



ADAMS COUNTY

CODE OF ORDINANCES

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PREFACE

This Code constitutes a complete recodification of the general and permanent ordinances of the County of Adams, Illinois.

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CHAPTER 1: ADMINISTRATION

DIVISION III – DEFINITIONS

1.1.15 CONSTRUCTION OF WORDS

Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

Members of the public must submit their requests in writing and must describe the records with sufficient clarity as to enable FOIA officers to identify and locate the records. FOIA officers should make reasonable attempts to assist members of the public in accessing records which are responsive to the information they wish to acquire, but public bodies shall not be required to create a record or document which is not generated as a part of normal operations or routine record management. In order to aid persons in obtaining public records, the department heads and office holders (“Department Heads”) shall create a list of records under their control sufficiently detailed to enable members of the general public to identify information pertinent to their requests and make the list available to members of the public upon request. The County Clerk shall be responsible to generate and maintain a list of documents on behalf of the County Board and shall perform as that body’s FOIA officer.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1.1.16 DEFINITIONS

Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

“AGENT”, as used in this Code shall mean a person acting on behalf of another.

“COUNTY CODE” OR *“THIS CODE”* shall mean the “Adams County Code”.

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"COUNTY" shall mean the County of Adams, in the State of Illinois. The words "in the county" or "within the county" mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its powers or other regulatory powers.

"COUNTY BOARD". The words "County Board" mean the County Board of Adams County, Illinois.

"COUNTY CHAIRMAN" as used in this Code shall mean the Chairman of the County Board of Adams County.

"DISTRICT" means a County Board district established as provided in this Code.

"FEE" OR "FEES" as used in this Code shall mean a sum of money charged by the County for carrying on of a business, profession or occupation.

"FISCAL YEAR". The "fiscal year" for the County shall begin on December 1st of each year and end on November 30th of the following year. (See 65 ILCS Sec. 5/1-1-2[5])

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or mission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the County Board in the employee agreement.

"LICENSE" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAY". The word "may" is permissive.

"MEMBER" OR "BOARD MEMBER" means a person elected or appointed to serve on the County Board.

"MISDEMEANOR" as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the County or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a County Officer or employee by title only, this shall be construed as though followed by the words "of the County" and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated. No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the County Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of County business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the County shall be set and run at the official time prescribed by this paragraph.

"OPERATOR" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"SHALL". The word "shall" is mandatory and not discretionary.

"STATE" OR *"THIS STATE"* unless otherwise indicated shall mean the State of Illinois.

"STREET" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"TOWNSHIP" OR *"TOWN"* shall apply interchangeably to the type of government organization established in accordance with the provisions of the "Township Law of 1874". (See 10 ILCS Sec. 5/1-3)

"WHOLESALE DEALER" AND *"WHOLESALE DEALER"* as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" AND *"IN WRITING"* may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-1-17 CATCHLINES

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content 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.

1-1-18 - 1-1-19 RESERVED

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY

- (a) Any person convicted of a violation of any section of this Code shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any one (1) offense.
- (b) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any one (1) offense, but may not be confined except by provisions of the Juvenile Court Act of the State of Illinois.
- (c) Whoever commits an offense against the County or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.
- (d) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the County, is punishable as a principal.
- (e) All county ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. (See 55 ILCS Sec. 5/5-1113)

1-1-21 APPLICATION

- (a) The penalty provided in this Chapter shall be applicable to every section of this County Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this County Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this County Code.
- (b) In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

- (c) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this County Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 LIABILITY OF OFFICERS

The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ARTICLE II – COUNTY BOARD CHAIRMAN

1-2-1 ELECTION OF CHAIRMAN

The County Board shall, at its first meeting in the month following the month in which County Board members are elected, choose one of its members as chairman for a term of two (2) years.

(See 55 ILCS 5/2-1003)

- (a) At the first meeting of the new Board, there shall be elected upon majority vote of the twenty-one (21) member Board, and roll call ballot, a permanent Chairman and Vice-Chairman of the Board to serve a term of two (2) years.
- (b) In the case of a tie vote for either of the above two offices the members shall continue to vote in the same prescribed manner until one candidate has the majority of the vote.
- (c) In the case of three (3) or more candidates and no one candidate having majority of the vote, the candidate receiving the lowest number of votes shall be dropped from candidacy, and the voting continue until one member has a majority vote.

1-2-2 DUTIES OF THE CHAIR

The Chairman shall proceed with the call of business in the order provided by the County Board rules. He shall preserve order and decorum. He may speak to points of order in preference to other members. He shall decide all questions of order, subject on an appeal to the Board, upon request of any member. On such appeal no member shall speak more than twice unless by consent of the Board.

Upon a motion being made and seconded, he shall clearly state the motion, and after opportunity for proper debate thereon, shall state the proposition to the Board for decision. Upon request of the Chairman, or any member of the Board, a roll call vote shall be taken.

He shall not be permitted to speak upon any question, except upon a point of order, unless he leaves the chair for that purpose, calling to the chair some member of the Board for the time he is speaking.

He shall have the right to call any member of the Board temporarily to occupy the chair but such substitution shall continue only during the time the subject in question is under discussion.

The Chairman shall be ex-officio member of all committees and shall be notified of all meetings.

1-2-3 COUNTY BOARD COMMITTEES

(a) The Chairman shall appoint all committees and committee chairmen. At the first meeting of the new Board in each year he shall appoint the following standing committees:

- (1) A Transportation, Building and Technology Committee consisting of five (5) members.
- (2) A Legislative and Judicial Committee consisting of five (5) members.
- (3) A Public Health and Safety Committee consisting of five (5) members.
- (4) A Finance Committee consisting of five (5) members.
- (5) An Executive Committee consisting of the Board Chairman and the Chairman of the four (4) standing committees listed above.

The Chairman shall have the power to appoint such additional committees as are necessary.

Any committee shall be subject to call of its Chairman.

(b) General Duties of all Committees. All standing or special committees shall have the following responsibilities:

- (1) The general duties of the Standing Committees are indicated by the committee name, but any committee may be required to render such services as shall be ordered by the Board.
- (2) The Executive Committee shall meet at least quarterly, or a special meeting can be called to order with appropriate notice subject to the Illinois Open Meetings Act. The Executive Committee shall serve as the final step for hearing processes in grievance procedures.
- (3) All committee meetings shall be formally announced and every member of the Committee in attendance at the current Board meeting shall be notified, by or through the Chairman of the Committee, of the time and place his committee will meet. No member of a committee shall be permitted to absent himself from his committee meetings for any reason that would not excuse absence from the meetings of the Board.
- (4) In regular committee work, the Committee Chairman shall preside and shall distinctly state to the Committee each proposition upon which the Committee is required to act, and shall permit free and full discussion in the committee of any and all such questions.
- (5) No member of the Committee shall be excused from voting, without consent of the whole Committee, and no Committee shall be permitted to report back any proposition referred to them, without recommendations thereon.
- (6) The authority to determine whether any claim against the County shall be allowed or disallowed is delegated to the appropriate committee which oversees the various County

officials and offices. Committees have the consideration of claims of the offices and departments assigned to them and shall carefully and deliberately examine each claim and each item thereof, and the certificate, affidavit, accounts and exhibits therewith connected. No claim shall be taken for granted as proper, and no claim shall be allowed that is not properly certified, stated and sworn to, or concerning which the committee does not feel satisfied that each item charged is due and unpaid, and lawfully chargeable against the County.

- (7) In the purchase of all supplies and equipment for the County in excess of One Thousand Dollars (\$1,000.00) and in all contracts for County work and for work in which the County has interest, excluding contracts for the purchase of professional services or insurance for the County, the committee having the charge of the matter of such purchasing or contracting shall make purchases or contracts only after sending requests for prices to the appropriate vendors, in such manner as shall give the County all benefits which may be derived from competition in said purchase or contracting. When the amount of said purchase or said contract exceeds Ten Thousand Dollars (\$10,000.00), a definite time shall be fixed for receiving bids therefore, and sealed bids shall be required, provided, however, that nothing in this rule shall prohibit the purchase of such supplies and the letting of contracts for such work as may, in case of emergency be necessary, without asking for bids. All contracts shall be let to the lowest responsible bidder, and the right shall be reserved to reject any or all bids. Obligations of the County shall cease immediately without penalty or further payment being required, if, in any fiscal year, the Adams County Board or applicable State or Federal source fails to appropriate or otherwise make available funds for the work completed herein.
- (8) No office or department, except the County Highway Department shall make purchases or contracts in excess of a One Thousand Dollar (\$1,000.00) limit for any one item, unless empowered or authorized by the Board or by statute.
- (c) Quorum. Each committee shall have a majority of its members present in order to conduct business.
- (d) Notice of Meetings. Notice shall be given in advance to the County Clerk of the time and place of the meeting of all committees, and committee meetings shall be open to the public. Any person desiring to attend a committee meeting shall not be allowed to mingle with the members of the committee while the meeting is in progress and any spectator attending a committee meeting

may be privileged to speak before the committee by a vote of the majority of the committee members.

- (e) Chairman Appointed. The Chairman of the Board shall appoint a chairman and vice-chairman for each standing committee. Each Committee shall choose one of its own members as a Committee Clerk, whose duty shall be to keep minutes of the Committee meetings and attendance, and to submit a copy of same to the County Clerk.

1-2-4 VACANCY

If a vacancy occurs in the office of the Chairman of the County Board, the remaining members of the Board shall elect one (1) of the members of the Board to serve for the balance of the unexpired term of the Chairman. (See 55 ILCS 5/2-3009)

1-2-5 VICE-CHAIRMAN

At the first meeting of the new board, the newly elected Chairman of the Board shall entertain nomination for a Vice-Chairman. The Vice-Chairman shall be elected upon majority vote of the twenty-one (21) member board to serve a two (2) year term. The Vice-Chairman shall serve as presiding officer whenever the Chairman is absent or unable to attend the meeting. In case of the absence of the Chairman, and Vice-Chairman the County Clerk shall convene the meeting and the members present shall choose one (1) of their number as Temporary Chairman. (See 55 ILCS 5/2-1003)

1-2-6 REMOVAL OF APPOINTEES

Any person appointed by the Chairman of the County Board, may be removed by the Chairman of the County Board, with the advice and consent of the County Board. Any person appointed to a position not requiring the advice and consent of the County Board may be removed at any time by the Chairman of the County Board.

1-2-7 COUNTY REPRESENTATIVE DESIGNATED BY THE CHAIRMAN

The County Board Chairman shall be designated as the County Board representative at any meeting or convention. The Chairman may designate one (1) or more County officials, board members or employees to assist or represent him in the transaction of official County business at such convention or meeting.

1-2-8 EXPENSE CLAIMS; CONVENTION

No officer or employee of the County shall be permitted to attend any meeting or conference at the expense of the County, unless authorized by the Board, the Board Chairman, the appropriate committee, the committee Chairman, or by statute. The Board shall take into consideration the necessity for attendance of such meeting or conference for the proper operation of the particular county office or department, and the attendance and allowance of expenses as required by the statutes. The appropriate committee shall require an itemized statement of expenses with receipts or bills attached from all County Board members, officers, and employees requesting payment or reimbursement for expenses as are necessary for the attendance at such meetings and conferences.

ARTICLE III – COUNTY BOARD

1-3-1 MEMBERSHIP

The County Board shall consist of twenty-one (21) members elected from seven (7) districts, three (3) members from each respective district as prescribed by statute. (See 55 ILCS Sec. 5/2-3002)

1-3-2 TERM

Pursuant to state statute, terms of County Board Members shall be staggered beginning with the first general election following the census. The Board districts shall be divided into three (3) groups with Group One having consecutive terms of two (2) years, four (4) years, and four (4) years. Group Two shall have consecutive terms of four (4) years, two (2) years and four (4) years. Group Three shall have consecutive terms of four (4) years, four (4) years and two (2) years. Each group will consist of seven (7) County Board members. A selection by lot consistent with Illinois Law and approved by resolution of the County Board will determine which districts are in each group. The term of office shall commence on the first (1st) Monday in December following their election.

- (a) An incumbent board member, upon petition to run for his/her seat on the Board, shall run for the term previously established by lottery or as determined by his prior election.
- (b) If a non-incumbent candidate running for a seat defeats an incumbent (or an incumbent does not seek re-election) and an incumbent is re-elected to another seat, such non-incumbent shall take the remaining term(s) of the defeated incumbent or open seat and the incumbent shall be elected to the seat defined above.
- (c) If two (2) non-incumbent candidates running during an election where one two (2) year term and one four (4) year term are being elected, and they defeat both incumbents (or two (2) incumbents do not seek re-election), such terms shall be determined as follows:
 - (1) The non-incumbent who receives the highest number of votes shall be assigned to the four (4) year term and continue with that established rotation.
 - (2) The non-incumbent who receives the second highest number of votes shall be assigned to the two (2) year term and continue with that established rotation.
- (d) If two (2) non-incumbent candidates running during an election where two (2) four (4) year terms are being elected, and they defeat both incumbents (or two (2) incumbents do not seek re-election), such terms shall be determined as follows:

- (1) The non-incumbent who receives the highest number of votes shall be assigned to the county board seat with a four (4) year term followed in the rotation by a subsequent four (4) year term.
 - (2) The non-incumbent who receives the second highest number of votes shall be assigned to the county board seat with a four (4) year term followed in the rotation by a subsequent two (2) year term.
- (e) All twenty-one (21) County Board members shall run for office in the tenth (10th) year following the General Election of 2002, and subsequent lotteries will be drawn to begin the rotation cycle as above for all subsequent ten (10) year cycles.

