordinances contained in this and following chapters shall constitute and be designated as the "Municipal Code of Arlington Heights, Illinois, 1995", and may be so cited.

**Section 1-102 Effect of Code.** This Code is a comprehensive amendment and recodification of the general ordinances of the Village and completely supersedes the Municipal Code of Arlington Heights, 1965, and all general ordinances passed by the Board of Trustees prior to the effective date of this Code, including any prior ordinance provisions in conflict with this Code, except those that are, by reference, expressly saved from repeal or continued in force and effect.

**Section 1-103 Reference to Section Number.** Reference to any section of this Code shall be understood to include the penalty section relating thereto, unless otherwise expressly provided.

**Section 1-104 Repealing Clause.** All general ordinances of the Village passed prior to the effective date of this Code, except those that are expressly exempted from repeal and except those that are referred to as being still in force, are hereby repealed. The following ordinances are hereby expressly exempted from repeal at this time:

- a. Chapter 28 of the Municipal Code of Arlington Heights, 1985, as amended, entitled "Zoning Regulations."
- b. Chapter 29 of the Municipal Code of Arlington Heights, 1965, as amended, entitled "Subdivision Control Regulations."

## Article II Form and Distribution

### Section 1-201 Administrative Copies.

- a. The Village Clerk shall keep two copies of this Code. These copies shall be preserved by the Village Clerk in a book or binder in loose-leaf form, or in such other form as the Village Clerk may consider most expedient, so that all amendments thereto and all general volumes, and all sections of this Code or ordinances repealed from time to time may be extracted for the purpose of maintaining two copies so that they will show all general ordinances passed up-to-date at any time in such manner that ready reference may be had.
- b. The Village Clerk shall insert in such volumes all amendments to the Code and shall delete from the Code all sections repealed.

**Section 1-202 Loose-Leaf Revisions.** The Village Clerk shall prepare and publish revised sheets of every loose-leaf page in need of revision by reason of amendment or repeal, at intervals not exceeding six months, and shall distribute such revised loose-leaf sheets for a fee. The printed revisions shall not include the enacting and passage clauses.

**Section 1-203 Legal Publications.** No officer or employee of the Village shall issue, mail, or distribute as a publication on the part of the Village or any officer or department of the Village government, any book, pamphlet, leaflet, card, circular or other printed matter purporting to contain excerpts from this Code or purporting to give the law on any subject to the public, either as a reprint

## GENERAL PROVISIONS

of an ordinance, or other legislative enactment, or as a digest, interpretation, resume, condensation or explanation, without submitting the book, pamphlet, leaflet, card, circular or other printed matter which purports to quote or give the law, to the Legal Department for examination and approval as to form and as to whether or not the law is correctly stated.

**Section 1-204 Distribution of Code.** All printed copies of this Code shall be in the custody of the Village Clerk. One copy shall be delivered to the President, one copy to each member of the Board of Trustees, one copy to the Village Attorney, one copy to each department director of the Village and copies to such other persons in each department as deemed appropriate. The Village Clerk shall sell printed copies of the Code at a price fixed by the Board of Trustees; provided, however, that in the case of purchase by any public library, school library, or university library, a 20% discount from the regular purchase price shall be allowed. The Village Manager shall have the authority to reciprocate courtesies of other cities and villages, by presenting to each a copy of this Code, bound at the expense of the Village in such manner as may seem suitable.

**Section 1-205 Price and Cost of Ordinances Printed in Book Form.** Whenever any chapter or any part of any chapter of this Code is printed in book or pamphlet form, published by authority of the Board of Trustees, the Village Clerk shall charge a price therefor commensurate with the cost of the book or pamphlet; provided, however, that complimentary copies may be furnished to any law enforcement officers or other agencies where the interests of the Village will be promoted.

**Section 1-206 Enacting Style of Ordinances.** The enacting style of all ordinances shall be: "Be it ordained by the President and Board of Trustees of the Village of Arlington Heights."

**Section 1-207 Matter Adopted by Reference.** At least three copies of all statutes, codes, technical codes, public records and other matters adopted by reference, in whole or in part or as modified in this Code, shall be kept on file in the office of the Village Clerk prior to adoption in accordance with State law and be kept on file after adoption and available for use, inspection and examination by the public.

### Article III Recordation and Amendments

**Section 1-301 Recordation and Memorandum of Ordinances - Required.** All ordinances passed by the Village Board shall be consecutively numbered and recorded by the Village Clerk in proper books with indexes. The original shall be filed in the office of the Village Clerk and proof of publication of all ordinances requiring publication shall be procured by the Village Clerk, and proof or affidavit of publication shall be attached to and filed away with the ordinances; and the Village Clerk shall also note on the book of ordinances, at the foot of the record of each ordinance, a memorandum of the date of the passage and if published or posted, the date of the publication or posting of such ordinance.

