

TITLE 2 BOARDS AND COMMISSIONS

CHAPTER 1 PLAN COMMISSION

2-1-1: PLAN COMMISSION CREATED:

A plan commission for the village is hereby created pursuant to 65 Illinois Compiled Statutes 5/11-12-4 et seq. (Ord. 58-O-4, 4-27-1958; ratified by Ord. 58-O-17, 7-21-1958)

2-1-2: MEMBERSHIP, TERMS:

The plan commission shall consist of a chairman and six (6) other members to be appointed by the village president, subject to confirmation by a majority vote of the board of trustees. Any member of said commission, including the chairman, may be removed from office by the president and a majority of the trustees acting together. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The term of office of all members of said commission shall be one year. (Ord. 58-O-8, 5-11-1958; ratified by Ord. 58-O-17, 7-21-1958; amd. Ord. 58-O-13, 7-21-1958; Ord. 63-O-86, 6-6-1963)

2-1-3: POWERS AND DUTIES:

The plan commission shall exercise all the powers conferred by 65 Illinois Compiled Statutes 5/11-12-4 et seq., and shall look to the provisions of said sections for guidance in determining its purpose and duties. (Ord. 58-O-4, 4-27-1958; ratified by Ord. 58-O-17, 7-21-1958)

2-1-4: MEETINGS AND RULES:

All meetings of the plan commission shall be held at the call of the chairman, and at such times as the plan commission may determine. All hearings conducted by said plan commission under this chapter shall be in accordance with Illinois statutes. In all proceedings of the plan commission provided for in this chapter, the chairman, and in his absence the vice chairman or the secretary, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in the zoning regulations of this code **1(1)** shall be given under oath. The plan

commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the plan commission under this chapter shall be filed in the office of the village clerk and shall be a public record. The plan commission shall adopt its own rules and procedures, not in conflict with this chapter or with applicable Illinois statutes. (Ord. 76-O-227, 12-2-1976)

CHAPTER 2

ZONING BOARD OF APPEALS

2-2-1: CREATION AND MEMBERSHIP:

A Board of Appeals is hereby created. The word "Board" when used in this Chapter shall be construed to mean the Board of Appeals, the said Board shall consist of seven (7) members appointed by the Village President and confirmed by the Board of Trustees of the Village. The members of said Board shall serve respectively for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years and one for seven (7) years. The successor to each member so appointed shall serve for a term of five (5) years. One of the members so appointed shall be named as chairman at the time of his appointment by the President and Board of Trustees. The President of the Village shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant in the manner provided for the appointment of such member.

2-2-2: MEETINGS, ORGANIZATION:

All meetings of the Zoning Board of Appeals shall be held at the call of the chairman or at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in the zoning regulations of this Code¹⁽²⁾ shall be given under oath. The chairman, or in his absence the vice-chairman or the secretary, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.

Findings of fact shall be included in the minutes of each case of a requested variation, specifying the reasons for making or denying such variation. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. The Board shall

adopt its own rules of procedure not in conflict with the Statute in such case made and provided.

The Zoning Board of Appeals shall give its recommendations on matters as authorized by the zoning regulations of this Code in a specific case and after a public hearing. A concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary on any matter upon which it is authorized to decide by this Chapter.

2-2-3: JURISDICTION AND AUTHORITY:

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

- A. To hear and decide an appeal from an administrative order, requirement, decision or determination made by the Building Inspector under this Chapter and to report its recommendations to the Village Board.
- B. To hear all other matters referred to it upon which it is required to decide under this Chapter and to report its recommendations to the Village Board. (Ord. 76-0-227, 12-2-76)
- C. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reserve any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass under this Chapter and the zoning regulations of this Code. (Ord. 76-0-277, 12-2-76; amd. 1981 Code)

CHAPTER 3 POLICE COMMISSION

2-3-1: CREATION OF COMMISSION:

There is hereby created a Police Commission, consisting of three (3) members, whose function shall be solely advisory to the Village Board.

The term of each member of the Police Commission shall be for six (6) years or until their respective successors are appointed and have qualified.

2-3-2: QUALIFICATIONS:

The members of the Commission shall possess the qualifications required of other officers of the Village, and shall take an oath in the same manner as other appointed officers of the Village. Due to the nature of personnel matters involved, members of the Police Commission shall also take an oath of confidentiality. They shall be subject to removal as are other Village officers.

2-3-3: DUTIES:

- A. Recommendation of Appointment: Upon presentation of candidates by the Chief of Police, the Police Commission shall examine candidates and recommend appointments to the Village President and Board of Trustees.
- B. Recommendation of Promotion: Upon recommendation of promotion by the Chief of Police, the Police Commission shall examine candidates, and recommend appropriate promotions to the Village President and Board of Trustees.
- C. Disciplinary Action: The Police Commission shall hear appeals from suspensions in excess of five (5) days, and any other appeals permitted by the rules and regulations. The Police Commission, after a hearing, may terminate a Police Department member for cause.
- D. Other Actions: The Police Commission shall take action on such other matters as directed or requested by the Village President, Village Administrator, or Chief of Police.

