

VILLAGE OF KANEVILLE

KANEVILLE VILLAGE CODE

§ 1. Adoption of Village Code

This code is hereby adopted and enacted as the Village Code of the Village of Kaneville, Kane County, Illinois, and shall be treated and considered as a new and original comprehensive code, which shall supersede all other general and permanent ordinances passed by the Board of Trustees, except those as are expressly saved from repeal or continued in force and effect for any purpose by reference thereto in this code.

§ 2. Acceptance by courts

From and after the date of passage of this ordinance, the Village Code of the Village of Kaneville, Illinois containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the Village, shall be accepted in all courts without question as the Official Code of the Village as enacted by the President and Board of Trustees.

§ 3. Repeal; previous provisions — generally

All provisions of this code shall be in full force and effect from and after July 16, 2009, and all ordinances of general and permanent nature of the Village of Kaneville enacted before July 16, 2009, and not saved from repeal in this code or recognized and continued in force by reference in this code, are repealed from and after the effective date of this code.

§ 4. Copies; filing; updating; public inspection

A copy of this code shall be kept on file in the office of the Village clerk, preserved in looseleaf form. It shall be the express duty of the Village clerk or someone authorized by him or her to insert in their designated places all amendments or ordinances which indicate the intention of the Board of Trustees to make the same a part of this code when the same have been printed or reprinted in page form; and to extract from this code all provisions which may from time to time be repealed by the Board of Trustees. A copy of this code shall be available for all persons desiring to examine the same and shall be considered the official code of ordinances of Kaneville, Illinois.

§ 5. Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Adopted on July 16, 2009 pursuant to a roll call vote as follows:

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CHAPTER 1 — ADMINISTRATION**SUBCHAPTER 1 — GENERAL****§ 100. Adoption of Code**

The ordinances embraced in the following titles, chapters and sections of this code shall constitute and be designated the VILLAGE CODE OF THE VILLAGE OF KANEVILLE, ILLINOIS and may be so cited.

Ord No 2009-03, effective 7/16/09.

§ 101. Jurisdiction

This code applies to acts performed within the limits of the Village and to those acts performed outside the village limits and up to the limits prescribed by law in those instances where the law confers power on the Village to regulate such acts outside the village limits.

Ord No 2009-03, effective 7/16/09.

§ 102. Amendments

All ordinances passed subsequent to the adoption of this code, which amend, repeal or in any way affect this code, shall be numbered in accordance with the organization and numbering system of this code, and shall be included by means of supplement service to this code in all of its forms.

Ord No 2009-03, effective 7/16/09.

§ 103. Effect of repealed and special ordinances

(a) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(b) Nothing in this code nor in the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any ordinance promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness;

(2) Any appropriation ordinance or ordinance providing for the levy of taxes, making special assessments or for an annual budget;

(3) Any ordinance creating a special service area;

(4) Any ordinance relating to boundaries, annexing territory as a part of the Village or disconnecting territory as a part of the Village, the conveyance or acceptance of real property or easements in real property;

(5) Ordinances authorizing or relating to particular public improvements;

(6) Any contract ordinance and ordinance authorizing the execution of a contract or the issuance of warrants;

(7) Ordinances relating to the municipal retirement fund and social security;

(8) Any ordinance deducting, accepting, naming, establishing, locating, relocating, opening, paving, widening or vacating any street or other public way in the Village;

(9) Any ordinance relating to municipal street maintenance agreements with the state;

(10) Any ordinance other than Ord. No. 2007-12;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Ord No 2009-03, effective 7/16/09.

§ 104. Severability

The sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Ord No 2009-03, effective 7/16/09.

§ 105. Altering or tampering with Code

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with

such code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby.

Ord No 2009-03, effective 7/16/09.

§ 106. Rules of construction

(a) Unless otherwise specifically defined in this code, terms used in this code shall have the meanings ascribed by the Illinois Compiled Statutes for the same terms. In the construction of this code, and of all ordinances, the rules and definitions set out in this chapter shall be observed, unless such construction would be inconsistent with the manifest intent of the board of trustees. The rules of construction and definitions set out herein shall not be applied to any section of this code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

(b) 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.

(c) In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where any provision of a code imposes greater restrictions upon the subject matter than the general provision imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(d) A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

(e) All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(f) The word "may" is permissive; the word "shall" is mandatory.

(g) Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(h) A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

(i) Whenever any officer is referred by title, such as "clerk", "treasurer", etc., such reference shall be construed as if followed by the words "of the Village of Kaneville".

(j) Words used in the past or present tense include the future as well as the past and present.