**Section 1-302 Same - To Be Prima Facie Evidence of Contents, etc.** The record and memorandum required by the preceding section, or a certified copy thereof, shall be prima facie evidence of the contents, passage and the publication or posting of ordinances.

**Section 1-303 Amendments.** Any additions or amendments to this Code, when passed in such form as to indicate the intention of the Village Board to make the same a part hereof, shall be

## ARLINGTON HEIGHTS MUNICIPAL CODE

deemed to be incorporated in this Code so that a reference to the "Municipal Code of Arlington Heights" shall be understood to include them.

### Article IV Definitions

#### Section 1-401 Definitions.

- a. "Board of Trustees" or "Village Board." The President and Board of Trustees of the Village of Arlington Heights.
- b. Code. The Municipal Code of Arlington Heights, Illinois, 1995.
- c. Municipal Code of Arlington Heights, Illinois, 1995. The ordinances contained in this bound volume as well as any later amendments passed by the Village Board.
- d. Notwithstanding any other provision of this Code, the word "person" shall mean and include any natural individual, firm, trust, partnership, company, association or corporation in his, her or its own capacity or as administrator, conservator, executor, trustee, receiver or other representative appointed by a court; and when the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such term as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation.
- e. Village. The Village of Arlington Heights, a body politic and a municipal corporation organized under the laws of the State of Illinois.

### Article V Rules of Construction

**Section 1-501 Intent.** All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

**Section 1-502 Catchlines of Sections.** The catchlines of any of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or re-enacted.

#### Section 1-503 Constructions of Words.

- a. Whenever any words in any section in this Code import the plural number, the singular shall be deemed to be included, and whenever the singular number shall be used, it shall be deemed to include the plural.
- b. Whenever the masculine gender is used in this Code, females as well as males shall be deemed to be included.
- c. Words in the present tense shall be deemed to include the future tense.

## GENERAL PROVISIONS

- d. The words "written" and "in writing" may include printing or other mechanical methods of reproduction.
- e. The word "shall" as used in this Code is mandatory.

**Section 1-504 Effect of Repeal or Repealing Ordinances.** When any ordinance, repealing any former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed as to revive the former ordinance, clause or provision, unless it is expressly provided.

**Section 1-505 Delegation of Authority.** Whenever authority is given to a Village official by the provisions of this Code, that authority may be delegated by the official to a duly authorized representative unless otherwise specifically provided, but that delegation of authority shall not relieve the official from primary responsibility to fulfill any duty imposed by this Code.

### Article VI Penalties

**Section 1-601 General Penalties.** Whenever in this Code or in any ordinance of the Village, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of this Code or any such ordinance shall be punishable by a fine of not less than \$5 nor more than \$750 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 1-602 Amendment of Section Subject to Penalty.** In the case of amendment of any section of this Code containing provisions for which a penalty is provided in another section, the penalty provided in the other section shall be held to relate to the section amended, whether re-enacted in the amendatory ordinance or not, unless the penalty is specifically repealed therein.

**Section 1-603 Offense Having Two Penalties.** In all cases where the same offense is made punishable or is created by different sections of this Code, the Village Prosecutor may elect under which to proceed; but not more than one conviction shall be had against the same person for the same offense.

#### **Section 1-604 Offenses Under Repealed Provisions.**

- a. Unless otherwise expressly provided, no new ordinance shall be construed to repeal a former ordinance, whether the former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture, or punishment incurred, or claims arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or claims arising before the new ordinance takes effect, except that the proceedings thereafter shall conform, so far as practicable, to the ordinances in force at the time of such proceeding. If any penalty, forfeiture or punishment will be mitigated by any provision of a new ordinance that provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

## ARLINGTON HEIGHTS MUNICIPAL CODE

- b. This section shall extend to all repeals either by express words or implication whether the repeal is in the ordinance making any new provision upon the same subject or any other ordinance.
- c. Nothing contained in the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person; or as waiving any right of the Village under any section or provisions of any ordinance existing at the time of the passage of this Code.

**Section 1-605 Severability of Parts of this Code.** Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, that invalidity or unconstitutionality shall not affect the validity of any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Code.