(Ord. Num. 2005-11-017-001)

1-3-3 VACANCY

If a vacancy occurs on the County Board, the Chairman of the County Board, with the advice and consent of the County Board, shall, within sixty (60) days of the date the vacancy occurs, appoint some person, possessing the qualifications of a Board Member, to serve until the next election of County Board members in the County at which time an election shall be held to fill the vacancy for the unexpired term. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee must also be a resident of the County Board district. If a county board member ceases to reside in the district that he or she represents, a vacancy in that office exists. (See 55 ILCS Sec. 5/2-3009 and 10 ILCS 5/25-11)

1-3-4 MEETINGS; REGULAR

Regular meetings of the County Board shall be held at such times as are provided by law and shall meet at least once a month upon call of the Chairman or upon majority vote of members present at any lawful meeting.

1-3-5 SPECIAL MEETINGS

Special meetings of the Board shall be held only when requested by at least one-third (1/3) of the members of the Board or by the Chairman of the County Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception of which the Clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the Board. The Clerk shall also cause notice of such meeting to be published in some newspaper printed in the County and presented to

the Clerk of the Board at least four (4) days prior to the date of said meeting. (See 55 ILCS Sec. 5/2-1001 and 55 ILCS Sec. 5/2-1002)

1-3-6 EMERGENCY MEETINGS

In the case of a bona fide emergency, notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice (See 5 ILCS 120/2.02(b))

1-3-7 QUORUM; MAJORITY VOTE

A majority of the County Board members shall constitute a quorum for the transaction of business at any regular or any duly called special meeting, and all questions which shall arise at meetings shall be determined by the vote of the majority of the County Board members present, except as otherwise provided.

1-3-8 APPOINTED OFFICIALS

The Board shall elect by roll call vote and a majority vote at the expiration of his or her term, one (1) County Engineer as provided by statute. The Board shall elect by roll call vote and a majority vote at the expiration of his or her term, one (1) Supervisor of Assessments as provided by statute.

1-3-9 CLAIMS PROCEDURE

- (a) The authority to determine whether any claim against the County shall be allowed or disallowed is delegated to the appropriate committee which oversees the various County officials and offices as set forth in the County Board Rules. Committees shall have the consideration of claims of the offices and departments assigned to them and shall carefully and deliberately examine each claim and each item thereof, and the certificate, affidavit, accounts and exhibits therewith connected. No claim shall be taken for granted as proper, and no claim shall be allowed that is not properly certified, stated and sworn to, or concerning which the committee does not feel satisfied that each item charged is due and unpaid, and lawfully chargeable against the County.
- (b) Each committee in considering claims shall follow the guidelines hereinafter set forth:
 - (1) Each committee shall consider claims customarily referred to that particular committee and/or pertaining to the scope of that committee's duties. The County Clerk shall refer all claims to be authorized committee upon the filing of said claims.

- (2) In each case the claim shall have attached an itemized account setting forth sufficient particulars as to each item so that by the inspection thereof it will appear just what the charge is intended to cover.
- (3) If the claim involves more than one item, all items shall be set forth in the account in series as incurred. If the claim or any item or items thereof are for services or material furnished under written contract, the account shall so state and shall not be made without an order of someone authorized to make same.
- (4) All claims must be verified by affidavit, setting forth that the amount charged is wholly due and unpaid, that each and all items thereof are true and correct, and that the facts in the claim and account set forth are true within the actual knowledge of the affiant.
- (5) In considering claims, committees shall determine whether the claim should be allowed or disallowed and if sufficient funds have been budgeted and are available in the appropriate office or department budget. The committee shall then present a list of all claims allowed or disallowed monthly to the County Clerk. The County Clerk and the County Treasurer are authorized after approval of the appropriate committee to sign and countersign a warrant to pay the claim allowed. The County Clerk shall prepare a monthly report of all claims paid to the Chairman and all members of the County Board. The monthly report shall identify the department or county official which purchased the product or service, the fund from which payment was made, the amount of payment and which check was issued.
- (6) Instead of or in addition to examining each certificate, affidavit, account and exhibit of a claim a committee, at its discretion, may examine and rely upon a computerized summary of a claim or claims prepared by the County Clerk or one of his or her deputies. A computerized summary shall at a minimum include the vendor's name, the amount to be paid, the budget line item and the office holder or county department involved.
- (7) Upon prior notice and pre-approval by the appropriate committee a check or other instrument may be issued on claims which are made on a monthly or routine basis such as claims made for the payment of utilities, credit cards or installment contracts. The purpose of this rule is to insure timely payment of claims to vendors and prevent the issuance of interest and penalties against the County. Such claims shall be presented to the committee for the committee's consideration and approval at the next available committee meeting.

- (8) No claims for reimbursement for travel or related expenses of County officeholders or employees shall be paid prior to approval by the appropriate committee. In addition, no claims payable to new vendors shall be paid prior to approval by the appropriate committee. In case of an emergency the Chairman of the Committee or the Chairman of the County Board may approve the claim.
- (9) Meals and incidental expenses incurred by employees for training which requires an overnight stay(s) may be paid from the accounts payable system under the IRS's accountable per diem plan. The plan requires that the training is substantiated with dates, place, and purpose of training. In addition, the IRS, and thus the County, will pay the full per day diem for any full day at training; travel days are paid at three-fourths (3/4) of the per diem. For example, John Doe is traveling on Monday for training, spends Tuesday and Wednesday in training, and returns on Thursday. Mr. Doe is paid three-fourths (3/4) of the per diem rate for Monday and Thursday, and one hundred percent (100%) of the per diem rate for Tuesday and Wednesday. To substantiate the travel was overnight; proof of the overnight stay must be provided. The County's per diem rate per day will be Twenty-Five Dollars (\$25.00), which meets IRS regulations.

(Ord. Num. 2007-11-001-001)

1-3-10 PRESENTATION OF RESOLUTIONS AND ORDINANCES

Resolutions and Ordinances that are to be presented at the Board Meeting shall be filed with the County Clerk not later than 4:00 P.M. on the Wednesday preceding the Board Meeting. The County Clerk shall mail to every Board Member prior to the close of business on the Thursday preceding the Board Meeting, an agenda with a copy of all Resolutions and Ordinances filed prior to the deadline.

ARTICLE IV – COUNTY BOARD RULES

1-4-1 RULES OF THE BOARD

The following rules of order and procedures shall govern the deliberations and meetings of the County Board.

(a) Order of Business. The order of business shall be as follows:

- (1) Call to order by the Chairman of the Board.
- (2) Opening prayer by the Chairman, or a designated individual.
- (3) Pledge of Allegiance to flag of the U.S. of America.
- (4) Roll call.
- (5) The approval of the minutes of the previous meetings or meeting. Minutes are to contain no less than the motions, reports and other pertinent information.
- (6) Report of committees including presentation of proposed ordinances in the following order:
 - a. Transportation, Building and Technology Committee
 - b. Legislative and Judicial Committee
 - c. Public Health and Safety Committee
 - d. Finance Committee
 - e. Executive Committee or any sub-committees that have a report(s) for the board.
- (7) Unfinished Business. The Clerk shall maintain a calendar of all unfinished business and tabled matters to be presented at each meeting of the Board.
- (8) New Business, including, but not limited to:
 - a. Reports and communications from the Chairman.
 - b. Reports from elected and appointed officials of the County.
 - c. Other communications, petitions, and reports presented to the County Board for consideration.
- (9) Correspondence.
- (10) Adjournment or recess and announcement of date of next meeting.

All questions relating to the priority of business shall be decided by the Chair, with debate, subject to appeal.

- (b) Duties of Presiding Officer. 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. In case of any disturbances or disorderly conduct, the Presiding Officer shall have the power to require the meeting room to be cleared. All resolutions and ordinances originating outside of the County Board, its members or its committees, shall be directed by the Chair of the Board to the proper committee for consideration.
- (c) Duties of Members. While the Presiding Officer is putting the questions, no member shall walk across or out of the meeting room. Whenever any member of the Board decides to address the Board, make a motion, second a motion, or discuss a motion that has been introduced, he or she shall raise his or her hand and not speak until recognized by the Chairman. When two (2) or more members raise their hands at the same time, the Chairman shall designate which member shall speak first.
- (d) Permission to Leave Meeting. A member wishing to absent himself from the balance of a meeting while the meeting is in session shall first obtain consent from the Chairman of the Board.
- (e) Visitors. Any person, other than members of the Board desiring to address the Board shall clear with the Chairman of the Board, in care of the County Clerk's Office, no later than 4:00 p.m. of the day preceding the Board Meeting and shall sufficiently advise the Chairman of the Board as to the contents of the proposed address to the Board. With permission of the Chairman or upon leave of the Board, elected or appointed officials may address the Board. Comments made by the public are to be limited to no more than three minutes per speaker, unless additional time is granted at the discretion of the Chairman of the Board. Where multiple speakers desire to address the Board on the same topic, repetitive, or surplus comments may be limited by the Board.

The Board will generally not engage in dialogue or respond to questions from those making comments to the Board during the Public Comment period. The Public Comment period is intended to afford members of the public with an opportunity to express their views of the Adams County Board. The Board will generally take comments made to it by the speakers under advisement.

All persons addressing the Board must do so in a civil and appropriate manner. Rude or abusive behavior will not be condoned. Comments which are defamatory, disparaging, or constitute an unwarranted invasion of privacy will not be allowed. Persons in violation of the foregoing will be directed by the Chairman of the Board to leave the meeting.

- (f) Resolutions and Ordinances. Resolutions and ordinances shall be submitted to the proper committee before the next regularly scheduled committee meeting for committee consideration for the board.
- (g) Presentation of New Business. When a member wishes to present a communication, petition, or other original matter, he shall send it to the desk of the County Clerk on or before the Wednesday preceding the next scheduled county board meeting.
- (h) Debate. No member shall speak more than twice on the same question without leave of the Board, or more than once until every member choosing to speak has spoken; nor shall any member speak one time more than five minutes on any motion or question unless by leave of the Board.
- (i) Appeals from Decisions of the Chair. If any member, in speaking or otherwise, shall transgress the rules of the Board, the Chairman or any member may call him to order; in which case the Member may appeal the decision of the Chairman to the Board, and the Board will decide the case without debate. If there is no appeal, the decision of the Chair shall stand. If the decision is in favor of the Member so called to order, he shall be at liberty to proceed; if otherwise, he shall not be at liberty to proceed without leave of the Board.

Whenever any member of the Board decides to address the Board, make a motion, second a motion, or discuss a motion that has been introduced, he or she shall raise his or her hand and not speak until recognized by the Chairman.

When two or more members raise their hands at the same time, the Chairman shall designate which member shall speak first.

- (j) Voting. Every member who shall be present when a question is stated from the Chair, shall vote thereon, unless excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote except as otherwise provided by law.
- (k) Seconding of Motions Required; Written Motions. No motion shall be put or debated in the Board or in the committee unless it be seconded. When a motion is seconded, it shall be stated by the Presiding Officer before debate, and every motion in the Board, except motions on procedure, shall be reduced to writing, if requested by the Chairman, or any member of the Board, or of the Clerk.

- (l) Withdrawal of Motions. After a motion or resolution is stated by the Chairman, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before the vote on the motion is announced by the Chairman, by the mover with consent of his second.
- (m) Division of Questions. If any question under consideration contains several distinct propositions, the Board, by majority of those present and voting, may divide such question.
- (n) Recording of Motions. In all cases where a resolution, ordinance or motion is entered in the minutes, the name of the member moving the same shall be entered also.
- (o) Taking and Entering the Votes – Explanations of Votes Not Permitted. If any member requires it, the Yeas and Nays upon any question shall be taken and entered in the minutes, but the Yeas and Nays upon any question shall not be taken unless called for, prior to any vote on the question. When the Clerk has commenced to call the roll for the taking of a vote of Yeas and Nays, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by answering of “Yea” or “Nay”, as the case may be.
- (p) Announcement of Changes of Votes. The result of all votes of Yeas and Nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement, and no vote shall be changed after the vote has been announced by the Chairman.
- (q) Presence of Motions. When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:
 - (1) To adjourn to a certain day.
 - (2) To adjourn.
 - (3) To take a recess.
 - (4) To lay on the table.
 - (5) To previous question.
 - (6) To refer or commit.
 - (7) To amend.
 - (8) To defer or postpone to a certain time.
 - (9) To defer or postpone without reference to time.
 - (10) To defer or postpone indefinitely.

Numbers 2, 4 and 5 to be decided without debate.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

All motions, ordinances, or resolutions contemplating the expenditure of money shall, when so ordered, be referred to the Finance Committee, to report back to the Board except the claims against the County.