2-3-4: RULES:

The Police Commission may adopt rules to carry out the purpose and duties of this Chapter. The Police Commission from time to time may make changes in these rules. These rules of the Commission shall apply only to the conduct of examinations for original appointments, for promotions, and to the conduct of hearings on charges brought against a member of the Police Department. All of these rules and changes therein shall be on file with the Village Administrator. The Village Attorney shall be the attorney representing the Police Commission.

2-3-5: CHAIRMAN:

The Village President shall appoint one of the members to act as chairman. The chairman shall preside over Commission meetings.

2-3-6: SECRETARY OF THE COMMISSION:

The Police Commission shall designate one of its members to act as secretary. The secretary shall keep the minutes of the Commission's proceedings, shall be custodian of all papers pertaining to the business of the Commission, and perform such duties as the Commission shall prescribe. (Ord. 90-0-557, 12-3-90)

CHAPTER 4

EMERGENCY SERVICES AND DISASTER AGENCY

2-4-1: ESTABLISHMENT:

There is hereby created the Kildeer Emergency Services and Disaster Agency to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975".

2-4-2: COORDINATOR:

The Coordinator of the Village ESDA shall be appointed by the President and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the President, as provided by Statute.

In the event of the absence, resignation, death or inability to serve as the Coordinator, the President or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

2-4-3: FUNCTIONS:

The Village ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition 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 State ESDA Act of 1975".

2-4-4: SERVICE AS MOBILE SUPPORT TEAM:

All or any members of the Village ESDA organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law.

The leader of such mobile support team shall be designated by the Coordinator of the Village ESDA organization.

Any member of a mobile support team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director, 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 Village, while so serving, shall receive from the State reasonable compensation as provided by law.

2-4-5: AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS:

The Coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Village Board and by the State Director of ESDA.

2-4-6: EMERGENCY ACTION:

If the Governor proclaims that a disaster emergency exists in the event of 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, or from man-made or natural disaster, it shall be the duty of the Village ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

2-4-7: COMPENSATION:

Members of the ESDA who are paid employees or officers of the Village, if called for training by the State Director of ESDA, 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 such Village employees or officers shall receive for such training time such compensation as may be established by the President.

2-4-8: REIMBURSEMENT BY STATE:

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

2-4-9: PURCHASES AND EXPENDITURES:

The Village Board, on recommendation of the Village Coordinator of ESDA, may authorize any purchase or contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the

case of such disaster, or from man-made or natural disaster.

In the event of enemy-caused, or other disaster, the Village Coordinator of ESDA is authorized, on behalf of the Village to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The State ESDA Act of 1975"; provided, that if the Village Board meets at such time, he shall act subject to the discretion and restrictions imposed by that body.

2-4-10: OATH:

Every person appointed to serve in any capacity in the Village ESDA organization shall, before entering upon his duties, subscribe the following oath, which shall be filed with the Coordinator:

"I _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private against all enemies, foreign and 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 about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been 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; and that during such time as I am affiliated with the Kildeer ESDA 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."

2-4-11: OFFICE:

The Village President is authorized to designate space in a Village building, or elsewhere, as may be provided for the President for the Village ESDA as its office.

2-4-12: APPROPRIATION; LEVY OF TAXES:

The Village Board may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five cents (\$0.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975"; provided, however, that the amount collectible under such levy shall in no event exceed twenty five cents (\$0.25) per capita. (1981 Code)

CHAPTER 5

BOARD OF HEALTH AND HEALTH DEPARTMENT

2-5-1: BOARD OF HEALTH:

- A. Creation: There is hereby created and established a Board of Health for the Village. This Board shall consist of the Village President, who shall be ex-officio president of the Board of Health, and the Village Trustees.
- B. Meetings: The Board of Health shall meet at such times and places as it may determine.
- C. Rules and Regulations: The Board of Health shall have the power to make reasonable rules and regulations for the protection and betterment of the health of and residents of the Village, for the abatement of nuisances to health, and for the prevention and suppression of disease. Such rules and regulations shall take effect and be in force ten (10) days after publication in a newspaper of general circulation in the Village, except in cases of emergency as hereinafter provided for. In case of contagious or epidemic disease, or of danger from anticipated or impending contagious or epidemic disease, or in case the sanitary condition of the Village shall be so dangerous as to warrant it, it shall be the duty of the Board of Health to make such rules and regulations, and to take such measures, and to do and order to be done and cause to be done such acts for the preservation of the public health, though not herein or elsewhere or otherwise specifically authorized, as it may in good faith believe and declare the public safety and health demand. All such rules and regulations declared by the Board of Health to be emergency rules and regulations, shall take effect immediately, or as soon as may be, after the promulgation of the same by the Board of Health. Such emergency rules and regulations shall also be published in such manner as the Board of Health shall determine, with notice that they are in force in the Village.

