

VILLAGE OF BOLINGBROOK



MUNICIPAL CODE

Adopted by Ordinance No. 220
on June 24, 1970

Comprehensively Amended by Ordinance No. 73-74
on October 17, 1973

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CHAPTER 1 -- GENERAL PROVISIONS

ARTICLE 1 -- 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 Bolingbrook, Illinois, 1973" and may be so cited.

Section 1-102. EFFECT OF CODE. This Code shall be treated and considered as a comprehensive amendment and recodification of the general ordinances of the Village and shall completely supersede 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 such as are by reference hereto expressly saved from repeal or are continued in force and effect.

Section 1-103. REFERENCE TO SECTION NUMBER. Reference to any section of this Code shall be understood to refer to and 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 such as are expressly exempted from repeal and except such as are referred to as being still in force, are hereby repealed. The following ordinances are hereby expressly exempted from repeal or remain in full force and effect:

Ordinances No. 4, 15, 33, 40, 47, 50, 57, 68, 76, 78, 86, 87, 102, 106, 109, 110, 116, 121, 126, 127, 136, 146, 147, 150, 152, 153, 154, 155, 156, 158, 160, 161, 167, 170, 173, through 180, inclusive, 184 through 190, inclusive, 193, 196 through 200, inclusive, 203, 204, 208, 209, 210, 212, 214, 217, 219, 221, 222, 225, 230, 231, 232, 234, 235, 236, 242, 246, 247, 249, 252, 253, 258, 260, 263, 274, 275, 276, 280, 281, 282, 285, 293 through 301, inclusive, 303, 305, 306, 310, 313, 315, 318, 321, 328, 329, 333, 336, 343, 347, 353, 355, 356, 357, 358, 363, 364, 365, 369, 373, 374, 375, 378, 379, 380, 382, 393, 395, 398, 404, 405, 407, 408, 409, 73-3, 73-13, 73-14, 73-15, 73-20, 73-22, 73-23, 73-28, 73-30, 73-31 through 73-39, inclusive, 73-41, 73-43, 73-45, 73-50, 73-61, 73-64, 73-66 and 73-68.

Section 1-105. EFFECTIVE DATE OF CODE. The "Municipal Code of Bolingbrook, 1973" shall take effect and be in force from and after its passage, approval and publications in the manner prescribed by law.

ARTICLE 2 -- FORM AND DISTRIBUTION

Section 1-201. ADMINISTRATIVE COPIES.

(A) The Village Clerk shall keep three copies of this Code. These copies shall be printed on paper sufficiently thick and tough to withstand heavy usage, and 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 to this Code and all general ordinances hereafter passed may be inserted in their appropriate place in each volume, and all sections of this Code or ordinances repealed from time to time may be extracted therefrom, for the purpose of maintaining said three copies in such condition that they will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto.

(B) In determining whether or not any ordinance hereafter passed, or any part thereof, shall be inserted in such volumes, and in determining the form, chapter or section in which it shall be inserted, and in determining what shall be taken out, if any doubt arises, the Village Clerk shall be guided by the advice of the Village Attorney.

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 said revised loose-leaf sheets for such fee as the Board of Trustees shall direct. Such 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 on the part of any officer or department of the Village government, any book, pamphlet, leaflet, card, circular or other printed matter (except certified copies of this Code and ordinances of the Village, or portions thereof, distributed by the Village Clerk or his duly authorized deputy) purporting to contain excerpts or quotations from this Code or purporting to give the law on any subject to the public, either as a reprint of an ordinance or other legislative enactment, or as a digest, interpretation, resume, condensation or explanation of the same, without submitting such book, pamphlet, leaflet, card, circular or other printed matter, or the portion of the same which purports to quote or give the law, to the Village Attorney for examination and approval as to form and as to whether or not the law is correctly stated therein.

Section 1-204. DISTRIBUTION OF CODE. All printed copies of this Code shall be in the custody of the Village Clerk. He shall deliver one copy thereof to the President, one copy to each member of the Board of Trustees, one copy to the Village Attorney, one copy to each head of a department of the Village, and copies to such other persons in each department as he deems appropriate. The Village Clerk shall sell printed copies of said Code at such price as the Board of Trustees shall fix; provided, however, that in the case of such purchase by any public library, school library, or university library, a twenty percent discount from the regular purchase price shall be allowed.

The President shall have the power to reciprocate courtesies of other cities and villages by presenting to such entities a copy of this Code at the expense of the Village, bound in such manner as to the President 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 shall be printed in book or pamphlet form and published by authority of the Board of Trustees, the Village Clerk shall charge a price therefore commensurate with the

cost of such book or pamphlet; provided, however, that complimentary copies may be furnished to any law-enforcing 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 Bolingbrook, Will and DuPage Counties, Illinois, in the exercise of its Home Rule powers." (Ordinance No. 80-020, 3.II.80)

Section 1-207. ORDINANCES TO BE SIGNED. All Ordinances passed by the Village Board shall be signed by the President, Acting President or President Pro Tem, with the attesting signature of the Village Clerk.

Section 1-208. MATTER ADOPTED BY REFERENCE. At least three copies of all statutes, codes, technical codes, public records and other matter adopted by reference in whole or in part or as modified in this Code, which have for more than thirty days last past prior to the adoption of this Code been, now are, or hereafter shall be filed in the office of the Village Clerk, shall be there kept on file and available for use, inspection and examination by the public.