Ord No 2009-03, effective 7/16/09.

§ 107. Computation of time

Except when otherwise provided, the time within an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or legal holiday, in which case it shall also be excluded.

Ord No 2009-03, effective 7/16/09.

§ 108. Delegation of authority

Whenever a provision appears requiring the head of a department or some other Village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Ord No 2009-03, effective 7/16/09.

§ 109. General definitions

In this Code —

- (1) *board of trustees* means the board of trustees of the Village;
- (2) *clerk* means the clerk of the Village;
- (3) *Code* means The Village Code, Village of Kaneville, Illinois;
- (4) *corporate limits* means the legal boundaries of the Village;
- (5) *County* means the county of Kane in the state of Illinois;
- (6) *employee* means any personnel of the Village, other than the officers thereof;
- (7) *oath* includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed";
- (8) *person* means any natural individual, firm, partnership, corporation, company, association, club, joint venture, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit; as applied to partnerships, "person" includes the members of the partnership; as applied to corporations, it includes the officers, agents or employees responsible for the acts referred to;

- (9) *president* means the president of the board of trustees of the Village;
- (10) *treasurer* means the treasurer of the Village;
- (11) *trustees* means the elected members of the board of trustees of the Village;
- (12) *Village* means the Village of Kaneville, Kane County, Illinois.

Ord No 2009-03, effective 7/16/09.

§ 110. Headings

The headings of the several sections of this code 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 headings, are amended or reenacted.

Ord No 2009-03, effective 7/16/09.

§ 111. General penalty

Whenever in this code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful, or whenever in this code or any such 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 provision of this code or any ordinance shall be punished by a civil fine of not less than \$1 and not more than \$750. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

Ord No 2009-03, effective 7/16/09.

SUBCHAPTER 2 — OFFICERS

§ 112. President

(a) The village president shall be elected for a full 4 year term and shall serve until his/her successor is elected and qualified as provided by statute.

(b) The president shall be the chief executive officer of the village and shall perform such duties as may be required of him/her by statute or ordinance. The president shall have the power to inspect all books and records pertaining to village affairs and kept by any officer or employee of the village at any reasonable time.

(c) In the event of the temporary absence or disability of the president, the village board shall elect one of its number to act as president pro tem, who, during the absence or disability of the president, shall possess the powers of president as provided by statute.

(d) Before entering upon the duties of his/her office, the president shall execute a bond in the amount of \$3,000 with such sureties as may be required and approved by the board, conditioned upon the faithful performance of his/her office.

(e) The president shall take the oath of office prescribed by statute before assuming the duties of his/her office.

Ord No 2009-03, effective 7/16/09.

§ 113. Board of trustees

(a) The board of trustees of the village shall consist of 6 members and shall be elected to office as provided by statute.

(b) The board shall be the legislative branch of the village government and shall perform such duties and have such powers as may be authorized by statute.

(c) Members of the village board of trustees shall take the oath of office as prescribed by statute.

Ord No 2009-03, effective 7/16/09.

§ 114. Clerk

(a) The village clerk shall be appointed and serve at the pleasure of the village president with the advice and consent of the village board.

(b) Before entering upon the duties of his/her office, the village clerk shall execute a bond in such amount and with such sureties as may be required by the board, conditioned upon the faithful performance of his or her duties.

(c) The clerk shall keep the minutes and records of the proceedings of the village board and have custody of the ordinances, resolutions, written motions, and all other documents pertaining to the business and affairs of the Village.

(d) The clerk shall seal and attest all contracts of the village and all licenses, permits and other documents as shall require this formality, and the clerk shall turn over all money received by her/him on behalf of the village to the village treasurer promptly on receipt of the same. The clerk shall keep an account showing all money received by him/her on behalf of the village and the source and disposition thereof and such other accounts as may be required by statute or ordinance. In addition to the record of ordinances and other records which the clerk is required by statute to keep, he/she shall keep a register of all licenses and permits issued and the payments thereon, and a record showing all of the officers and regular employees of the village and such other records as may be required by the board of trustees.

(e) The clerk shall be the custodian of the village seal and shall affix its impression on documents whenever this is required.

(f) Any duty assigned to the clerk in this chapter or any section of this code or in any existing or future motion or resolution enacted by the corporate authorities, including, but not limited to, the authority to sign permits and contracts, except those duties which cannot be delegated by law, may be delegated to such village personnel as the President shall determine from time to time.

Ord No 2009-03, effective 7/16/09.

§ 115. Treasurer

(a) The village treasurer shall be appointed by the president with the consent of the village board, the president and village board voting jointly.