### Article VII Ethics

(Ord. #11-051)

**Section 1-701 Statement of Policy.** It is the policy of the Village of Arlington Heights that its elected and appointed officials should, in all cases, exercise their judgment and perform their duties for the sole benefit of the citizens of the Village of Arlington Heights. To this end, all such persons should avoid accepting or retaining any economic benefits or opportunities which could impair or present an actual threat to the exercise of independent judgment. It is the responsibility of all elected and appointed officials to maintain the highest standards of ethical behavior by acting with steadfast integrity, unconditional impartiality and a total devotion to the best interests of the Village and its residents. The Village Board hereby determines that the adoption of an ordinance setting forth ethical principles and regulations applicable to public officials is in the best interests of the Village of Arlington Heights and will contribute to the public confidence in the integrity, ability and performance of public officials.

**Section 1-702 Persons Affected.** The provisions of this Article shall apply to all elected officials, all appointed officials, and members of boards and commissions of the Village who have been appointed by the President and Board of Trustees. It shall also apply to the Village Manager, department directors and other employees earning in excess of \$35,000 per year.

In addition to the provisions of this Article, the Village Manager is directed and authorized to promulgate rules and regulations relating to outside employment, conflict of interest, or other ethical matters deemed necessary, which shall be applicable to all Village employees. The Village Manager shall prepare all forms for statements required by this Article and the forms shall be distributed to persons subject to this Article not later than 30 days prior to the date set for filing.

**Section 1-703 Disclosure of Ownership of Real Estate.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement disclosing the ownership of any real property located within the corporate limits of the Village or in the unincorporated area within ½ mile of the corporate limits of the Village, owned by the person required to file or by the spouse or children of that person. The statement shall include the legal description and common address of the real estate and shall indicate the ownership interest held in that real estate. For the purpose of this section, the ownership of a beneficial interest in real estate held in trust or real property held by a corporation in which the person filing owns more than 5% of the outstanding stock, shall be considered real estate. The property in which the person resides shall be exempt from the provisions of this section.

## GENERAL PROVISIONS

**Section 1-704 Disclosure of Gifts, Loans and Services.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement disclosing gifts or services rendered as a gift in excess of \$50 which have been received by such persons from any person, firm or corporation doing business or having any contractual relationship with the Village or engaged in an activity having substantial potential of doing business with the Village. For the purpose of this section, gifts and services of the character described made to the spouse or children of a person required to file shall be included in the disclosure statement.

If the person, spouse or children have been released from any indebtedness exceeding in its principal amount \$100 within the year, without paying the total balance due on such indebtedness or giving adequate consideration, a statement shall be included in the filing hereunder, listing the name of the creditor, the nature and amount of the indebtedness released, and a description of the circumstances attendant upon the release.

**Section 1-705 Disclosure of Ownership of Business Interests.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement disclosing the ownership interest, either direct or indirect, of any business, firm or corporation which has entered into contract with the Village or received any remuneration from the Village during the past year in which the interest held exceeds 1%. The statement shall require the disclosure of the extent of such ownership. For the purpose of this section, an ownership interest of the spouse or minor children of the person required to file shall be included in such statement.

**Section 1-706 Disclosure of Other Employment.** Each person subject to the provisions of this Article shall file with the Village Clerk on or before May 1 of each calendar year, a statement indicating all employment of the person filing the statement for the previous calendar year, which is subject to this section. The statement shall include the name of the employing entity and the nature of services rendered in the course of such employment.

In the cases of persons employed as attorneys, insurance agents or brokers, or real estate brokers or salespersons, the statement need only include the firm or professional corporation or other entity by whom the person is employed, and clients of persons or employers of persons who do business with the Village of Arlington Heights.

**Section 1-707 Campaign Contributions.** No individual may make, and no candidate for Village office may accept, a contribution of more than a total of \$250 cash or in kind, to any candidate running for the office of Village Trustee or Village President, or the candidate's campaign committee. No organization may make, and no candidate for Village office may accept, a contribution of more than a total of \$500 cash or in kind, to any candidate running for the office of Village Trustee or Village President, or the candidate's campaign committee. These limitations on campaign contributions shall not apply to the candidate's own contributions to his/her campaign. These limitations on campaign contributions shall be applicable every two calendar years. The two year period shall be defined as the calendar year preceding the year in which a Consolidated Election is held and the calendar year in which a Consolidated Election is held. For purposes of this Article, "contribution" means moneys, loans, debts incurred, property-in-kind, or things having a monetary value incurred or received by a candidate or his/her agent or other person on behalf of the candidate for use in advocating the election of the candidate. "Contribution" does not include any activity to which an individual is invited in his official capacity. For purposes of this Article, "organization" shall mean a trust, partnership, committee, association, corporation or any other organization or group of persons.