2-5-2: HEALTH DEPARTMENT:

- A. Creation: There is hereby created the Health Department, an administrative department of the Village. This Department shall consist of the Health Officer and such employees as may be assigned to such Department from time to time by the Village President.
- B. Health Officer: There is hereby created the office of Health Officer who shall be appointed by the Village President and who shall not be a member of the Board of Health. The Health Officer shall be a legally qualified physician. He shall be the head of the Health Department and shall have the powers of a police officer and a conservator of the peace.

C. Duties of Health Officer:

1. It shall be the duty of the Health Officer to enforce all rules and regulations of the Board of Health of the Village and of the Department of Health of the State of Illinois.
2. The Health Officer shall examine all cases of contagious disease arising in the Village or within one-half (1/2) mile of the corporate limits thereof and shall see to the enforcement of quarantine rules and shall determine the time for raising quarantine.
3. He shall give to the Village President and Board of Trustees information and advice concerning the health of the Village and shall perform such other duties as may be assigned to him by the Village President or Board of Trustees.
4. It shall be the duty of the Health Officer to make analysis of any food or drink alleged to be tainted or unwholesome, and to analyze the drinking water of the Village whenever requested to do so by the Village President or Board of Trustees.
5. The Health Officer shall assist in the enforcement of all ordinances relating to the sale, delivery or storage of food or drink intended for human consumption, and he shall make or cause to be made such tests, analysis and inspections as may be necessary for this purpose.

- D. Contractual Services: The Board of Trustees may, from time to time, by resolution, contract with any one or more persons, firms, corporations or municipalities for the inspection of food establishments, analysis and inspection of food and drink or for the performance of any other duties which are imposed on the Health Officer or the Health Department by any provision of this Code, for such compensation and subject to such terms and conditions as the Board of Trustees may deem desirable. (Ord. 69-0-150, 3-6-69)

2-5-3: PENALTY:

Any person violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and a separate offense shall be deemed to have occurred on each day upon which a violation occurs or continues. (1981 Code)

CHAPTER 6
BOARD OF LOCAL IMPROVEMENTS

2-6-1: BOARD CREATED; ADOPTION OF STATE CODE:

- A. There is hereby created and established a Board of Local Improvements for the Village

which shall be composed of the President and six (6) Trustees.

- B. The provisions of 65 Illinois Compiled Statutes 5/9-2-1 through 5/9-2-144 of the Illinois Municipal Code are hereby adopted by reference. (Ord. 94-O-666, 7-5-1994)

2-6-2: OFFICERS OF THE BOARD; MINUTES:

- A. The officers of the Board of Local Improvements shall consist of the president who shall be the Village President and vice president who shall be one of the Trustees. The vice president shall be elected on or about June 30 or as soon as thereafter is feasible and shall serve in such office until June 30 of the next year.
- B. Minutes shall be maintained by the secretary with copies to the Village Clerk. The Village Attorney shall serve as the secretary. Financial records of any assessments shall be kept by the Village Treasurer. (Ord. 94-O-666, 7-5-1994)

2-6-3: REGULAR MEETINGS:

The Board of Local Improvements shall hold regularly scheduled meetings. Notice of those regularly scheduled meetings shall be filed annually. (Ord. 94-O-666, 7-5-1994)

2-6-4: SPECIAL MEETINGS:

Special meetings of the Board of Local Improvements may be called at any time on call of the president or any three (3) or more members. Such call shall be in writing and shall specify the business that will come before the meeting. The secretary shall give two (2) days', excluding day of notice and day of meeting, previous notice thereof in writing and as may be required by law to each member of the Board of Local Improvements. (Ord. 94-O-666, 7-5-1994)

2-6-5: MEETING PLACE:

All meetings of the Board of Local Improvements shall be held in the same building where the President and Board of Trustees hold their meetings unless otherwise provided for by the Board of Local Improvements. (Ord. 94-O-666, 7-5-1994)

2-6-6: ABATEMENTS:

Whenever the Board of Local Improvements finds that the public benefit assessment exceeds twenty five percent (25%) of the total amount assessed against public and private property, the Board may provide for any excess to be abated pursuant to section 9-2-114 of the Local Improvement Act to be abated and the judgment reduced entirely to said public benefit

assessment. (Ord. 99-O-789, 4-5-1999)

CHAPTER 7

ARCHITECTURE COMMITTEE

2-7-1: COMMITTEE ESTABLISHED; MEMBERSHIP:

There is hereby established an architecture committee which shall consist of a maximum of five (5) members, all of whom shall be residents of the village and who shall serve without pay. Additionally, the building commissioner and village administrator shall serve as members. All members shall be appointed by the president subject to advice and consent of the board of trustees, based upon their particular fitness to be members, and shall have training or experience in art, architecture, community planning, design, land development, landscape architecture, or other relevant business, interests, or professions. One member shall be appointed chairman by the president. The member appointees to the committee shall serve for a term of one year. Vacancies in the membership shall be filled in the same manner as original appointments.