(b) The treasurer shall serve for a one year term and until his/her successor is appointed and qualified as provided by statute.

(c) The treasurer shall give a bond in such sum as may be required by the village board, but in no event less than the minimum requirement of such bond as set forth by statute. Said bond shall be conditioned upon the faithful performance of the treasurer of his/her duties of office and to indemnify the village for any loss due to any neglect of duty or unlawful act on the part of the treasurer.

Ord No 2009-03, effective 7/16/09.

SUBCHAPTER 3 — RULES

§ 116. Meetings

(a) The regular meeting of the Board of Trustees shall be held on the third Thursday of each month of the year at the hour of 7:00 o'clock p.m. in the Kaneville Village Hall, 2S101 Harter Rd, PO Box 83, Kaneville, IL 60114, unless another site shall be specified.

(b) Special meetings may be called by the president or by any three members of the Board by written request or notice being filed with the clerk at least 30 hours prior to the time specified for such meeting. At least 48 hours' written or oral notice of such special meeting shall be given by the clerk, which notice shall specify the time and purpose of such meeting and shall be given or delivered to each member of the Board personally if he can be found, and if he cannot be found, a copy of written notice shall be left at the home of such Board member in the presence of an adult member of the Board member's family or in the absence of such person shall be left at the residence. The clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his office at the time fixed for such special meeting, together with a statement of compliance with the notices to members of the media as provided in "An Act in relation to meetings." 5 ILCS 120/1, et seq. All meetings of the Board, including special and adjourned meetings, except closed sessions thereof, shall be open to the public, as is required by statute.

(c) In the case of an emergency, a meeting may be called upon such notice as is practicable. The meeting may be called by the president or by any three trustees. The convening authority shall notify all other members of the Board, the clerk, and members of the media who are entitled to such notice.

Ord No 2007-12, effective 12/7/07.

§ 117. Electronic attendance at meetings

(a) Definition. "Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business, and permits attendance of members of the public body at public meetings by a means other than physical presence.

(b) Amendment of existing ordinances. Any existing ordinances, resolutions or policies are hereby amended to conform with the term "meeting" as defined herein to include electronic gatherings.

(c) Rules Statement. It is the decision of the Village that any member of the Board of Trustees may attend any open or closed meeting of the Board of Trustees via electronic means

(such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

(d) Prerequisites. A member of the Board of Trustees may attend a meeting electronically if the member meets the following conditions:

(1) The member should notify the Clerk at least 24 hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.

(2) The member must assert one of the following three reasons why he or she is unable to physically attend the meeting,

(A) The member cannot attend because of personal illness or disability; or

(B) The member cannot attend because of employment purposes or the business of the Village; or

(C) The member cannot attend because of a family or other emergency.

(e) Authorization to Participate.

(1) The Clerk, after receiving the electronic attendance request, shall inform the Board of Trustees of the request for electronic attendance.

(2) After establishing that there is a quorum is physically present at a meeting where a member of the Board of Trustees desires to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Board of Trustees in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Board of Trustees physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Board of Trustees physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Board of Trustees and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

(f) Adequate Equipment Required. The member participating electronically and other members of the Board of Trustees must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Board of Trustees shall provide equipment adequate to accomplish this objective at the meeting site.

(g) Minutes. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

(h) Rights of Remote Member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

(i) Committees, Boards and Commissions. These rules shall apply to all committees, boards and commissions established by authority of the Board of Trustees.

Ord No 2007-12, effective 12/7/07.

§ 118. Presiding officer

(a) The president shall preside at all meetings of the Board, but he shall have a vote only where state statutes or municipal ordinances require more than a majority vote of the corporate authorities or in the event of a tie or where one half of the trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.

(b) During the absence or disability of the president, the Board shall elect one of its number president pro tem of the Board, and he shall act as presiding officer of the Board. Where the absence or disability of the president is to be of a very short duration and no individual is required to be granted the powers of the president, the Board shall elect one of its members temporary chairman. The president pro tem or the temporary chairman, when acting as presiding officer, shall vote on all questions on which the vote is taken by "yeas" and "nays", his name being called last. The president pro tem shall have all of the powers and duties of the president; the temporary chairman shall only have such powers and duties as accrue to a presiding officer.

(c) Each meeting of the Board shall convene at the time appointed for such meeting, as provided by this ordinance. The clerk or, in his absence, a member of the Board or a recording secretary shall thereupon immediately call the roll of members. If no quorum is present, the Board shall not thereby stand adjourned, but the members present shall be competent, by majority vote, to adjourn or recess the Board to another time or date prior to the next regularly scheduled meeting.