- (r) Motion to Adjourn. Motion to adjourn the Board meetings shall always be in order, except:
- (1) When a member is in possession of the floor.
 - (2) While the yeas and nays are being called.
 - (3) When the members are voting.
 - (4) When the adjournment was the last preceding motion.
 - (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

- (s) Previous Question. When the previous question is moved on the main question and seconded, it shall be put in this form: "Shall the main question not be put?" If such motion be carried on further amendment, and all further motions and debates shall be excluded, and the question put without delay upon the pending amendments in proper order, and then upon the main question.
- (t) Motions to Lay on the Table and Take from the Table. A motion to simply lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other conditions, shall be subject to amendment and debate. A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid on the table, provided two-thirds (2/3) of the members present and voting, vote therefore. A motion to lay any particular motion or proposition on the table, shall apply to that motion or proposition only. An amendment to the main question or other pending questions may be laid on the table, and neither the main motion nor such other pending questions shall be affected thereby.
- (u) Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time. When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting. A motion to postpone indefinitely shall not open the main question to debate. A motion to defer or postpone without reference to time shall not be construed as a

motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a certain time.

- (v) Motion to Refer. A motion to refer to a certain committee shall take precedence over a similar motion to refer to a special committee.
- (w) Motion to Amend. A motion to amend shall be in order, but one to amend an amendment to an amendment shall not be entertained. An amendment modifying the intention of a motion shall be in order. 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. An amendment to the main question or other pending questions may be referred to a committee, and neither the main question, nor such other pending questions, shall be affected thereby.
- (x) 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.
- (y) Motion to Substitute. A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that as such time further amendment is admissible, and, if accepted by the Board by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.
- (z) Reconsideration. 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, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be considered. A motion to reconsider must be made and seconded by members 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 and seconded only by those who voted in the affirmative on such question to be reconsidered.
- (aa) Adoption of "Robert's Rules of Order Revised". The Rules of Parliamentary Practice comprised in the latest published edition of "Robert's Rules of Order Revised" shall govern the Board in all cases in which they are applicable and in which they are not inconsistent with the special rules of this Board.

(bb) Temporary Suspension of Rules; Amendment of Rules. The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and the same shall be mailed to the members, three (3) days prior to the meeting, at which it is to be presented and considered. All rules shall remain in effect until such time as new rules are adopted by the Board by ordinance upon the recommendation of the Judiciary Committee.

(cc) Agenda. The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and the same shall be mailed to the members, three (3) days prior to County Board Meeting.

A majority of the members of the Board shall constitute a quorum for the transaction of business; and all questions which shall arise at meetings shall be determined by the votes of the majority of the members present, except in such cases as is otherwise provided. If any question calls for a two-thirds majority vote, and any member who is present abstains from the vote, that member shall be deemed to have voted with the majority unless the abstention was due to a conflict of interest.

These rules may be suspended in any particular case by a two-thirds vote of the member present.

1-4-2 AMENDMENTS TO THE RULES OF THE BOARD

No amendments shall be made to the "Rules of the Board", without the approval of a two-thirds (2/3) vote of the members present and voting, by roll call vote. Any proposed change in the rules shall be mailed to the County Board members at least three (3) days prior to the meeting, at which it is to be presented and considered. All rules shall remain in effect until such time as new rules are adopted by the Board by ordinance upon the recommendation of the Judiciary Committee. The following are provided for informational purposes only and shall not be law:

(a) Ordinances. The County Board shall use an "Ordinance" when passing a law which prescribes a rule of conduct, which is to have a continuing or permanent force and effect. Ordinances shall be used for all laws amending or adding thereto, the "Revised Code of Ordinances," for all highway regulations and other areas required by the Illinois Compiled Statutes.

(b) Resolutions. The County Board shall use a resolution when they are expressing an opinion which is of a special or temporary character applicable only to a single matter of passing moment. It is used as a vehicle of stating a formal expression of the opinion or will of the County Board.

(c) Motion. A motion is a proposal or suggestion looking to action in the County Board. The County Board can act only by ordinance or resolution. (See 104 N.E. 685) (262 IL. 392)

1-4-3 AGENDA

An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the County Board no later than forty-eight (48) hours prior to the regular County Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this Section, a revised agenda shall be furnished to each member of the County Board prior to the opening of the Board meeting. (See 5 ILCS 120/2.02)

ARTICLE V – ETHICS AND GIFT BAN

1-5-1 DEFINITIONS

Unless otherwise stated, all terms used in this Article have the definition given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

With respect to an employee whose hours are not fixed, “compensated time” includes any period of time when the employee is on premises under the control of the Board or Office Holder and any other time when the employee is executing his or her official duties, regardless of location.

1-5-2 PROHIBITED POLITICAL ACTIVITY

“Prohibited Political Activity” means:

- (a) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (b) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (c) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (d) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (e) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (f) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (g) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (h) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question unless specifically required under state statutes of the office.

- (i) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (j) Preparing or reviewing responses to candidate questionnaires.
- (k) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (l) Campaigning for any elective office or for or against any referendum question.
- (m) Managing or working on a campaign for elective office or for or against any referendum question.
- (n) Serving as a delegate, alternate, or proxy to a political party convention unless specifically required under state statutes of the office.
- (o) Participating in any recount or challenge to the outcome of any election.

No employee shall intentionally perform any prohibited political activity during any compensated time. No Board Member, Officer Holder or employee thereof shall intentionally use any property or resources of the County in connection with any prohibited political activity. At no time shall any Board Member, Office Holder or employee intentionally require any other Board Member, Office Holder or employee to perform any prohibited political activity: (1) as part of that Board Member's, Office Holder's or employee's duties, (2) as a condition of employment, or (3) during any compensated time off, i.e., as holidays, vacation or personal time off. No Board Member, Office Holder or employee shall be required at any time to participate in any prohibited political activity in consideration for that Board Member, Office Holder or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any Board Member, Office Holder or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

A Board Member, Office Holder or employee may engage in activities that: (1) are otherwise appropriate as part of his or her official duties, or (2) are undertaken by the individual on a voluntary basis that are not prohibited by this policy.

1-5-3 LIMITATIONS ON RECEIVING GIFTS

- (a) "Prohibited Source" means any person or entity who:

- (1) is seeking official action by: (a) a Board Member, or (b) an Office Holder or (c) an employee, or by the Board Member, Office Holder or another employee directing that employee;
 - (2) does business or seeks to do business with: (a) the Board Member, or (b) an Office Holder or (c) with an employee, or with the Board Member, Office Holder or another employee directing that employee;
 - (3) conducts activities regulated by: (a) the Board Member, or (b) an Office Holder (c) by an employee or by the Board Member, Office Holder or another employee directing that employee; or
 - (4) has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board Member, Office Holder or employee.
- (b) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board Member, Office Holder or employee.

Except as permitted by this policy, no Board Member, Office Holder or employee, and no spouse or of immediate family member living with any Board Member, Office Holder or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

1-5-4 EXCEPTIONS

The following are exceptions to the ban on accepting gifts from a prohibited source:

- (a) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (b) Anything for which the Board Member, Office Holder or employee, or his or her spouse or immediate family member, pays the fair market value.
- (c) Any (i) contribution that is lawfully made under the Election Code, or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses for a meeting to discuss business.

- (f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - (1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (2) whether the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board Members, Office Holders or employees, or their spouses or immediate family members.
- (h) Food or refreshments not exceeding Seventy-Five Dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board Member, Office Holder or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board Member, Office Holder or employee, and are customarily provided to others in similar circumstances.
- (j) Intra-Governmental and Inter-Governmental Gifts. "Intra-governmental gift" means any gift given to a Board Member, Office Holder or employee from another Board Member, Office Holder

or employee, and “inter-governmental gift” means any gift given to a Board Member, Office Holder or employee by an officer or employee of another governmental entity.

(k) Bequests, inheritances, and other transfers at death.

(l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than One Hundred Dollars (\$100.00).

Each of the listed exceptions is mutually exclusive and independent of every other.

1-5-5 DISPOSITION OF GIFTS

A Board Member, Office Holder or employee, his or her spouse or an immediate family member living with the Board Member, Office Holder or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

1-5-6 CODE OF CONDUCT

The proper operation of a democratic government requires that elected officials, employees and volunteers of local government be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the government structure; that public office or the pursuit of public office not be used for personal gains; and that the public has trust and confidence in the integrity of its government.

To assist in attaining these goals, there is an established code of conduct for all officials, board or commission appointees and employees of Adams County. This Article shall further apply where applicable to persons doing business, seeking to do business or who have done business or who have done business with Adams County, prohibited sources and candidates for County office:

1. Officials and employees shall represent the county as a whole and maintain a professional image, putting loyalty to the County above personal interest, individuals, districts and particular groups.
2. Officials and employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.
3. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid improper influence and abuse of office in public service.
4. Create a positive work environment in public meetings and tolerate different viewpoints. Seek meaningful compromise, resolve issues directly, and defer action when more information is needed.

5. Officials shall not show favoritism or grant patronage in the employment or working conditions of his or her relative, or a person with whom he or she resides, or a person with whom he or she maintains a close personal relationship. Officials may not directly supervise a relative, or person with whom he or she resides, or a person with whom he or she maintains a close personal relationship to include reviewing, auditing or evaluating work or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline, working conditions or related matters.
6. No official, board or commission appointee or employee shall use or disclose confidential information gained in the course of or by reason of his or her position or employment, other than:
 - a. In the performance of his or her official duties;
 - b. As may be required by law; or
 - c. As permitted by whistleblower law.
7. No official or employee shall make, or participate in making, any County governmental decision and no board or commission appointee shall make, or participate in making, any board or commission decision with respect to any matter in which the official, board or commission appointee or employee, or the spouse, or dependent partner or civil union partner of the official or employee, has any economic interest distinguishable from that of the general public.

1-5-7 BOARD OF ETHICS

The Adams County Board Executive Committee shall serve as the Board of Ethics. The Board of Ethics shall include the Adams County States Attorney or his designate to serve as the Ethics Advisor. The Board shall be responsible for initiating, receiving, and investigating violations of this section. If necessary, the Board shall conduct hearings to determine contested facts relevant to the Board's determination of whether an investigation has found substantial evidence that a violation of the Ordinance has occurred. Upon determination by a majority of the Board that there is reason to believe that a violation of this article has occurred, the Board may recommend to the full County Board that disciplinary or other action with the elected official's authority should be taken as appropriate.

1-5-8 SANCTIONS FOR VIOLATION

Any employee of official found to have violated any provision of this article, or to have knowingly furnished false or misleading information in any investigation, hearing or inquiry held pursuant to this article, or to have failed to cooperate with an investigation under this article shall be subject to employment sanctions, including discharge by the employing official. The provisions of this article shall not limit the power of officials to otherwise discipline employees.

Any failure to comply with the provisions of this division shall render any ordinance, ordinance amendment, county board approval or other county action on behalf of the applicant, person, business,

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vendor failing to comply, voidable at the option of the county board or other county agency involved, upon the recommendation of the majority of the County Board.

(Ord. Num. 005-2005-05; amended Res. Num. 2019-10-001-025)

ARTICLE VI - GENERALLY

1-6-1 DEPOSITORIES FOR COUNTY FUNDS

The primary depository for County funds is First Bankers Trust, Quincy, Illinois. Other financial institutions may be used at the discretion of the Adams County Treasurer.

1-6-2 COUNTY OFFICIALS' SALARIES

The annual salaries of the following County elected and appointed officials are established and are to be effective on December 1st of each indicated year. Four (4) year salaries of those elected offices referenced below are determined not less than one hundred eighty (180) days preceding the beginning of the term of the elected office, or 2006, 2010, 2014, etc. Salaries of the Chairman and Members of the Adams County Board, as well as all other elected County officials, shall be set for the term of office, by proper resolution, at least 180 days before the term of the office begins (50 ILCS 145/2). Payment of the respective salaries shall be equal payments payable at the same time County employees are paid. The County Clerk is directed to withhold all such monies as are prescribed by Illinois and Federal Law. Board members shall be reimbursed for mileage at a rate set by the County Board.

1-6-3 COUNTY SEAL

The Seal provided by the County Board shall be circular in form consisting of the words “County of Adams” and “State of Illinois” in the outer circle and the words “Official Seal” in the inner circle.

1-6-4 APPOINTMENTS BY COUNTY

The terms of employment of the following appointed members of the following boards, commissions, and authorities shall be fixed as follows:

(a)

Boards and Commissions	No. of Members	Term	Appointment Month
Fire Protection Districts		3 yrs	May
Sanitary Districts	3	3 yrs	May
Quincy Area Safety Council	1 from County Board	2 yrs	December
Senior Citizens Board	1 from County Board	2 yrs	December

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Adams County Extension	1 from County Board	2 yrs	December
Board of Review	3	2 yrs	May
Merit Commission**	2		
Farmland Assess. Review Comm.	2	3 yrs	April
Ambulance Board	1*	3 yrs	April
Board of Health**	3	2 yrs	May
Mental Health Board (708)**	7	4 yrs	July
Great River Economic Dev. Foun.	3	2 yrs	December
G.I.S. Board	3 from County Board	2 yrs	December
Public Aid Committee	3 from County Board	2 yrs	December
Quincy/Adams County 9-11 Communications Governing Board**	8***	3 yrs	December
Convention & Visitors Bureau	1 from County Board	2 yrs	December
Two Rivers Council	4 from County Board	2 yrs	December
Quincy Plan Commission	1 from County Board	2 yrs	December
Revolving Loan Committee	3 from County Board	2 yrs	December

* One (1) County Board member, one (1) administration member of Blessing Hospital recommended by the CEO, one (1) at the recommendation of the City of Quincy Mayor, and two (2) at large.