## ARLINGTON HEIGHTS MUNICIPAL CODE

**Section 1-708 Prohibition of Contributions.** No candidate for Village office may accept any contribution from any individual, corporation or partnership currently holding a liquor license in the Village. For purposes of this Section, "liquor license holder" includes all officers of any corporation holding a liquor license and all partners of any partnership holding a liquor license.

**Section 1-709 Conflict of Interest.** The Village President and Village Trustees shall, at all times, avoid the appearance of impropriety. No elected or appointed official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. When recusing oneself on any matter, the elected official shall state the reason for such recusal.

**Section 1-710 Disclosure of Campaign Contributions.** All statements of campaign contributions required to be filed by state law shall be filed with the Village Clerk concurrently with their filing with the State. This includes statements required to be filed by state law by political action committees or other organizations concerning campaign contributions.

**Section 1-711 Filing of Complaints.** The Village Clerk is authorized to receive and maintain a log of all complaints made against individuals subject to this Article. Each complaint shall be submitted to the Village Attorney for investigation. Upon a review of the evidence, the Village Attorney shall prepare a written report for the Board of Trustees. If the Village Attorney determines that the complaint is not sustained, he or she shall so state in the recommendation. If he or she determines that the complaint is sustained, the report shall include recommendations for such administrative or legal action as deemed appropriate. The Board shall then review the report and recommendations of the Village Attorney, and, by majority vote including the President, determine what action, if any, is to be taken in accordance with the provisions of this Article. If it is a member of the Board of Trustees who is accused, that member shall not participate in the vote. In the event no violation is found, the Village Attorney's log and complaint files shall not be open for public inspection, unless requested by the individual who was the subject of the complaint. However, the person making the complaint shall be notified in writing of the decision of the Board of Trustees. To the extent that it is practical to do so, an elected official should use his or her best efforts to notify, in writing, other elected Village officials prior to filing a complaint or charges against any Village official.

**Section 1-712 Penalties for Violation.** Any person subject to the provisions of this Article who violates any of its provisions shall be subject to the following sanctions and/or penalties:

- a. The Village Board, after review of the Village Attorney's recommendations and conclusions, may take the appropriate corrective or disciplinary action against any person who is subject to the terms of this Article and who is found to have violated the provisions thereof.
- b. In appropriate circumstances, the Village Board may direct that appropriate legal proceedings be commenced for the purpose of removal from office.
- c. The Village Board may recommend a judicial proceeding to be brought, and if the person is found by a court of competent jurisdiction to be guilty of knowingly violating any of the provisions of this Article, or furnishing false, misleading, or incomplete information during

## GENERAL PROVISIONS

the investigation with the intent to mislead, upon conviction thereof shall be punished by a fine of not more than \$750 for any one offense.

**Section 1-713 Applicability of State Law.** Nothing in this Article shall be deemed to in any way restrict the application of any state statute or any common law provision with respect to conflict of interest, malfeasance, or nonfeasance in office which would otherwise be applicable to any person subject to the provisions of this Article. The provisions of this Article shall be deemed additional requirements and shall in no way be construed as a derogation under home rule of present statutory penalties and other local remedies for acts prohibited in this Article.

(Ord. #99-044, 04-032)

### Article VIII: State Officials and Employees Ethics Act

#### Section 1-801 Adoption of Act.

- a. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 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 Village to the extent required by 5 ILCS 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 Village, is hereby prohibited.
- c. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.
- d. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.
- e. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5 (c).
- f. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

**Section 1-802 Existing Ethics Provisions.** This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village 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 5 ILCS 430/70-5(a).

**Section 1-803 Future Amendments to the Act.** 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 Village.

#### Section 1-804 Future Declaration of Unconstitutionality of the Act.

## ARLINGTON HEIGHTS MUNICIPAL CODE

- a. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this 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 Village if the Act is found unconstitutional by the Illinois Supreme Court.
- b. 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 Village.

(Ord. #99-044)

### **Article IX Membership in Organizations**

**Section 1-901 Board of Trustees.** The Village of Arlington Heights and the Board of Trustees, as an entity shall only participate in intergovernmental organizations. Such memberships shall be approved or disapproved as a part of the budget process. Individual trustees and members of the Village Administration may join and serve on the boards of other organizations without implying membership by the Village, if such membership creates no conflict of interest as provided in Article VII of this Chapter.

**Section 1-902 Village Administration.** The Village Administration may participate in professional and technical organizations. The Village Manager shall designate such membership for approval or disapproval as a part of the budget process.