(d) If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who refuses to attend the meeting (or a new meeting to which the members present have adjourned) after personal notice to attend may be fined by the members present a sum not to exceed \$25 for each occurrence.

Ord No 2007-12, effective 12/7/07.

§ 119. Quorum - order of business

(a) A quorum for the transaction of business shall consist of a majority of all the Board entitled by law to be elected.

(b) The order of business shall be as follows:

- (1) call to order by presiding officer;
- (2) pledge of allegiance to flag;
- (3) roll call;
- (4) establishment of quorum;
- (5) adoption of agenda;
- (6) the reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings;
- (7) reports and communications from president and other officers;
- (8) reports of the standing committees;
- (9) reports of special committees;
- (10) petitions, communications, orders, resolutions and ordinances by the trustees;
- (11) old business;
- (12) new business;
- (13) visitor's comments
- (14) adjournment.

Ord No 2007-12, effective 12/7/07.

§ 120. Duties of the presiding officer

(a) The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members and shall decide all questions of order subject to appeal. The presiding officer may speak to matters being considered by the Board without relinquishing his chair. If he refuses to allow the trustees to exercise their right to appeal a decision of the Chair, the trustees may consider and pass upon the matter in spite of the Chair's failure to grant them an appeal.

(b) In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

Ord No 2007-12, effective 12/7/07.

§ 121. Duties of members

(a) While the presiding officer is putting the questions, no member shall walk across or out of the Board chamber.

(b) Every member, previous to his speaking, making a motion or seconding the same, shall address himself to the presiding officer and say "Mr. President" and shall not proceed with his remarks until recognized and named by the chair. He shall confine himself to the questions under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

(c) When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak.

Ord No 2007-12, effective 12/7/07.

§ 122. Visitors

Except during the time allotted for public discussion and comment, no person other than a member of the Board shall address that body, except with the consent of two of the members present. The Board by a majority vote may limit the time available for public comment.

Ord No 2007-12, effective 12/7/07.

§ 123. Presentation of new business and deferment

Upon the request of any two trustees present, any report of a committee of the Board shall be deferred (for final action thereon) to the next regular meeting of the Board after the report is made.

Ord No 2007-12, effective 12/7/07.

§ 124. Debate

(a) No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than ten minutes at any one time, except by consent of the Board; and in closing debate on any questions, as above provided, the speaker shall be limited to five minutes, except by special consent of the Board.

(b) While a member is speaking, no member shall hold any private discussion or pass between the speaker and the Chair.

Ord No 2007-12, effective 12/7/07.

§ 125. Call of member to order

A member, when called to order by the Chair, shall thereupon discontinue speaking and take his seat, and the order of the Chair shall be binding and conclusive, subject only to the right of appeal.

Ord No 2007-12, effective 12/7/07.

§ 126. Appeals from decisions of the chair

Any member may appeal to the Board from a ruling of the Chair and, if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "No," the decision of the Chair shall be overruled; otherwise, it shall be sustained.

Ord No 2007-12, effective 12/7/07.

§ 127. Questions of personal privilege

The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

Ord No 2007-12, effective 12/7/07.

§ 128. Voting

Every member who shall be present when a question is stated from the Chair shall vote thereon or abstain at the time that his name is first called. A failure to vote shall be counted as an abstention and will count in the manner established by law. Any member required to abstain on a matter due to conflict of interest shall so declare.

Ord No 2007-12, effective 12/7/07.

§ 129. Special order of business

Any matter before the Board may be set down as a special order of business at a time certain if two thirds of the trustees present vote in the affirmative, but not otherwise.

Ord No 2007-12, effective 12/7/07.

§ 130. Second of motions required; written motions - reading of motions, resolutions, ordinances, minutes and correspondence

No motion shall be put or debated in the Board unless it be seconded, provided, however, that neither the maker nor seconder of a motion shall be required to vote in favor of that motion. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, except motions of procedure, shall be reduced to writing, if required by a member, and the member who proposed the motion shall be entitled to the floor. No resolution, ordinance or minutes need be read prior to consideration, but such items may be read in response to a motion passed seeking such reading. Copies of correspondence received by the clerk or president shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board meetings.

Ord No 2007-12, effective 12/7/07.

§ 131. Withdrawal of motions

If the maker of the motion desires to withdraw the motion, he may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw his second, he may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker nor seconder of a motion may withdraw the motion, except with the consent of a majority of the Board, once discussion on the motion has ceased.

Ord No 2007-12, effective 12/7/07.

§ 132. Division of questions

If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such questions.

Ord No 2007-12, effective 12/7/07.