** See Chapter 4; plus the Adams County Sheriff, Adams County Ambulance Director, secretary to the rural fire districts, City of Quincy Chief of Police, and City of Quincy Fire Chief.

*** Three (3) appointed from County, three (3) appointed from City of Quincy

(b)

Appointed County Officials	Term
9-11 Director	Appointed by Governing Board

Liquor Commissioner	2 yrs
Highway Engineer	6 yrs
Animal Control Warden	2 yrs
E.M.A. Coordinator	2 yrs
Supervisor of Assessment	4 yrs
Ambulance Director	Appointed by Ambulance Board
Health Department Director	Appointed by the Board of Health
Director of Court Services	Appointed by the Chief Judge

(c) County Officials and Salaries. The various appointed officials of Adams County shall receive from Adams County an annual salary as established from time to time by County Board budget.

1-6-5 BIDDING AND CONTRACT PROCEDURES

1. Purchases in Excess of \$30,000

- (a) Any purchase of services, materials, equipment, or supplies in excess of \$30,000, other than professional services shall be contracted for by a contract let to the lowest responsible bidder after advertising for bids in a newspaper published within the County.
- (b) In determining the lowest responsible bidder, the County Board shall take into consideration the qualities of the articles supplied; their conformity with the specifications; their suitability to the requirement of the County; availability of support services; uniqueness of the service, materials, equipment, or supplies as it applies to networked, integrated computer systems; compatibility to existing equipment; and the delivery terms.
- (c) Contracts in cooperation with the Federal Government, State Government, or purchases of used equipment, purchases at auction or similar transactions which by their very nature are not suitable to competitive bids, or purchases pursuant to the Governmental Joint Purchasing Act may be made accordingly without formal bids by the County, but will otherwise meet the requirements of this ordinance.
- (d) The County may award a contract without advertising for bids in the case of purchases and contracts, when individual orders do not exceed \$35,000, for the use, purchase, delivery,

movement, or installation of data processing equipment, software, or contracts shall require a Department Head or Office Holder to obtain reasonable competition by written quotation for the services, material, equipment or supplies being purchased. Award shall be made to the provider offering the lowest acceptable quotation. Adequate records to document the competition shall be maintained. No award shall be made without prior appropriation and current amounts available in such fund for payment and approval by the appropriate County Board oversight committee and the Finance Committee.

(e) All purchases in excess of \$30,000, or \$35,000 for purchases outlined in paragraph (d), shall require approval of the County Board. Upon the receipt of bids or quotes in all such proposals shall be brought to the County Board after review by the appropriate County Board oversight committee and when appropriate, the Finance Committee.

2. Purchases greater than \$5,000 and up to \$30,000

Any purchase greater than \$5,000 and up to \$30,000 may be made by the appropriate Department Head or Office Holder by obtaining adequate and reasonable competition by written quotation for the services, materials, equipment or supplies being purchased. Award shall be made to the provider offering the lowest acceptable quotation. No award shall be made without prior appropriation and current amounts available in such fund. Adequate records to document the competition shall be maintained. No award shall be made without prior approval of the appropriate County Board oversight committee and the Finance Committee.

3. Non-Competitive Purchases

A purchase or contract may be awarded without competitive bidding when a Department Head or Office Holder, with the approval of appropriate County Board oversight committee, determines in writing or as recorded in the committee minutes, after conducting in good faith by reviewing the available sources, that the purchase by its very nature is not suitable to competitive bids or proposals. Examples or purchases that may not be suitable for competitive bids are as follows:

- (a) There is only one source for the required supply, equipment or service or construction item
- (b) Used equipment
- (c) Purchases at auction
- (d) Certain maintenance contracts which are limited to only one source for the highest qualified provider

4. Emergency Purchases

The County Board may authorize the award of an emergency purchase or contract for the procurement of services, materials, equipment and supplies when there exists a threat to public health, welfare, or safety, or to prevent or minimize serious disruption of governmental services; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A Department Head or Office Holder, with the consent of the Chairman of the County Board, or the Vice-Chair in the absence of the Chairman, may enter into a contract in case of emergency when due to the circumstances of an emergency it is not practicable to convene a special meeting of the County Board. In such cases, a special meeting shall be called as soon as practicable to review the emergency award.

5. Miscellaneous

- (a) Purchases by the County Engineer shall be in accordance with this ordinance, except that such purchases shall be reported to and approved by the Transportation, Building and Technology Committee, and where appropriate forwarded to the County Board for report and approval, without passing through the Finance Committee.
- (b) All parties involved in the procurement, negotiation, performance, or administration of any County contracts shall act in good faith and contract requirements shall not be artificially divided so as to avoid the requirements of this ordinance.
- (c) It is the intent of this ordinance to comply with all applicable Federal and State purchasing requirements, including the Illinois Counties Code. The County acknowledges that in the letting of a particular contract the procedures may vary depending upon the requirements of the Federal or State funding source, the nature or the purchase or other requirements. This could include but is not limited to the Governmental Joint Purchasing Act, the Architectural Engineering, and Land Surveying Qualifications Based Selection Act, and any other applicable law, rule or regulation. Nothing in this ordinance shall prevent any County agency from complying with the terms and conditions of any grant, gift, bequest or co-operative purchasing agreement that is otherwise consistent with the law. As provided by law or regulation, the County may advertise for bids by alternative means, including but not limited to publication on the internet, in a manner consistent with practices generally recognized within the industry and may purchase personal property through State bids or cooperative entities recognized by the State in such a manner as to obtain the lowest responsible bidder.

- (d) It is recognized that certain officers/agencies may have independent statutory authority to purchase their own services, materials, equipment and supplies. These officers/agencies are encouraged to participate in awarding contracts consistent with this ordinance.

(Ord. Num. 2020-11-001-032)

1-6-6 SALARIES REGULATION

- (a) Elected. No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.
- (b) Appointed. No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.

1-6-7 ILLINOIS MUNICIPAL RETIREMENT FUND

- (a) The County does hereby elect to participate in the Illinois Municipal Retirement Fund. In order to be eligible an employee shall work at least six hundred (600) hours per year. County Board members shall not be eligible to participate in this program.

(Ord. Num. 3-9-99)

- (b) Special Tax. The County includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the County's cost of participating in the Retirement Fund and appropriate funds therefrom to pay the cost of participation.

1-6-8 RESERVED

1-6-9 TERM OF APPOINTED OFFICIALS

- (a) Terms of Office. All of the officials appointed in this Article by County Board Chairman with the advice and consent of the County Board and shall serve at the will of the County Board.
- (b) Salaries. All appointees shall receive a salary as provided for in the annual budget.
- (c) Pursuant to the Article, the following officers shall be appointed:

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- Emergency Management Coordinator
- Animal Warden
- Executive Assistant, County Board
- Health Insurance – Privacy Official

(d) Emergency Management Coordinator Duties. His duties shall be as are provided in Chapter 30 of the County Code.

(e) Animal Warden Duties. The Warden's duties shall include administering and enforcing the regulations in the Animal Services Code in Chapter 3.

(f) Executive Assistant, County Board. The Executive Assistant duties shall manage the operation of the County Board Office, to include human resources, employee benefits, insurance, payroll, and other duties as assigned by the County Board.

1-6-10 CENTRALIZED PAYROLL SYSTEM

The County does hereby adopt a centralized payroll system. Some features are:

- (a) Each employee shall be paid every other Friday.
- (b) If an employee scheduled to receive pay is not working on the payday then his/her check is to be mailed, or available for pick up by the employee only at the County Board Office.
- (c) Checks are to be drawn on a central payroll clearing account.
- (d) In no case will payroll funds be transferred to officeholders or department checking or savings accounts.
- (e) Employees are not to be paid ahead, that is paid for time or services not performed.
- (f) It is not the intent of this Section to conflict with the Attorney General's opinion, Judicial decisions, or State of Illinois law. If part of this Section is determined to be in conflict with the laws of Illinois, then the remainder of this Section is to stay in force.

ARTICLE VII - GENERALLY

1-7-1 COUNTY BOARD DISTRICTS

The County Board Districts shall consist of the following election precincts:

District	Consisting of Following Precincts
1	Quincy, 6, 7, 34, 35, 36, 37, 38, 39, 40
2	Quincy 1, 2, 3, 4, 5, 10, 11, 12, 14
3	Quincy 13, 16, 19, 20, 21, 29, 30, 31, 32, 33
4	Quincy 15, 17, 18, 22, 23, 24, 25, 26, 27, 28
5	Mendon 1, 2 Ursa Ellington 1, 2, 3 Riverside 1, 2, 3 Quincy 8, 9
6	Clayton Northeast Camp Point, 1, 2 Houston Honey Creek Keene Lima Concord McKee Beverly Columbus Liberty Gilmer
7	Richfield

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Burton

Payson 1, 2

Melrose 1, 2, 3, 4, 5, 6

Fall Creek

(Adopted 8/9/11, as amended 9/13/11)

ARTICLE VIII – INVESTMENT POLICY

1-8-1 SCOPE OF POLICY

This Investment Policy applies to all County funds that are in the custody of the Treasurer. This means that the Treasurer is the primary signer on the account and is authorized to initiate all financial transactions including deposits, transfers and withdrawals.

This investment policy does not cover County funds that are in the custody of other county officials. These officials shall be responsible for complying with the Public Funds Investment Act including all collateralization requirements.

The following sections are required according to Section 2.5(a) of the Public Funds Investment Act (30 ILCS 235/2.5(a)).

- (a) Authorized Investments. The County may invest funds in those investments in Section 2 of the Public Funds Investment Act (30 ILCS 235/2). Of those investments, County funds shall be primarily invested in the following:
 - (1) in interest-bearing demand deposit (checking) accounts, savings accounts, certificates of deposit or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act;
 - (2) in Treasury Bills which are guaranteed by the full faith and credit of the United States of America as to principal and interest;
- (b) Prudent Person Rule. In all manners of operation and dealings on behalf of County funds, the Treasurer will make decisions, investments and actions only that a “prudent person” would make. The Prudent Person Rule is defined as:
 - (1) “A standard that requires that a fiduciary entrusted with funds for investment may invest such funds only in securities that any reasonable individual interested in receiving a good return of income while preserving his or her capital would purchase. This standard does not mandate an individual to possess exceptional or uncanny investment skill. It requires only that a fiduciary exercise discretion and average intelligence in making investments that would be generally acceptable as sound.”
- (c) Investment Guidelines. The Treasurer shall use the following investment guidelines in priority order:

- (1) Safety: Safety of principal is the foremost objective. Investments shall ensure the preservation of capital.
- (2) Liquidity: Investments shall provide sufficient liquidity to meet all of the anticipated cash flow demands.
 - i. Default investments are in either interest-bearing demand deposit (checking), savings or money market bank accounts. Most County funds are considered as “needed for immediate disbursement.”
 - ii. Funds that are not needed for immediate disbursement may be invested in interest-bearing certificates of deposit or in treasury bills. These investments routinely have terms of up to one year but may have longer maturities depending on the expected use of the funds.
 - iii. The County does not hold or maintain funds that may be invested for long terms, such as retirement funds.
- (3) Yield: Investments shall maximize overall portfolio yield subject to protection of principal and liquidity requirements.
- (4) Timeliness. When funds are not needed for immediate disbursement, they shall be invested within 2 working days at prevailing rates or better. (Reference: 30 ILCS 225/1)
- (d) Diversification. The investments of the fund should be sufficiently diversified to maintain liquidity and ensure preservation of principal. Due to the nature of most County funds, investment diversification is limited.
- (e) Collateral Requirements. Each bank shall pledge collateral in the total amount of 100% to 110% of the total County deposits that are over the FDIC insurable limits.
 - (1) Each bank may pledge collateral in securities that are specified in Section 6(d) of the Public Funds Investment Act (30 ILCS 236/6(d)). The values of each pledged collateral item shall be on its current market value.
 - (2) All pledged collateral shall be held in a third-party custodial bank, either:
 - i. a Federal Reserve Bank or branch office; or
 - ii. a trust department of a commercial bank or with another financial institution that is not owned or controlled by the same institution or holding company.

- (f) Chief Investment Officer. The Treasurer is the Chief Investment Officer (CIO) unless the Treasurer otherwise designates a CIO. The CIO is responsible for establishing the internal controls and procedures for the operation of the investment program.
- (g) Internal Controls. The CIO has established the following procedures:
 - (1) Only the CIO chooses, purchases and sells investments. Investments may be transferred only between designated financial institutions.
 - (2) The CIO provides details of each investment action in writing to the County Treasurer staff who records all investments in the county financial records.
 - (3) The Chief Deputy Treasurer shall act as a trusted person who, at their sole discretion, may confirm any investment action with a financial institution.
- (h) Performance Measures.
 - (1) Funds that are needed for immediate disbursement are in bank checking, savings and money market accounts and are dependent on interest rates offered at local banks.
 - (2) The minimum standard for investments that are not needed for immediate disbursement shall be the yield of the current 4-week U.S. Treasury Bill at the time of the investment.
- (i) Periodic Review. The Treasurer shall review and, if necessary, update the investment policy annually, or after a material change to the Public Funds Investment Act, or after a new treasurer has assumed the duties of the office, or upon request of the County Board.
- (j) Reporting Requirement. The CIO will provide reports that show at a minimum; investment holdings of the fund, rate of return of investments, change in balance and a distribution of investments.
- (k) Selection of Financial Institutions, money managers and investment advisors.
 - (1) The Treasurer has the sole responsibility to select financial institutions, money managers and investment advisors as depositories for county funds in the custody of the Treasurer.
 - i. The Treasurer will consider security, size, location, condition, service, interest rates, fees and the community relations involvement of the financial institution when choosing a financial institution.
 - ii. No financial institution shall receive public funds unless it has complied with the requirements established pursuant to Section 6 of the Public Funds

Investment Act or is otherwise exempt from compliance as authorized by Section 6.5 of that Act.

iii. The amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed 75% of the capital stock and surplus of such bank.