ARTICLE 3 -- RECORDATION AND AMENDMENTS

Section 1-301. NUMBERING, RECORDING AND MEMORANDUM OF ORDINANCES REQUIRED. Beginning with the first ordinance passed and approved by the President and Board of Trustees and continuing through the last ordinance passed and approved by the President and Board of Trustees in the calendar year 1972, being ordinances 1 through 409, inclusive, all such ordinances shall be numbered consecutively. Beginning with the first ordinance passed and approved by the President and Board of Trustees in the calendar year 1973, being ordinance 73-1, all ordinances of the Village shall be numbered consecutively within calendar years by numbers designating the year of their passage and their consecutive order of passage within such year.

All ordinances shall be recorded by the Village Clerk in proper books with indexes. The original shall be filed in the office of the Village Clerk and due proof of publication of all ordinances requiring publication shall be procured by the Village Clerk, and such proof or affidavit of publication shall be attached to and filed away with the ordinances; and the Village Clerk shall also note in his book of ordinances, at the foot of the record of each ordinance, a memorandum of the date of passage and, if published or posted, the date of the publication or posting of such ordinance.

Section 1-302. RECORDATION AS PRIMA FACIE EVIDENCE OF CONTENTS. The record and memorandum required by the preceding section, or certified copy thereof, shall be prima facie evidence of the contents, passage and publication or posting of ordinances.

Section 1-303. PROOF OF ORDINANCES. The contents of all Village ordinances, the date of passage and the date of publication or posting, where required, may be proved by the certificate of the Village Clerk, under the seal of the Village.

Whenever Village ordinances are printed in book or pamphlet form, and purport to be published by authority of the Village Board, such book or pamphlet shall be prima facie evidence of the contents, passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and administrative tribunals.

Section 1-304. 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 thereof, shall be deemed to be incorporated in this Code so that a reference to the "Municipal Code of Bolingbrook" shall be understood to include them.

ARTICLE 4 -- DEFINITIONS

BOARD OF TRUSTEES or VILLAGE BOARD shall mean the President and Board of Trustees of the Village of Bolingbrook.

CODE shall mean the Municipal Code of Bolingbrook, Illinois, 1973.

MUNICIPAL CODE OF BOLINGBROOK, ILLINOIS 1973, shall mean the ordinances contained in this bound volume as well as any later amendments passed by the Village Board.

PERSON, notwithstanding any other provision of this Code, shall mean and include any natural individual, firm, trust, partnership, company, association or corporation, whether in his 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.

VILLAGE shall mean the Village of Bolingbrook, a body politic and a municipal corporation organized under the laws of the State of Illinois.

ARTICLE 5 -- 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 such sections, nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-503. CONSTRUCTION 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.
- (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 so as to revive such former ordinance, clause or provision, unless it shall be therein expressly so provided.

Section 1-505. DELEGATION OF AUTHORITY. Whenever authority is given to a Village official by the provisions of this Code, such authority may be delegated by such official to his duly authorized representative unless otherwise specifically provided, but such delegation of authority shall not relieve such official from his primary responsibility to fulfill any duty imposed upon him by this Code.

ARTICLE 6 -- 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 this Code or in any ordinance of the Village the doing of any act is required or the failure to do any act if declared to be unlawful, and where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine of not less than Five Dollars (\$5) nor more than Five Hundred Dollars (\$500) 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 case of the amendment of any section of this Code containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended, whether re-enacted in the amendatory ordinance or not, unless such 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 clauses or sections of this Code, the Village Prosecutor may elect under which clause or section 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 or held to repeal a former ordinance--whether such former ordinance is expressly repealed or not--as to any offense committed against, or any act done, or any penalty, forfeiture or punishment incurred or any claim 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 claim arising, before the new ordinance takes effect, save only that the proceedings thereafter shall conform, so far as practicable, to the ordinance in force at the time of such proceeding. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such pronounced provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

(B) This section shall extend to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provision upon the same subject or in any other ordinance.

(C) Nothing contained in the preceding sections shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village therein 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 provision 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, such invalidity or unconstitutionality shall not affect the validity of any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Code.

ARTICLE 7 -- IDEMNIFICATION OF CERTAIN OFFICIALS (Ordinance No. 77-66, 10.7.77)

Section 1-701. (Changed in its entirety by Ordinance 05-123, 11.08.05)

- (A) To the fullest extent permitted by the constitution of the State of Illinois of 1970 and applicable law, the Village shall defend, indemnify and hold harmless each of the following officials and employees of the Village while acting within the scope of his/her employment, viz:

The Mayor

Assistant to the Mayor (Ord. 06-130, 11.28.06)

Each member of the Village Board (i.e., each Trustee)

The Village Attorney

Assistant to the Village Attorney (Ord. 06-130, 11.28.06)

The Village Clerk and each Deputy or Acting Village Clerk

The Village Collector

The Village Auditor

The Village Attorney, his law firm and staff; the Village Prosecutor, his law firm and staff

The Director of Finance

The Director of Public Works and Engineering

Assistant to the Director for Engineering (Ord. 06-130, 11.28.06)

The Director of Community Development

The Building Commissioner

The Chief of Police

Assistant Police Chief(s) (Ord. 06-130, 11.28.06)

The Fire Chief

Assistant Fire Chief(s) (Ord. 06-130, 11.28.06)

The Fire Marshal

Each member of any board or commission of the Village established pursuant to applicable law or by ordinance of the Village

- (B) The provisions of Subsection 1-701(A) hereof, however, shall not apply in the case of:

(1) Any liability or judgment payable to the Village itself; or

- (2) The cost of independent legal representation in any such action, suit or proceeding if the Village offers or otherwise indicates its willingness to provide a legal defense with respect to such claim, action suit, proceeding or investigation.

Section 1-702. The foregoing rights of indemnification shall be in addition to any other rights to which such official or employee may otherwise be entitled as a matter of law.