§ 133. Record of motions

In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.

Ord No 2007-12, effective 12/7/07.

§ 134. Taking and Entering the votes; explanation of the votes

The “yeas” and “nays” upon any question shall be taken and entered in the journal. When the clerk has commenced to call the roll of the Board for the taking of a vote by “yeas” and “nays”, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote a member shall be permitted briefly to explain his vote and shall respond to the calling of his name by the clerk by answering “yea” or “nay” or “abstain”, as the case may be.

Ord No 2007-12, effective 12/7/07.

§ 135. Announcement and changes of votes

The result of all votes by “yeas” and “nays” shall not be announced by the clerk but shall be handed by him to the president for announcement, and no vote shall be changed after the tally list has passed from the hands of the clerk.

Ord No 2007-12, effective 12/7/07.

§ 136. Precedence of motions

The following chart sets out commonly used motions in the order of their precedence as determined by Robert's RULES OF ORDER. The Main or Principal Motion is at the bottom in rank. The other motions may be made while the Main Motion is pending and must be dealt with before the Main Motion. They are arranged according to rank, the highest at the top of the list. Incidental motions, however, have no rank among themselves, yet take precedence over subsidiary motions. When any one motion is immediately pending, the motions above it on the list are in order and those below are out of order.

Privileged Motions.

Undebatable: Fix Time to Adjourn

Adjourn
Take Recess
Question of Privilege

Incidental Motions.

Undebatable: Division of Assembly
Division of a Question
Filling Blanks
Objection
Parliamentary Inquiry
Point of Information
Point of Order
Suspend the Rules (requires two-thirds vote)
Withdraw a Motion

Debatable: Appeal

Subsidiary Motions.

Undebatable: Lay on the Table
The Previous Question (close debate)(requires a two-third vote)
Limit or Extend Debate

Debatable: Postpone to a Definite Time
Refer to a Committee
Amend the Amendment
Amendment
Postpone Indefinitely
Main or Principal Motion

Miscellaneous Motions. After action has been taken on Main or Principal Motion:

Take from Table (undebatable)
Rescind (debatable) (requires a two-thirds vote without notice,
requires majority vote with notice)
Reconsider (debatable)
Ratify (debatable)

§ 137. Motion to refer

A motion to refer to a standing committee shall take a precedence over a similar motion to refer to a special committee.

Ord No 2007-12, effective 12/7/07.

§ 138. Motion to amend

(a) A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

(b) An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

(c) On an amendment to "Strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally the paragraph as it will stand if so amended shall be read.

(d) An amendment to the main question or other pending question may be referred to a committee, and neither the main question nor such other pending question shall be affected thereby.

Ord No 2007-12, effective 12/7/07.

§ 139. Filling of blanks

When a blank is to be filled and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

Ord No 2007-12, effective 12/7/07.

§ 140. Motion to substitute

A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained and, if accepted by the Board by vote, shall entirely supersede such original proposition or amendment, as the case may be.

Ord No 2007-12, effective 12/7/07.

§ 141. Reconsideration

(a) A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

No motion to reconsider the approval of denial of the recommendation of an advisory body required to hold public hearings shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. When a motion to reconsider such a motion is made at the same meeting as the passage of the original motion, it may be tabled to a later date certain.

(b) A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law, provided, however, that where a motion has received a majority vote in the affirmative but is declared lost solely on the ground that a greater number of affirmative votes are required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made only by those who voted in the affirmative on such questions. A motion to reconsider need not be seconded.

Ord No 2007-12, effective 12/7/07.

§ 142. Standing and ad hoc committees

(a) The Board shall by resolution, establish or abolish such standing or ad hoc committees as it may deem appropriate from time to time.

(b) Each committee shall, unless otherwise provided in the resolution under which such committee is established, consist of three members, one of them named as chairman, to be appointed by the president with the advice and consent of the Board. The president, ex officio, shall become a member of all committees.

(c) Any report of a committee shall be deferred for final action thereon to the next regular meeting after the report is made, upon the request of any two members of the Board.

Ord No 2007-12, effective 12/7/07.

§ 143. Jurisdiction of committees

Each committee shall have the jurisdiction granted to it by the Board in the resolution under which it is established.

Ord No 2007-12, effective 12/7/07.

§ 144. The Journal

The clerk shall keep the journal of the proceedings of the Board. Within no more than ten days after each meeting of the Board, the clerk shall supply to each member at his residence a typewritten copy of the proceedings (minutes). The journal shall be approved periodically. The clerk's draft of the journal of proceedings may be amended to reflect correctly the view of the legislative body as to the events which occurred.