(2) The County Board, when requested by the county treasurer, shall designate one or more banks, savings and loan associations, savings banks, or credit unions in which the funds and other public moneys in the custody of the county treasurer (55 ILCS 5/3-10009(a)).

(I) Ethics and Conflict of Interest. The Treasurer will refrain from personal business activities that conflict with any investment decisions.

(1) The Treasurer shall disclose any material financial interests in financial institutions that conduct business with Adams County. Material financial interests includes ownership interests in these institutions but excludes the possession of standard checking, savings, time deposits or brokerage accounts for personal funds at these institutions.

(2) The Treasurer shall not:

- i. have any interest, directly or indirectly, in any investments in which the County is authorized to invest;
- ii. have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments;
- iii. receive, in any manner, compensation of any kind from any investments in which the agency is authorized to invest.

1-8-2 DESIGNATED BANKS

Designated banks and credit unions include:

- Bank of Springfield
- Brown County State Bank
- Central State Bank
- First Bankers Trust Company ¹
- First Investment Services ²
- Homebank

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- Farmers State Bank of Camp Point
- First Mid-Illinois Bank & Trust
- First National Bank of Barry
- Mercantile Bank
- North Adams State Bank
- Peoples Prosperity Bank
- Quincy Municipal Credit Union
- State Street Bank
- The Farmers Bank of Liberty
- Town and Country Bank

¹First Bankers Trust Company is the primary depository.

²First Investment Services provides brokerage services to purchase Treasury bills and other investments that are not available through other designated financial institutions.

The County has accounts at other designated institutions for specific purposes, such as for real estate tax collection, or for other agencies that have fiduciary agreements with Adams County.

(Resolution Num. 2018-05-001-005)

ARTICLE IX – APPOINTED OFFICIALS

1-9-1 TERM OF APPOINTED OFFICIALS

The term of office for the following appointed officials shall be from appointment by the County Board.

1-9-2 EMERGENCY MANAGEMENT COORDINATOR

(a) Appointment. The County Board Chairman shall appoint, with the advice and consent of the County Board, a Coordinator of the Emergency Management Agency who shall serve at the will of the County Board.

(b) Salary. The Coordinator shall receive a salary as established in the annual budget.

(c) Duties. The duties shall be as follows:

- (1) Act as staff officer to and perform all duties as required by the Chief Elected Official of Adams County.
- (2) Have direct responsibility for the organization, administration, training and operation of Adams County EMERGENCY Management Agency (hereinafter “EMA”) and volunteers.
- (3) Advise and train Adams County businesses, and any other organizations, public or private, in mitigation, preparation, and response to natural and man-made disasters.
- (4) Assist, advise, and train Adams County school districts in mitigation, preparation, and response to natural and man-made disasters.
- (5) Provide training to first responders in non-tactical subjects such as incident Command, HazMat Awareness, etc.
- (6) Coordinate various community volunteer groups with first responders during disasters, maintain a working relationship, provide training, and integrate the volunteer groups into the first response community.
- (7) Provide emergency preparedness training and outreach programs to the general public.
- (8) Administer programs and grants from State and Federal entities.
- (9) Maintain the County’s Emergency Operations Plan (hereinafter “EOP”) and Resource Manual.
- (10) Maintain the Emergency Operations Center at 100% readiness.
- (11) Fulfill all state requirements to maintain the emergency management programs.
- (12) Act as an intermediary between local first responders and county entities.
- (13) Assist local communities’ mitigation, response and recovery actions.

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(14) Access state and federal assets.

(15) Initiate and maintain public safety programs.

(16) Report activities and concerns to the Adams County Board and its Public Safety Committee.

1-9-3 COUNTY ENGINEER

(a) Appointment. The County Board Chairman shall appoint, with the advice and consent of the County Board, a County Engineer.

(b) Term. The County Engineer shall serve a term of office of six (6) years.

ARTICLE X – MEETING PROCEDURES

DIVISION I – RECORDING CLOSED MEETINGS

1-10-1 RECORDING CLOSED SESSIONS

The County shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the County or any subsidiary “public body” as defined by the Illinois Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. (See 5 ILCS 120/2)

1-10-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS

The County Clerk or his or her designee shall be responsible for arranging for the recording of those closed or executive sessions of the county board. In the absence of the County Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the County Board. The meeting Chair will arrange for the audio or video recording of the each subsidiary public body of the County and designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the County Clerk with a copy of such recording. The County Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the County and all subsidiary public bodies of the County.

1-10-3 CLOSED SESSION MINUTES

In addition to the recordings of the closed and executive session as addressed in this Division, the County will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/2.06.

1-10-4 REMOTE ATTENDANCE POLICY

- (a) Policy Statement. It is the policy of the County that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or Internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

- (b) Prerequisites. A member of the Covered Group of the County shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets the following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance:
- (1) the member must notify the recording secretary or clerk of the Covered Body at least twenty-four (24) hours before the meeting unless advance notice is impractical;
 - (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the County; or (3) the member cannot attend because of a family or other emergency; and
 - (3) a quorum of the Covered Body must be physically present.
- (c) Voting Procedure. After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.
- (d) Quorum and Vote Required. A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.
- (e) Minutes. The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that member to be allowed to participate. The meeting minutes of the County shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

1-10-5 - 1-10-10 RESERVED

ARTICLE XI – TRAVEL, LIVING AND MEAL EXPENSES

1-11-1 APPLICABILITY AND AUTHORITY

- (a) All members of the County Board, County Officials, and County Employees shall comply with the procedure set forth below in order to be reimbursed for travel, living and meal expenses, which may be incurred within or out of the County of Adams, but must be necessary and related to the conduct of County business. All members of the County Board shall only be eligible for mileage reimbursement for distances traveled greater than five (5) miles from their residential address on file in the Adams County Clerk's office for the purpose of attending to County Board business.
- (b) Department Heads are responsible for planning the specific travel and educational needs of their departments. They shall request sufficient funds for these purposes plus the incidental daily travel needs of their departments when submitting their annual budget request. Passage of the budget by the County Board shall constitute authority to the Department Head to implement those plans. Travel and meal expenses incurred in the conduct of County business shall be reimbursed upon submittal of proper receipts and appropriate committee approval.

1-11-2 REIMBURSABLE TRANSPORTATION EXPENSES

- (a) Modes of transportation authorized for official use shall include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance. Transportation expenses shall include fares, baggage expense and reasonable tips. Reimbursement requests for all fares must be accompanied by receipts.
- (b) All travel shall be by the most direct route; the individual shall bear the additional costs of traveling an indirect route.
- (c) All travel shall be by the most economical mode of transportation available considering travel time, costs and work requirements. Airplane travel shall be reimbursed at air coach rates only.
- (d) Expenses for the use of a private automobile shall be reimbursed at the stated Internal Revenue Service standard mileage rate per actual mile traveled. This reimbursement rate shall be construed to include any and all costs for the operation of a privately owned automobile on County business, the County not incurring any additional liability therefrom.
- (e) The County shall reimburse parking fees and highway and bridge tolls. Requests for reimbursement of such fees must be accompanied by receipts, where possible.
- (f) All reimbursable transportation expenses must be submitted on the Adams County Travel Voucher form accompanied with all required documentation.

1-11-3 REIMBURSEMENT OF LIVING EXPENSES.

Personal living expenses shall be reimbursed for authorized County travel. Reimbursement policies for meals and incidental expenses are based on IRS guidelines for an accountable plan, which allows it to reimburse employees for authorized business expenses with no effect on compensation. Employees may elect three (3) methods of reimbursement; an accountable per diem plan, travel advance plan, or reimbursement plan (shown below).

(a) Acceptable Living Expenses May include:

- Employee purchased meals
- Parking costs
- Toll booth charges
- Tips and baggage handling charges

(b) Unacceptable Living Expenses May include:

- Expenses that will be reimbursed by another organization
- Personal entertainment
- Alcoholic beverages
- Meal expenses for travel within the County boundaries

(c) Substantiation of Documentation

- (1) The date and approximate time of departure from and return to the traveler's headquarters or residence. When any personal leave is taken while on official travel status, the number of personal days must be specified on the voucher.
- (2) The date(s) of the event. This is the period of time the actual event is held and may differ from department and return dates.
- (3) The origin and destination of the trip. Travel within a local area should also be indicated.
- (4) The purpose for the travel or the nature of the business benefit derived as a result of the travel.
- (5) The amount of each expenditure, listed by date and location.

[NOTE: Claims for reimbursement of expenses paid for others shall include the names of persons on whose behalf expenses were incurred, an itemization of the expenses, and other pertinent supporting documentation.]

(d) Documentation Requirements.

(1) Receipts. The original of the following receipts must be submitted with the travel expense voucher:

- i. Receipts for all major travel expenses (i.e., airline, railway, car rental, taxi expenses).
- ii. Receipts for all lodging expenses incurred. Since hotel receipts may include charges that are not reimbursable, the traveler shall not be reimbursed for lodging expenses unless the receipt presented by the traveler contains itemized charges for the room, e.g., taxes, telephone, etc.
- iii. Receipts for all miscellaneous or incidental expenses, except for the travelers electing the accountable per diem plan for reimbursement.
- iv. An agenda, itemized receipt, or other supporting documentation for all registration fees.

(e) Certification of Travel Expenses. The traveler must sign the Travel Voucher certifying that the amounts claimed are a true statement of the expenses incurred on official County business and that the original of all required receipts has been submitted.

(f) Missing Original Receipts. When original receipts are required but cannot be obtained or have been lost and all measures to obtain a duplicate receipt have been exhausted, a statement should be provided explaining why such receipts are not being submitted with the travel expense voucher. The statement must include a certification that the amount shown is the amount actually paid and that the traveler has not and will not seek reimbursement from any other source.

[NOTE: The voucher must be signed by the traveler, as well as the responsible manager.]

1-11-4 REIMBURSEMENT OF NON-TRAVEL BUSINESS MEAL EXPENSES

A non-travel business meal is a meal consumed by an employee and/or other invited attendees when County related business is conducted during the meal. A non-travel business meal should be used with extreme discretion and is not considered County-wide best practice. However, certain situations may necessitate the need to purchase meals, and therefore the following business meal guidelines shall be followed:

[NOTE: For the purpose of this policy, "meeting" shall refer to any meeting, training, or event]

- (a) Meeting should be intentional and deliberate, with a specific business purpose or a pre-established agenda.
- (b) Meeting should only be conducted over meal time if the invited attendees' schedules provide no other alternative and is not for the primary purpose of consuming a meal.
- (c) Food should not be used as incentive for meeting participation.
- (d) Meal expense should be approved prior to the meeting by the appropriate Committee, with the exception of emergency situations.
- (e) Meal expense must be ordinary and necessary. Following are the maximum per person meal limits:
 - (1) Breakfast \$5.50
 - (2) Lunch \$5.50
 - (3) Dinner 10.00
 - (4) A personal check will be required to pay any amount that exceeds the maximum allowable cost for the meal.
- (f) Claims for reimbursement of non-travel business meal expenses must be submitted using the Non-Travel Business Meal Voucher, and must include original receipt, names of all attendees, purpose of the meeting, and signature of individual submitting reimbursement and department head before any claims will be paid. These requirements are the same if using a County credit card.

1-11-5 PER DIEM ALLOWANCE

- (a) A "per diem" allowance of \$25.00 per day for meals and incidental expenses incurred by employees for training which requires an overnight stay(s) may be paid from the accounts payable system under the IRS's accountable per diem plan. The plan requires that the training is substantiated with dates, place, and purpose of training. In addition, the IRS, and thus the county, will pay the full per day diem for any full day at training; travel days are paid at ¾ of the per diem. For example, John Doe is traveling on Monday for training, spends Tuesday and Wednesday in training, and returns on Thursday. Mr. Doe is paid ¾ of the per diem rate for Monday and Thursday, and 100% of the per diem rate for Tuesday and Wednesday. To substantiate the travel was overnight; proof of the overnight stay must be provided.

No receipt for meals is required if the "per diem" allowance is claimed.

- (b) The cost of meals purchased for persons, other than County Employees, shall be reimbursed if the reason for the expense is deemed to be in the best interest of the County. The reimbursement request shall indicate why and for whom the expense was incurred. Extreme discretion shall be used by all officials in granting this reimbursement.
- (c) The actual cost of accommodations, excluding room service and valet service, shall be reimbursed. Receipts must accompany all requests for reimbursement.

1-11-6 TRAVEL ADVANCES

- (a) The County will advance to the traveler upon proper request the following:
 - (1) Estimated meal expense at the per diem rate of Twenty-Five Dollars (\$25.00).
 - (2) Estimated single room rate for the number of nights expected to be stayed by the traveler. Where at all possible, the hotel expense should be paid in advance. When a traveler receives an advance expense check, the amount so advanced will be set up on an individual account receivable from the traveler.
 - (3) After ten (10) working days, the traveler must turn in all receipts and settle his account with the County. If the traveler owes the County, he must submit payment immediately or the County will deduct any such debt from the payroll check of the traveler.