The president or board of trustees shall have the power to remove any member at any time without cause.

All meetings shall be held at the call of the building commissioner. Any recommendation must receive the concurrence of a majority of the members present at a meeting. The committee shall keep records of its findings including a record showing the vote of each member. The building commissioner shall be the custodian of all building files, including architecture committee reports, recommendations, documents, exhibits and other material pertaining to the conduct of the affairs of the committee.

The committee shall have the power to adopt, amend or repeal its own procedural regulations from time to time, provided the same are not inconsistent with law or this chapter. (Ord. 98-O-785, 12-7-1998)

2-7-2: INTENT AND PURPOSE:

The architecture committee is established to promote and maintain the high character of the development of the village, to preserve, protect and promote the general welfare and to protect property values. The committee is to consider general design, arrangement, continuity of elevations, texture, material and color of the building and structure in question, and the relation of such factors to similar features of buildings and structures in the immediate neighborhood. The committee shall review all building plans and building permit applications. (Ord. 97-O-737,

1-4-1997)

2-7-3: DUTIES; REVIEW REQUIRED:

The architecture committee shall be solely an advisory body of the village government, and shall have the following powers and duties:

- A. To consult with and advise, the village board, plan commission, zoning board of appeals and building commissioner regarding all matters within their above stated jurisdiction and expertise.
- B. To review and make recommendations regarding all new building within the village, as the proposed building relates to exterior architectural design, continuity of design, arrangement, height and appearance, color and texture of the materials of the exterior construction, and similar matters, including aesthetic factors, and all as within their above stated jurisdiction and expertise.
- C. To make recommendations regarding advisable amendments to existing codes, ordinances and regulations of the village.
- D. To make recommendations as to the refund of completion bonds pursuant to subsection **4-2-3A** of this code.
- E. To hold hearings and make recommendations regarding playground certificates and fences pursuant to this code.
- F. Any other matters assigned to the committee by the building commissioner or the board of trustees. (Ord. 97-O-737, 1-4-1997)

2-7-4: ADMINISTRATION; STANDARDS FOR REVIEW:

Upon receipt of an application for a building permit, and upon receipt of plans, drawings, specifications, architectural renderings or other similar documentation regarding a proposed building(s) by which the same can be reasonably evaluated, whichever first occurs, the building commissioner shall file with the committee a copy of the application and all documentation submitted therewith, which should include a site and layout plan and specifications. Sufficient copies of all such documentation shall be required to be submitted by the applicant in order to comply with this provision. The architecture committee shall review any such application within thirty (30) days from the date of referral. In reviewing said applications as submitted, the committee shall give consideration to the following:

- A. The architectural value and significance of the structure or its site.
- B. The relationship of the exterior architectural features of the proposed structure to the

existing structures and to the surrounding area.

- C. The compatibility and continuity of exterior design, arrangement, texture and material to be used with that used in the surrounding area.
- D. Compatibility in relation to other property in the surrounding area, and orientation of building to site.
- E. The building code provisions of **title 4, chapter 9** of this code.
- F. The architectural review criteria **1(3)**. (Ord. 97-O-737, 1-4-1997)

2-7-5: REPORTS AND RECOMMENDATIONS:

After review and due consideration of each application, the committee shall submit to the building commissioner its findings and recommendations regarding the application, particularly in relation to the standards set forth in section **2-7-4** of this chapter. Any such written report of the committee shall be signed by all members of the committee in attendance. In the event the committee fails to submit its written report to the building commissioner within thirty (30) calendar days of receipt of the application, plans, etc., then it shall be deemed that the committee finds that said application, plans, etc., are acceptable and that the committee's recommendation is favorable. (Ord. 97-O-737, 1-4-1997)

2-7-6: APPLICANT'S OPPORTUNITY FOR COMMENT OR REBUTTAL:

Any applicant desiring to comment upon or rebut the findings and recommendations of the committee may do so by submitting its comments or rebuttal in writing to the building commissioner for his consideration. Any such applicant is encouraged to present any oral comments or rebuttal directly to the committee at its meeting on the application or at subsequent meetings. (Ord. 97-O-737, 1-4-1997)

Endnotes

1 (Popup - Popup)

See **title 5** of this code.

2 (Popup - Popup)

See **Title 5** of this Code.

3 (Popup - Popup)

Available for inspection in the village administrator's office.