Ord No 2007-12, effective 12/7/07.

§ 145. Style of ordinances

The style of all ordinances shall be: “BE IT ORDAINED by the President and Board of Trustees of the Village of Kaneville...” as is provided by statute.

Ord No 2007-12, effective 12/7/07.

§ 146. “Yea” and “nay” vote

The yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the Board; such vote shall be entered on the journal of the proceedings, as is provided by statute.

Ord No 2007-12, effective 12/7/07.

§ 147. Approval or veto

(a) All ordinances of whatever kind, and any resolution or motion creating any liability against a municipality, or providing for the expenditure or appropriation of its money, shall be deposited with the city clerk, and if the president approves thereof, he shall sign the same, and such ordinances, resolutions or motions as he shall not approve he shall return to the Board with his objections thereto in writing at the next regular meeting occurring not less than 5 days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the president shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinances, and the same shall take effect accordingly.

(b) Upon the return of any ordinance by the president, the vote by which the same was passed may be reconsidered by the Board at its next regular meeting after the return of the veto; and if, after such reconsideration, two thirds of all the members elected to the Board shall agree, by yeas and nays, to pass the same, it shall go into effect notwithstanding that the president may refuse to approve thereof.

Ord No 2007-12, effective 12/7/07.

§ 148. Record of ordinance

The clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

Ord No 2007-12, effective 12/7/07.

§ 149. Publication

All ordinances imposing any penalty for a violation thereof or making any appropriation shall be published as required by statute, either in a newspaper or pamphlet form, in which case the ordinance in its pamphlet form shall be displayed for a reasonable period in a public place in the Kaneville Village Hall.

Ord No 2007-12, effective 12/7/07.

§ 150. Time of taking effect

No ordinance which must be published to comply with the foregoing section shall go into effect until ten days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon the passage thereof, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

Ord No 2007-12, effective 12/7/07.

§ 151. Adoption of Robert's RULES OF ORDER REVISED

The rules of parliamentary practice contained in the latest published edition of Robert's RULES OF ORDER REVISED shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board or the statutes or laws of the state.

Ord No 2007-12, effective 12/7/07.

§ 152. Temporary suspension of rules; amendment of rules

These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of the corporate authorities then holding office.

Ord No 2007-12, effective 12/7/07.

§ 153. Censure of members; expulsion of members

Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene, or insulting language to or about any member of the Board, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the corporate authorities and, in addition, may be fined not to exceed \$25 for each such occurrence. With the concurrence of two thirds of the trustees elected, the Board may expel a trustee, but not a second time for the same offense.

Ord No 2007-12, effective 12/7/07.

§ 154. Investment policy

(a) Policy. It is the policy of the Village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds.

(b) Scope. This policy includes all funds governed by the Board of Trustees.

(c) Prudence. Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

(d) Objective. The primary objective, in order of priority, shall be:

- (1) Legality - conformance with federal, state and other legal requirements;
- (2) Safety - preservation of capital and protection of investment principal;
- (3) Liquidity - maintenance of sufficient liquidity to meet operating requirements; and
- (4) Yield - attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the entity's needs for safety, liquidity, rate of return, diversification and its general performance.

(e) Delegation of authority. Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who, under the delegation of the Board of Trustees, shall establish written procedures for the operation of the investment program.

(f) Ethics and conflicts of interest. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

(g) Authorized financial dealers and institutions. The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.

(h) Authorized and suitable investments. Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

(i) Collateralization. Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent third party institution in the name of the municipality.

(j) Safekeeping and custody. All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

(k) Diversification. The Village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

(l) Maximum maturities. To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than 5 years from the date of purchase. Reserve funds may be invested in securities exceeding 5 years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

(m) Internal control. The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

- (1) Control of collusion;
- (2) Separation of transaction authority from accounting;
- (3) Custodial safekeeping; and
- (4) Written confirmation of telephone transactions for investments and wire transfers

(n) Performance standards. This investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio.

(o) Reporting. The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Board of Trustees and available on request. The report should be in a

format suitable for review by the general public. An annual report should also be provided to the Board.

(p) Marking to market. A statement of the market value of the portfolio shall be issued to the Board of Trustees quarterly.

(q) Investment policy adoption. This investment policy is hereby adopted by the Board of Trustees. The policy shall be reviewed on an annual basis by the Treasurer and any modifications made thereto must be approved by the Board of Trustees.

Ord No 2007-12, effective 12/7/07.