1-11-7 REIMBURSEMENT REQUESTS

- (a) Reimbursement of private automobile usage expenses must be requested on a County of Adams Travel Voucher, which shall show the payee's name, trip dates, net mileage, destination, and purpose of the trip and all required documentation.
- (b) Claims for travel expense reimbursement shall be submitted on a County of Adams Travel Voucher, following the guidelines as set forth above. Expenses which were prepaid by the County, such as fares and registration fees, shall be deducted in order to arrive at a net reimbursement amount. Receipts for all expenses must be signed by the individual and approved by the department head before any claims will be paid.
- (c) All claims for reimbursement shall be examined by the appropriate committee(s) of the County Board. Any reimbursements over \$2,000 required County Board approval.
- (d) All reimbursement requests must be submitted before the end of the County's fiscal year quarters.

ARTICLE XII – CREDIT CARD POLICY

1-12-1 APPLICABILITY AND AUTHORITY

- (a) This policy is developed to ensure that all credit cards issued under agreements with the County of Adams:
 - (1) serve a legitimate business purpose;
 - (2) are used for authorized business purposes only, consistent with State, IRS, and County of Adams policies and guidelines; and
 - (3) are adequately monitored for compliance.
- (b) Credit cards will be issued in the name of the County, as well as the name of the employee or department.
- (c) Cardholder refers to the County employee or department name that appears on the credit card.
- (d) Fleet Card refers to a card used to purchase gasoline, diesel, or vehicle maintenance expenses for County vehicles.

1-12-2 PROCEDURES

- (a) Issuing Credit Card(s)
 - (1) Applicant Criteria
 - i. be an ongoing or fixed term employee of the County of Adams;
 - ii. occupy a position that has a regular and demonstrated need to purchase goods/services within their department or is required to travel on behalf of the County; and
 - iii. be willing to accept and abide by the conditions of use as stated in Credit Card Policy Acknowledgement Form, OR
 - iv. be a department responsible for a fleet.
- (b) Credit Limits. Credit limits on credit cards should be determined by the anticipated monthly expenditure required by the position held within the department. The following serves as a guide in establishing an appropriate limit:
 - (1) Purchases < \$500.00 per month: \$1,000.00 card limit
 - (2) Purchases < \$1,000.00 per month: \$1,500.00 card limit
- (c) Credit Approval. In addition to the criteria set out above, for a card to be issued, applications must:

- (1) have an approved application from the Finance Committee on file in the County Clerk's office; and
 - (2) be supported by the Department Head responsible for budgetary control over the department; and
 - (3) have a Credit Card Policy Acknowledgement Form signed and on file with the County Clerk. Any persons with authority to use the card shall be required to review and sign the Credit Card Policy Acknowledgement Form.
- (d) Withdrawal of Credit Card(s). A credit card may be withdrawn for any of the following reasons:
- (1) Misuse of card by Cardholder including unacceptable or inappropriate expenditure.
 - (2) Non-compliance with conditions governing the issuing of credit cards.
 - (3) Transfer to another position or unit.
 - (4) The position currently held within the unit no longer requires a credit card or the card has not been used for 12 months.
 - (5) Upon request by a Department Head
- (e) Withdrawal Requirements. When a credit card is withdrawn, the County requires the Cardholder to:
- (1) destroy the card for security purposes by cutting through the card number;
 - (2) return the destroyed card to the County Clerk's office, and
 - (3) undertake a reconciliation of the final statement, or if leaving the employer provide the card and all relevant documentation, receipts, invoices and the like so that a reconciliation may be undertaken on receipt of the final statement.
- (f) Conditions of Use.
- (1) Cards are only to be used by the person whose name appears on the credit card, or by an authorized user of the department credit card.
 - (2) Credit cards, under no circumstances, should be used for expenditures not related to County business.
 - (3) The issue of a credit card gives the Cardholder authority to incur expenditures up to the limit of the card.
 - (4) Misuse of a County credit card may result in disciplinary action, civil legal proceedings, or criminal charges being initiated by the County.
 - (5) Travel must be approved by the Department Head prior to expenses being incurred for travel.

(g) Usage Guidelines. The Cardholder may place an order with a supplier:

- (1) in person;
- (2) by phone or fax;
- (3) by mail; or
- (4) via the Internet only when the site has been confirmed secure. Ensure orders placed via the Internet provide a confirmation/invoice of goods purchased.
 - i. The most common security symbol is the presence of a padlock usually located at the bottom of the screen.
 - ii. A valid security certificate showing a current end date can usually be accessed by double clicking on the padlock symbol.
 - iii. Another example may be web address that commences with https. In this case the "s" suggests it is a secure site.
 - iv. Before placing an order with a supplier, the county tax exempt number shall be obtained.

(h) Appropriate Uses for Credit Card.

- (1) payment for goods/services in full or part supply;
- (2) Conference fees;
- (3) Subscription fees for professional magazines or newspapers;
- (4) Travel expenses where the staff member has elected NOT to receive per diem or a travel advance and which are also deemed appropriate;
- (5) General consumables; and
- (6) Equipment items with a value less than \$2,500.

(i) Inappropriate Uses for Credit Card.

- (1) Private expenses;
- (2) Private telephone accounts including Internet/broadband services;
- (3) Travel costs where the staff member has elected to receive reimbursement for actual costs or has elected to receive a per diem or specified travel advance;
- (4) Withdrawal of cash;
- (5) Equipment with a value of \$2,500 or greater (unless prior authorization from the Finance Committee), and
- (6) Used to purchase services from an individual who is not incorporated and who would normally be issued an IRS Form 1099 at year-end.

- (j) Applying for a Credit Card. Once the need for a credit card is determined an applicant must complete, sign, and date the application form.

1-12-3 APPROVAL PROCESS

- (a) The applicant must submit the request to the Department Head who holds budgetary responsibility for the relevant cost center on the application; and
 - (1) If the Department Head determines they are willing to support the application, they must sign and date the bottom of the application form. Amendments may be made (i.e. credit card limits).
 - (2) If the Department Head determines they are not willing to support the application, they must advise the applicant and return the document.
- (b) Forward the approved application to the Finance Committee.
 - (1) If the Finance Committee determines they are willing to support the application, the document should be signed, dated and forwarded to the County Clerk. Amendments may be made (i.e., credit card limits).
 - (2) If the Finance Committee determines they are not willing to support the application, they should advise the County Clerk and Department Head of their decision.

1-12-4 CREDIT CARD USAGE

- (a) Before Incurring Expenditure. Before using the credit card, the Cardholder must:
 - (1) Read this document thoroughly to become familiar with the requirements of the County; and
 - (2) Ensure sufficient budget funds are available to cover purchases.
- (b) Actual Usage. When using a County credit card, Cardholders should:
 - (1) Obtain an invoice/receipt displaying suppliers;
 - (2) Each Cardholder should document on receipts the business purpose of spending;
 - (3) Ensure suppliers record full and proper descriptions of items or services on invoices/receipts;
 - (4) Provide tax number to all suppliers to avoid taxes;
 - (5) Confirm the supplier site is secure when placing an order via the Internet;
 - (6) Ensure goods and services are received in good order and condition;
 - (7) Ensure a credit is received for any returns or refunds;
 - (8) Ensure expenditure does not exceed monthly credit limit; and

- (9) Report lost, stolen or damaged cards immediately to the County Clerk.

1-12-5 STATEMENT RECONCILIATIONS

The Cardholder should keep all invoices/receipts from purchases in a safe place until the monthly statement arrives from the credit card provider. Monthly statements will be sent directly to the Cardholder at their County location.

- (a) On receipt of the statement the Cardholder should:
 - (1) Check each transaction for accuracy;
 - (2) Use a County Voucher form to enter the appropriate account numbers against each item;
 - (3) Include a full description of the goods/service, including names of staff and non-staff members present, if applicable;
 - (4) Attach all invoices/receipts, County Voucher and other necessary documentation to the statement;
 - (5) Notify the credit card provider if an unidentified transaction appears and attach the notification to the credit card statement; and
 - (6) Sign the voucher and forward to the Department Head who holds budgetary responsibility for the relevant cost center.
- (b) On receipt of the signed statement from the Cardholder the Department Head should:
 - (1) Check to ensure all documents are attached to the statement;
 - (2) Check all expenditures are in accordance with County policy;
 - (3) Sign the statement as approved, and
 - (4) Forward to Finance Committee for subsequent payment by Accounts Payable.
- (c) In the event that an expenditure is identified as inappropriate, the Cardholder should be informed immediately of the breach of conditions and corrective action taken. The Cardholder may be required to reimburse the County and/or disciplinary action may be taken.

ARTICLE XIII – PERSONAL USE OF COUNTY PROPERTY

1-13-1 INTRODUCTION

The County of Adams has established a policy involving County owned property, including but not limited to County owned motorized vehicles, non-owned personal vehicles used for County business, private practitioner office facilities and cell phones. The County is committed to provide services to its residents as timely and efficiently as possible.

1-13-2 USE OF VEHICLES POLICY

In order to achieve these goals, department supervisors may determine that it is necessary to require employees to use County owned vehicles for transportation to and from work so they can respond quicker and more efficiently to emergency situations. The departments involved are primarily, but not limited to, the Highway Department and the Sheriff's Department.

The use of County owned vehicles is a privilege to the employees and decisions involving this matter will be at the discretion and authorization of each department supervisor, with oversight by the associated committees of the County Board and the County Board at large. The employees are to be responsible and accountable for the proper uses of the property while in their possession.

(a) Requirements while operating County property:

- (1) Precautions are to be taken to prevent theft, vandalism, and damage to property at all times;
- (2) Obedience of all laws while using County property;
- (3) Have a valid driver's license enabling the employee to operate the vehicle;
- (4) A good driving record with no violations resulting in suspension of license or restrictions on insurance coverage;
- (5) Employee assures that the use of the property is for its intended purpose;
- (6) Maintain adequate record keeping, including but not limited to mileage logs, as required by the department supervisor in order to satisfy IRS rules and regulations

(b) Prohibited use of County property:

- (1) Personal use other than allowed by this policy or determined by the department supervisor;
- (2) Irresponsible behavior while operating County property that could cause harm to others;
- (3) Actions that may cause the County property to be damaged in any way;
- (4) Uses of property in ways not intended;
- (5) Nobody other than the employees, including their family members, may use the property;
- (6) Use of the property outside the of the County except for official business authorized by the office holder or department head;
- (7) Any other use of the property that could result in the perception of abuse of these privileges by the taxpayers of the County.

1-13-3 RESPONSIBILITY

The County Board reserves the right to monitor the policy and may require the department supervisors to provide updates and reports, including a cost to benefit analysis, in order to determine the efficiency and effectiveness of the policy and make needed changes.

1-13-4 INTERNAL REVENUE SERVICE

The Internal Revenue Service considers personal use of County owned property as taxable fringe benefits. In accordance with IRS Publication 15-B, "Any fringe benefit provided is taxable and must be included in the recipients' pay unless the law specifically excludes it." An exception is provided for qualified nonpersonal use property.

(a) Qualified nonpersonal-use vehicles:

- (1) Clearly marked police and fire vehicles
- (2) Unmarked vehicles used by law enforcement officers. The officer must be authorized to carry a firearm, execute a search warrant and make arrests.
- (3) An ambulance or hearse used for its specific purpose
- (4) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds
- (5) Delivery trucks with seating for the driver only or driver plus a folding jump seat
- (6) School buses
- (7) Tractors and other special purpose farm vehicles

1-13-5 FRINGE BENEFIT

All employees' use of a qualified nonpersonal-use vehicle is working condition fringe and the value of this benefit is excluded from income.

1-13-6 COMMUTING RULE

Any employee receiving a fringe benefit that does not include a "qualified nonpersonal-use" vehicle as listed above, will be required to include in their wages income from the use of County property based upon the "Commuting Rule" of determining value.

Under this rule, the value of the property provided to the employee for commuting purposes only is determined by multiplying each one-way commute by \$1.50 (\$3.00 per day), regardless of the length of the commute. This method has been adopted by the County Board and will be used to determine the extent to which income is included in the employees' wages. Each department supervisor will be responsible for reporting these wages to the County Clerk to be included on the employees' W-2's. As such, all of the following requirements must be met:

- (a) The County provides a vehicle to the employee for use in the County's business, and the employee is required to commute in that vehicle.
- (b) This policy does not allow the employees to use the vehicles for personal purposes other than for commuting of de minimis personal use, (i.e. stopping at a convenience store going to or from work).

- (c) Each affected County employee will be given a copy of this policy and be expected to adhere to it without exception.

1-13-7 MILEAGE AND TRUCK LEASE

Employees that use personal vehicles for County business and are paid a stipend for use of such vehicle will be deemed to have taxable income that must be included as wages for the employees unless a report of miles is submitted to document the use of the vehicle for county business. This form or a similar version is required to be completed monthly and submitted to the office holder or department head.

1-13-8 OFFICE EXPENSE REIMBURSEMENT

Employees that conduct County business from their private business offices and are paid a stipend for office will be deemed to have taxable income that must be included as wages for the employees unless a billing for such expense is submitted to document the use of the office for county business.