SUBCHAPTER 4 – COMPENSATION**§ 170. President**

The president shall be reimbursed for expenses incurred in connection with his or her duties in the amount of \$50 for each meeting attended, not to exceed \$100 per month, payable on a quarterly basis on the day of the regular monthly meeting of the Village Board in April, July, October and January of each year.

Ord No 2008-09 eff 8/21/2008.

§ 171. Trustees

Each trustee shall be reimbursed for expenses incurred in connection with his or her duties in the amount of \$50 for each meeting attended, not to exceed \$100 per month, payable on a quarterly basis on the day of the regular monthly meeting of the Village Board in April, July, October and January of each year.

Ord No 2008-09 eff 8/21/2008.

§ 172. Clerk

The Village clerk shall be compensated at the rate of \$200 per month, payable on the day of the regular meeting of the Village Board, and shall be reimbursed for actual and reasonable out-of-pocket expenses incurred in connection with his or her duties. The clerk shall submit an itemized statement of the expenses for which reimbursement is requested on a monthly basis for approval by the Village Board.

Ord No 2007-16 eff 12/20/07.

§ 173. Treasurer

The Treasurer shall be compensated at the rate of \$260 per month, payable on the day of the regular meeting of the Village Board, and shall be reimbursed for actual and reasonable out-of-pocket expenses incurred in connection with his or her duties. The Treasurer shall submit an itemized statement of any expenses for which reimbursement is requested on a monthly basis for approval by the Village Board.

Ord No 2008-09 eff 8/21/2008 set compensation at \$50 per meeting, not to exceed \$100 per month;.
Ord No 2009-09 eff 12/17/2009 raised compensation to \$260 per month plus expenses.

§ 174. Chairman of plan commission

The Chairman of the plan commission shall be reimbursed for expenses incurred in connection with his or her duties in the amount of \$50 for each meeting attended, not to exceed \$100 per month, payable on a quarterly basis on the day of the regular monthly meeting of the Village Board in April, July, October and January of each year.

Ord No 2008-09 eff 8/21/2008.

CHAPTER 3 — DEVELOPMENT**SUBCHAPTER 1 — Reserved****SUBCHAPTER 2 — COMPREHENSIVE LAND USE PLAN****§ 310. Purpose**

The purpose of this subchapter is —

(a) to adopt, establish and assist in the implementation of an official comprehensive land use plan for the Village;

(b) to adopt and designate an official land use intensity map;

(c) to adopt and designate other standards governing future development and redevelopment of the Village; and

(d) to provide for the recording of notice of the adoption of the comprehensive plan in the office of the Recorder of Deeds of Kane County and for the filing of copies of the plan, map, and standards in the office of the Village clerk for the information of the public.

§ 311. Maps and standards adopted by reference

Future maps and standards adopted by reference as amendments to this subchapter shall be attached hereto, incorporated herein by reference, and identified by the following statement marked or stamped thereon:

“Adopted by reference as part of the Official Comprehensive Land Use Plan Ordinance passed on October 15, 2009, by the President and Board of Trustees of the Village of Kaneville, Kane County, Illinois.”

§ 312. Applicability

This subchapter, the official comprehensive plan and all maps and standards adopted herein shall be applicable to the land situated within the corporate limits of the Village and to the territory contiguous to the corporate limits of the Village and within 1½ miles thereof and not included in any other municipality.

§ 313. Adoption of comprehensive plan and land use map

The document entitled *Village of Kaneville Comprehensive Plan* dated October 15, 2009 and the land use map entitled *2040 Future Land Use Plan* set forth therein are hereby adopted and designated as the official comprehensive land use plan and land use map of the Village.

§ 314. Adoption of standards

Standards for the following items as set out in the Subdivision Regulations and Zoning Ordinance of the Village are hereby incorporated by reference and by reference thereto specifically made a part of this official comprehensive plan as if fully set forth, and shall be known as the official standards of the Village:

- (a) Streets and sidewalks;
- (b) Sanitary sewerage;
- (c) Stormwater drainage;
- (d) Water supply;
- (e) Gas, electric and telephone utilities;
- (f) Streetlighting;
- (g) Land uses; and
- (h) Public ways, parks, playgrounds, school sites and other public grounds.

§ 315. Use in other ordinances

The maps and standards adopted under §§312 through 314 are hereby adopted by reference to their titles in other ordinances which regulate the development of the Village without further filing or publication, except as otherwise required by statute.

§ 316. Amendments

(a) Either the plan commission or the corporate authorities may initiate proposed amendments to this subchapter, including such previously printed maps and standards as are adopted by reference in this subchapter.