1-13-9 RESERVED

1-13-10 CELL PHONES POLICY

The County of Adams is committed to providing an environment that encourages the use of computers and electronic tools to support the County's business. It is the responsibility of each employee to ensure that this technology is used for proper business purpose and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The use of cell phones is a privilege and requires the users to be responsible and accountable for their actions at all times.

By using a cell phone issued by the County of Adams employees agree and understand that this technology has been provided by the County of Adams for use by its employees in business transactions/communications for the County of Adams. County cell phones are provided to improve customer service and to enhance business efficiency. Cell phones are not a personal benefit and should not be used as a primary mode of personal communication. Cell phones should not be used when a less costly alternative is safe, convenient and readily available. Department heads are responsible for reviewing all cell phones bills of their staff for proper reimbursement of personal calls. The Finance Committee will rely upon the department head's authorization for accuracy of personal vs. work-related calls.

(a) Basic Tenets

- (1) There should be no inappropriate messages that refer to race, gender, color, national origin, religion, age, disability, sexual orientation or a protected class status as established by law.
- (2) There shall be no harassment in any form.
- (3) All sexually explicit materials including indecent images, cartoons or jokes are explicitly banned.
- (4) Personal attacks on co-workers or business associates are prohibited, as is hate mail, vulgar or otherwise offensive language.

- (5) The County of Adams reserves the right to review, audit and monitor its electronic equipment, including an employee's itemized cell phone usage, call history (incoming and outgoing) and phonebook entries at its discretion in the ordinary course of business.
 - (6) Unauthorized use of cellular phones includes:
 - i. Use of personal business or personal causes
 - ii. Use of unassigned equipment
 - iii. Misrepresenting one's identity
 - iv. Installing unauthorized programs or files
 - v. Removing required business programs or files
 - (7) Any employee who violates this policy shall be subject to discipline, up to and including termination of employment.
 - (8) The IRS considers personal use of a company-owned asset as a taxable fringe benefit. Cell phone usage that is for personal use may be deemed a taxable benefit per IRS Publication 15-B Employer's Guide to Fringe Benefits and IRS Publication 525 Taxable & Nontaxable Income. Per IRS Publication 15- B, "Any fringe benefit you provide is taxable and must be included in the recipient's pay unless the law specifically excludes it." (IRS Publication 15-B section 2). Fringe Benefits Exclusion Rules discusses 19 benefits that are exclusions. "The excluded benefits are not subject to federal income tax withholding. Also, in most cases, they are not subject to social security, Medicare or federal unemployment tax and are not reported on Form W-2."
- (b) Exclusions. There are three pertinent exclusions for the purpose of this policy.
- (1) De minimis (minimal) benefits – any property or service you provide to an employee that has so little value (taking into account how frequently you provide similar benefits to your employees) that accounting for it would be unreasonable or administratively impracticable.
 - (2) No-Additional-Cost Services – a service you provide to an employee if it does not cause you to incur any substantial additional costs.
 - (3) Working Condition Benefits – property and services you provide to an employee so that the employee can perform his or her job.
- (c) Assignment. Department heads shall determine the cellular usage requirements for employees under their supervision and should limit assignment of the cell phone to employees who have a legitimate business need.
- (d) Termination. County cell phones must be returned within three business days after an employee has terminated their employment or after an elected official has ended their term.
- (e) Personal Usage Charge. Employees that have County cell phone privileges will have a deemed personal usage charge of \$5.00 per month for personal use of the phone that will be included as wages for the employee subject to related employment taxes.

CHAPTER 2: FREEDOM OF INFORMATION ACT

2-1-1 POLICY

The Illinois Freedom of Information Act (FOIA) allows members of the public to make requests for inspection of information regarding the affairs of government. It is the policy of Adams County to comply with the statute as set forth by the Illinois Attorney General pursuant to Illinois Freedom of Information Act, 5 ILCS 140/1.

CHAPTER 3: ANIMAL CONTROL

ARTICLE I - GENERAL REGULATIONS

3-1-1 SHORT TITLE

This Chapter shall be known and may be cited as the Animal Control Code. (See 510 ILCS 5/1)

3-1-2 DEFINITIONS

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

“ADMINISTRATOR” means a veterinarian licensed by the State and appointed to direct the County Animal Control Department and to carry out the provisions of this Chapter and State statutes appertaining hereto. (See 510 ILCS 5/2.20)

“ANIMAL” means any non-human, animate being which is endowed with the power of voluntary motion, especially those animals whose females nurse their young (mammals). (See 510 ILCS 5/2.02)

“ANIMAL CONTROL WARDEN” means any person employed by the County and approved by the Board to perform duties as assigned by the Sheriff to effectuate this Chapter. (See 510 ILCS 5/2.03)

“BOARD” means the County Board of Adams County. (See 510 ILCS 5/2.04)

“CAT” means all members of the family Feline.

“COMPANION CAT” means a cat that is commonly considered to be, or is considered by the owner to be, a pet. (See 510 ILCS 70/2.01a)

“CONFINED” means the restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. (See 510 ILCS 5/2.05)

“DANGEROUS DOG”. “Dangerous dog” means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner’s family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places. (See 510 ILCS 5/15(2))

“DEPARTMENT”. “Department” means the Department of Agriculture of the State. (See 510 ILCS 5/2.06)

“DOG”. "Dog" means all members of the family Canidae. (See 510 ILCS 5/2.11)

“DOMESTICATED ANIMALS”. Those animals that are tame and who live in or near the habitations of man or by habit or special training in association with man.

“ESCAPE PROOF BUILDING OR OTHER ENCLOSURE”. A building or other enclosure of such strength and structure to keep a confined animal away from other animals and the public.

“HAS BEEN BITTEN” means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

“INOCULATION AGAINST RABIES” means the injection of an anti-rabies vaccine approved by the Department. (See 510 ILCS 5/2.13)

“LEASH” means a cord, rope, strap, or chain which shall be of sufficient strength to keep such dog or other animal under control. (See 510 ILCS 5/2.14)

“LICENSED VETERINARIAN”. “Licensed veterinarian” means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. (See 510 ILCS 5/2.15)

“OFFICIAL HEALTH CERTIFICATE”. A legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, and issued by a licensed veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the U.S. Armed Services, which shows that the dog(s) or cat(s) listed thereon meet the health requirements of the State.

“OFFICIALLY VACCINATED”. The inoculation of a dog or companion cat with a vaccine, administered by a licensed veterinarian by the route and in the amount recommended by the producer of the vaccine and for which a county rabies vaccination tag has been issued and properly recorded on a certificate as prescribed by the Board.

“OWNER”. "Owner" means any person having the right of property in a dog, cat or other animal, or who keeps or harbors a dog, cat or other animal, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog, cat or other domestic animal to remain on or about any premises occupied by him or her for seven (7) days. (See 510 ILCS 5/2.16)

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“PERSON”. “Person” means any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. (See 510 ILCS 5/2.17)

“POUND”. “Pound” means any facility approved by the County Board for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs, cats or other animals. (See 510 ILCS 5/2.18)

“REGISTRATION CERTIFICATE”. “Registration Certificate” means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. (See 510 ILCS 5/2.19)

“STRAY”. An animal, usually domesticated, for which there is not an owner or apparent owner.

“STRAYING”. A dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods.

ARTICLE II - ADMINISTRATION

3-2-1 ADMINISTRATOR

(a) Appointment of Administrator; Removal. The County Board shall appoint, at its first regular meeting in December of every even numbered year, an Animal Control Administrator, who shall be a licensed Illinois veterinarian. The Administrator's duties shall include those prescribed by statutes, this Code, and the Rules and Regulations relating to the Animal Control Act as have been or may hereafter be adopted by the Department of Agriculture of the State of Illinois pursuant to Illinois Compiled Statutes, Chapter 510, Section 5/1. The Administrator's salary and expenses shall be established annually by the County Board in the annual budget prior to the appointment. The Administrator may be removed from office by the County Board Chairperson with the advice and consent of the County Board.

(b) Administrator Agreement. The Chairman of the Board and the Administrator shall enter into a signed agreement in substantially the following form (Pursuant to past practice beginning in March, 1990):

In consideration of the covenants, agreements and payments hereinafter specified, the parties hereto agree as follows:

- (1) That veterinarian shall accept and maintain custody of animals brought to it for impounding by the Administrator, Deputy Administrator, Animal Control Warden or Law Enforcement officer of Adams County and shall accept and dispose of animals delivered by such officer.
- (2) The veterinarians shall assume the responsibility for the care, disposition and destruction of animals coming into its custody in accordance with the laws of the State of Illinois, the ordinances of the County and the terms of this agreement.
- (3) The veterinarians shall maintain suitable hours for the convenience of the public for the purpose of accepting applications for the redemption of impounded animals.
- (4) The veterinarians shall provide access at all times to the Animal Control Warden to enable the Animal Control Warden to deposit animals with the veterinarians.
- (5) The veterinarians shall keep a full and complete record of each animal impounded by, for or on behalf of the County. Such record shall include a description of the animal, the date of its impoundment, and date of its destruction or other disposition.

- (6) The County, through the Administrator or Animal Control Warden, shall for each animal brought for impoundment, provide the veterinarians with a description of the animal, the date of its impoundment, whether the owner of the animal is known, and the date that the animal may be humanely dispatched if any.
- (7) The veterinarians shall be considered independent contractors and at its sole cost shall pay damages, costs, fees and judgments arising out of any claims due to the willful or negligent acts or omissions of the veterinarians or its agents or employees.
- (c) Sheriff Designated as Supervisor of Animal Control Wardens. The Board designates the County Sheriff as supervisor of the County Animal Control Warden(s) as county employees, the Sheriff is to coordinate with the Administrator to provide Animal Control functions and services as required. The Sheriff's Department shall be responsible for the daily supervision of the Animal Control Warden(s) and the Animal Control Warden(s) shall report to the Sheriff's Department in executing his authority granted by the Administrator and County Board. (Ord. No. 2006-06-009-002)

3-2-2 AUTHORIZATION FOR REQUIRING REGISTRATION

The Board is authorized by ordinance (Ord. No. 1988-07-001-001, Section 12. This Ordinance to be known as the Animal Control Program) to require the registration of dogs and may impose an individual animal registration fee. All persons selling dogs or keeping registries of dogs may cooperate and provide information as required by the Board, including sales, number of litters, and ownership of dogs.

3-2-3 DUTIES

- (a) Enforcement of Chapter. The Administrator and the Administrator's deputies and agents and employees of the County Animal Control Department may enforce and abide by all provision of this Code.
- (b) Enforcement of State Animal Control Laws. The Administrator and the Administrator's deputies and agents or employees of the County Animal Control Department shall enforce and abide by all sections of the Illinois Animal Control Act and the Illinois Humane Care for Animals Act, including the rules and regulations relating to the same as duly promulgated by the State Department of Agriculture.
- (c) Control and Prevention of Rabies. It shall be the duty of the Administrator, through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies in the County.

3-2-4 POLICE POWER; COOPERATION OF POLICE DEPARTMENT

- (a) Police Power. The Administrator, Deputy Administrators, and Animal Control Wardens are, for the purpose of enforcing this Chapter, clothed with power of police officers in the County and with the County are peace officers in the enforcement of this Chapter, and of the similar provisions of the State statutes relating to animals and rabies, including issuance and service of citations and orders, and to execute and serve all warrants and processes issued by any Circuit Court.
- (b) Cooperation of Police Department. The Sheriff and his deputies shall cooperate with the Administrator in carrying out the provisions of this Chapter and the State statutes.

3-2-5 CAUSES FOR REMOVAL OF ADMINISTRATOR FROM OFFICE.

- (a) Notification. Upon cause, the Administrator shall be informed by the Board as to the reason or reasons which would constitute a basis for removing the Administrator.
- (b) Removal by Board Chairperson. The Administrator may be removed by the County Board Chairperson with the advice and consent of the County Board after being informed as to the causes which would constitute a basis for his/her removal.
- (c) Appointment of Replacement. Upon the expiration of his/her term as Administrator, the County Board Chairperson may appoint another person as Administrator or may reappoint the current Administrator for a new term, according to law.

3-2-6 INSPECTIONS; ENTRY

For the purpose of carrying out the provisions of this Chapter and the State Animal Control Act and the State Human Care for Animals Act, and making inspections hereunder, the Administrator, or his authorized representatives, agents or deputies, or any officer of the law, may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, a vicious dog, or a dog or other animal thought to be infected with rabies. If after request therefore, the owner of such dog or other animal would refuse to deliver the dog or other animal to the officer, the owner may be in violation of this Chapter and of the State Animal Control Act.

3-2-7 DOG AND COMPANION CAT REGISTRATION

Each dog and companion cat in the County may be registered by its owner (as defined in Chapter 510, Illinois Compiled Statutes, Section 5/2.16 and 5/8) within thirty (30) days after inoculation against rabies

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and said registration is to be effected at the office of the Animal Control Warden, Adams County Courthouse.

Feral cats are exempt from mandatory rabies inoculation requirements.

Cats registered within the limits of the City of Quincy are exempt from the County registration requirements.