(b) A proposed amendment initiated by the corporate authorities shall be referred to the plan commission for consideration and recommendation thereon. The corporate authorities may require the plan commission to return its recommendation within 90 days of the date of submission. If not so returned, the corporate authorities may proceed with arrangements for holding a public hearing on the proposed amendment and its adoption in the same manner as if the plan commission had made its recommendation.

(c) The corporate authorities, upon receipt of a proposed amendment or a recommendation from the plan commission, shall schedule a public hearing thereon before either the corporate

authorities or the plan commission upon such notice as is required by law. The hearing shall be informal. Proponents and opponents of the proposed amendment shall be given an opportunity to be heard. Their statements may be made orally, be submitted in writing, or both. The hearing, if not concluded, may be recessed to a time and place announced at the hearing or stated later in a notice published in the same newspaper that carried the original notice no less than 5 days before the recessed date.

(d) The corporate authorities shall consider the views expressed and information derived from the hearing along with the recommendations of the plan commission and, within 90 days after the conclusion of the hearing, shall either adopt the amending ordinance in whole or in part, or reject it. If within 90 days no formal action is taken by the corporate authorities on the amendment, it may not thereafter act on the amendment without again complying with the requirements of notice and hearing.

(e) The Village clerk shall keep in his or her office at least 3 copies of this subchapter, including such maps and standards as are incorporated herein by reference, and any amendment thereof, for inspection by interested persons. The foregoing copies of this subchapter shall be in addition to the original copy which the statute requires the Village clerk to keep as part of his or her official records of enacted ordinances. The Village clerk shall also make available copies of this subchapter as part of the subdivision regulations for purchase.

Ord No 2009-07 eff 10-15-2009.

CHAPTER 8 — PUBLIC SAFETY

SUBCHAPTERS 1 through 5 RESERVED

SUBCHAPTER 6 — FIREWORKS**§ 860. Definitions**

All terms used in this subchapter shall have the meanings ascribed to them under the Illinois Fireworks Use Act (425 ILCS 35/0.01, et seq.)

(a) *1.3G fireworks* means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 CFR 172.101.

(b) *Display fireworks* means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act (225 ILCS 227/1, et seq.).

(c) *Flame effects* means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Operator Licensing Act.

(d) *Lead pyrotechnic operator* means an individual who is responsible for the safety, set up, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

(e) *Person* means any individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

(f) *Pyrotechnic display* means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Operator Licensing Act.

(g) *Special effects fireworks* means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical composition and construction, but are not intended for consumer use and are not labeled as such or identified as “intended for indoor use”. Special effects fireworks are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 CFR 172.101.

§ 861. Fireworks displays permitted

Pyrotechnic displays of display fireworks only shall be permitted within the Village in compliance with this subchapter and the Illinois Fireworks Use Act and the Illinois Pyrotechnic Operator Licensing Act.

Ord No 2009-05, effective 7/16/09.

§ 862. Permit required

(a) A permit is required for any pyrotechnic display. Applications for a pyrotechnic display permit shall be made to the building and zoning officer of the Village and the Kaneville Fire Protection District in writing at least 15 days before the proposed date of the pyrotechnic display. The building and zoning officer and the fire chief of the Kaneville Fire Protection District may agree to shorten 15 day period.

(b) Pyrotechnic display permits may be granted to any adult individual applying therefor. No permit shall be required for supervised public displays by state or county fair associations.

(c) Each pyrotechnic display shall be conducted by a licensed lead pyrotechnic operator.

(d) Any applicant for a pyrotechnic display permit must provide proof of liability insurance in an amount not less than \$1 million and shall name the Village as an additional insured.

(e) A pyrotechnic display permit shall be issued only after the chief of the Kaneville Fire Protection District, or his or her designee, has inspected the site and determined that the display can be performed in full compliance with the rules adopted by the State Fire Marshall and that the display will not be hazardous to property or endanger any person or persons.

(f) Permits shall be signed by the building and zoning officer of the Village and the chief of the Kaneville Fire Protection District, or his or her respective designees, and must identify the lead pyrotechnic operator.

(g) After a permit has been granted, sales, possession, use, and distribution of display fireworks for the pyrotechnic display shall be lawful for that purpose only.

Ord No 2009-05, effective 7/16/09.

SUBCHAPTER 7 — VIDEO GAMING**§ 870. Prohibition of video gaming**

Video gaming, as defined in the Act is hereby expressly prohibited within the corporate limits of the Village of Kaneville. The maintenance of a video gaming terminal, as defined in the Act, is prohibited and any such gaming terminal shall be immediately removed by the owner or operator from the establishment.

Ord No 2009-06 eff 10-15-2009.