(Ord. No. 1988-08-001-001)

3-2-8 FEES FOR REGISTRATION OF DOGS AND COMPANION CATS

The following fees are imposed for the registration of dogs and companion cats:

- (1) Seventy-Five Dollars (\$75.00) for improper registration, and
- (2) Seventy-Five Dollars (\$75.00) for no inoculating for rabies, and
- (3) Seven Dollars Fifty Cents (\$7.50) rabies registration fee for dogs.
- (4) Six Dollar (\$6.00) rabies registration fee for companion cats.

ARTICLE III - IMPOUNDMENT

3-3-1 IMPOUNDMENT OF DOGS RUNNING AT LARGE

- (a) No person may cause or permit any dog owned or kept by him to run at large at any time within unincorporated areas of the County which have been subdivided for residence purposes, provided however, that the provisions of this Section may not prohibit the owner or keeper from permitting such dog to run at large on the private premises of such owner or keeper, or upon the private premises of another person with such person's consent. It may be the duty of the owner or keeper of any dog to keep such dog from running at large.

(See Ord. No. 1988-07-001-001, Section 1)

- (b) Exceptions.

- (1) Dogs may be permitted to run upon public ways, including streets and sidewalks, but only when on a leash not exceeding ten (10) feet in length and when controlled by the owner or keeper of the dog; or

(See Ord. No. 1988-07-001-001, Section 2(a))

- (2) If a dog is running at large through the act or intervention of a third person not a member of the owner's household and without the owner's consent, such fact may constitute an affirmative defense to any proceeding brought under Section 1 of said ordinance.

(See Ord. No. 1988-07-001-001, Section 2(b))

- (3) Any dog found running at large contrary to the provisions of Section 1 of said ordinance may be apprehended and impounded at any existing or available public pound.

(See Ord. No. 1988-07-001-001, Section 3)

3-3-2 NOTICE OF IMPOUNDMENT

- (a) When a dog is apprehended pursuant to the terms of this Article, the Animal Control Warden may give notice of not less than seven (7) days to the owner, if known. Such notice may be delivered personally or mailed to the last known address of the owner. An affidavit or testimony of the Animal Control Warden, or his authorized agent, who delivers or mails such notice may be prima facie evidence of the receipt of such notice by the owner of such dog.

(See Ord. No. 1988-07-001-001, Section 5)

- (b) Whenever a violation of Section 3-3-1 of this Article occurs, in addition to, or in lieu of impounding any dog running at large, the Sheriff, any Deputy Sheriff or Animal Control Warden, as the case

may be, may promptly issue to any person violating any provision of this Article, a citation or notice of violation charging such offense. Such citation or notice of violation may be in the form set forth herein below and advise such person that a penalty of Seventy-Five Dollars (\$75.00) for the first violation may, at the discretion of such person, be paid to the Animal Control Warden within fourteen (14) days from the date of such citation or notice of violation. The second and subsequent violations will include a penalty of One Hundred Fifty Dollars (\$150.00). In the event of a third violation the animal must be spayed or neutered at the owner's expense. Said penalty may be increased to One Hundred Fifty Dollars (\$150.00) for each and every subsequent violation. In the event that such penalty is timely paid, that payment is timely paid, that payment may be in full satisfaction of any penalty for such violation. In the event that such payment is not made within the time period prescribed, a complaint may be initiated by the Animal Control Warden or other appropriate person before a court of proper jurisdiction charging such offense. The notice of violation required by this Section may be served personally or by certified mail, return receipt requested, and may be in substantially the following form:

NOTICE OF VIOLATION

Pursuant to Section 4 of an ordinance entitled "Animal Control Ordinance" of Adams County, Illinois, you are hereby notified that you are charged with having violated said ordinance by not having your dog controlled in accordance with Section 1 of said ordinance.

In accordance therewith, you are hereby assessed a penalty of (amount of penalty) dollars for violating said ordinance, which sum may be paid to the Circuit Clerk at 521 Vermont Street, Quincy, Illinois, within fourteen (14) days from the receipt of this notice.

The penalty provided is Seventy-Five Dollars (\$75.00) for the first violation and is increased to One Hundred and Fifty Dollars (\$150.00) for each and every subsequent violation. In the event that you fail to pay such penalty within the time prescribed, you may be charged by a complaint for violating Section 1 of said ordinance and upon conviction may be fined not less than Seventy-Five Dollars (\$25.00) nor more than One Hundred and Fifty Dollars (\$150.00).

Any person, firm or corporation who violates Section 1 of said ordinance may be fined not less than Seventy-Five Dollars (\$75.00) nor more than One Hundred and Fifty Dollars (\$150.00). Each day such

violation is committed or permitted to continue may constitute a separate offense and may be punishable hereunder as such.

(Ord. No. 1988-07-001-001, Section 7, as amended Ord. No. 2010-02-009-001)

3-3-3 IMPOUNDMENT FEES

Any owner or other person reclaiming an impounded dog may pay a fee of Twenty-Five Dollars (\$25.00) for neutered dogs, and Thirty Dollars (\$30.00) for unaltered dogs, except that a fee of Twenty-Two Dollars (\$22.00) may be charged for each subsequent impoundment within twenty-four (24) months of any previous impoundment. In addition thereto, any owner or other person reclaiming an impounded dog may pay a fee of Ten Dollars (\$10.00) for each and every day, or portion thereof, that the animal has been impounded. All of the above fees may be payable to the County Treasurer. In the event that the owner or other person reclaiming an animal has been charged with violating Section 3-3-1 of this Article and such charge is dismissed or the owner or other person is found not guilty of such charge, any impoundment fees assessed hereunder may be refunded.

(Ord. No. 1988-07-001-001, Section 4, as amended by Ord. No. 2001-11-001-001, as amended on May 15, 2018)

3-3-4 FEES TO VETERINARIAN CLINIC FOR ANIMAL CARE

The County will reimburse the Administrator the following:

- (a) Fifteen Dollars (\$15.00) per day per animal for the cost and care of each animal until such animal is humanely dispatched, redeemed by its owner or otherwise disposed of;
- (b) Thirty Dollars (\$30.00) for the cost of humanely dispatching each animal; and
- (c) The cost of the veterinarian for the pick-up and disposal of dead animals.

(Ord. No. 1990-03-001-002, as amended by Ord. No. 2001-11-001-001, as amended on May 15, 2018)

3-3-5 REDEMPTION OF IMPOUNDED DOG

An owner of an impounded dog may reclaim such dog within seven (7) days of its impoundment upon payment of Twenty-Five Dollars (\$25.00) for altered dogs or Thirty Dollars (\$30.00) for unaltered dogs.

(Ord. No. 1988-07-001-001, Section 6, as amended on May 15, 2018)

3-3-6 DOGS NOT REDEEMED

In the event that any dog is not reclaimed within seven (7) days of its impoundment, it may be humanely dispatched, or offered for adoption or otherwise disposed of in accordance with 510 ILCS 5/10, as amended.

(Ord. No. 1990-03-001-001, as amended on May 15, 2018)

Unknown Owners. Notwithstanding the above notice and disposal provisions in Ord. No. 1990-03-001-001, Section 6, in the event that the owner of an impounded dog is not known, the dog may be humanely dispatched after seven (7) days which may under no circumstances be less than seventy-two (72) hours. Furthermore, Saturdays and Sundays, as well as State and Federal holidays may be excluded from the computation of the seven (7) day or seventy-two (72) hour period.

(Ord. No. 1990-03-001-001, Section 7)

ARTICLE IV - RABIES AND RABIES VACCINATIONS

3-4-1 GENERAL GOVERNMENT POWERS IN PREVENTION OF SPREAD OF RABIES

- (a) Whenever a case of rabies has occurred in the locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the State Department of Agriculture and the County Animal Control Department may act to prevent its spread among dogs and other animals. The Department of Agriculture may order:
- (1) that all dogs or other animals in the locality be:
 - i. kept confined within an enclosure, or
 - ii. kept muzzled and restrained by a leash.
 - (2) that all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies. The Administrator and the County Animal Control Department may assist in the implementation and enforcement of the aforesaid orders.
 - (3) other measures as may be necessary to control the spread of rabies.
- (b) The County Animal Control Department or the Administrator may also determine the area of the locality in which, and the period of time during which, such orders may be effective.

3-4-2 INOCULATION AGAINST RABIES REQUIRED

Every owner of a dog or companion cat four (4) months or more of age may cause such animal to be inoculated against rabies by a licensed veterinarian and inoculated at such intervals as may hereafter be established by regulations established by the Department of Agriculture of the State of Illinois. Evidence of such rabies inoculation may be entered on a certificate, the form of which is attached hereto, and said form may be signed by the licensed veterinarian administering the vaccine.

(Ord. No. 1988-07-001-001, Section 8)

3-4-3 SALE AND DISTRIBUTION OF VACCINE

Rabies vaccine for use on animals may be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine may be licensed by the U.S. Department of Agriculture and approved by the Department of Agriculture of the State of Illinois.

(Ord. No. 1988-07-001-001, Section 9)

3-4-4 VACCINATION TAGS PROVIDED BY ANIMAL WARDEN

- (a) All Adams County veterinarians may issue county rabies tags for Adams County residents at the time of inoculation, in accordance with Section 8 of the Animal Control Act.

(Ord. No. 2004-04-001-001, Section 1)

- (b) Evidence of such rabies tag may be entered on inoculation certificates which may be provided by the Animal Control Warden.

(Ord. No. 2004-04-001-001, Section 2)

- (c) The Animal Control Warden may provide to County veterinarians certificates requesting proper identification information for those animals vaccinated. The information requested may include but not be limited to the age, sex, breed, name, color, date of vaccination, and type of vaccination, the day received, as well as the name of owner, current address, city or town, phone number, and signature of the veterinarian.

(Ord. No. 2004-04-001-001, Section 3)

- (d) Adams County veterinarians may properly record the information requested on each certificate for each animal vaccinated.

(Ord. No. 2004-04-001-001, Section 4)

- (e) The Animal Control Warden may provide to the Adams County veterinarians serially numbered tags which may be issued to animal owners who have their animal vaccinated at a cost of Seven Dollars and Fifty Cents (\$7.50) per dog, or Six Dollars (\$6.00) per companion cat.

(Ord. No. 2004-04-001-001, Section 5)

- (f) Adams County veterinarians may collect, on behalf of Adams County, for each dog owner Seven Dollars and Fifty Cents (\$7.50), or for each companion cat owner Six Dollars (\$6.00), for the distribution of the rabies tag and the recordation of information required by the certificate.

(Ord. No. 2004-04-001-001, Section 6)

- (g) Each veterinarian may be allowed to retain One Dollar and Fifty Cents (\$1.50) from each rabies registration fee to defray the cost of administering the program.

(Ord. No. 2004-04-001-001, Section 7)

- (h) The Animal Control Warden may obtain at least weekly the completed vaccination certificates and may also collect the rabies vaccination fees less the administrative costs which may be deposited into the County General Fund.

(Ord. No. 2004-04-001-001, Section 8)

3-4-5 NOTICE OF VIOLATION; PENALTY

Whenever a violation of this Code occurs, the Sheriff, any Deputy Sheriff or Animal Control Warden, as the case may be, may promptly issue to any person violating such sections of this Code, a citation or notice of violation charging such offense. Such citation or notice of violation may be in the form set forth herein below and advise such person that a penalty of Seventy Five Dollars (\$75.00) for the first violation may, at the discretion of such person be paid to the Circuit Clerk within fourteen (14) days from the date of such citation or notice of violation. Said penalty may be increased to One Hundred and Fifty Dollars (\$150.00) upon the second violation of this Code and may be One Hundred Fifty Dollars (\$150.00) for each and every subsequent violation. In the event that such penalty is not made within the time period prescribed, a complaint may be initiated by the Animal Control Warden or other appropriate person before a court of proper jurisdiction charging such offense.

The notice of violation required by this Section may be served personally or by certified mail, return receipt required, and may be in substantially the following form:

NOTICE OF VIOLATION

Pursuant to Section (cite section violated) of an ordinance entitled "Animal Control Ordinance" of Adams County, Illinois, you are hereby notified that you are charged with having violated said section by (describe offense, e.g. failure to cause dog to be inoculated against rabies).

In accordance therewith, you are hereby assessed a penalty of (amount of penalty) for violating said ordinance, which sum may be paid to the Circuit Clerk at 521 Vermont Street, Quincy, Illinois, within fourteen (14) days from the receipt of this notice.

The penalty provided is Seventy Five Dollars (\$75.00) for the first violation and is increased to One Hundred and Fifty Dollars (\$150.00) for the second violation, and One Hundred Fifty Dollars (\$150.00) each and every subsequent violation. In the event that you fail to pay such penalty within the time prescribed, you may be charged by a

complaint for violating this said ordinance and upon conviction may be fined not less than the applicable fine, applicable court costs, and may be subject to criminal prosecution.

Any person, firm or corporation who violates any of the provisions of this ordinance may be fined not less than Seventy Five Dollars (\$75.00) nor more than One Hundred Fifty Dollars (\$150.00). Each day such violation is committed or permitted to continue may constitute a separate offense and may be punishable hereunder as such.

(Ord. No. 1988-07-001-001, Section 14, as amended by Ord. No. 2004-05-001-001, as amended by Ord. No. 2010-02-009-001)

ARTICLE V - NUISANCE

3-5-1 ANIMAL NUISANCE BASED UPON NOISE

Pursuant to the Animal Control Act (See ILCS 5/5) the policing powers below may be exercised by the Animal Control Warden to control animal noises that create a public nuisance between the hours of 10:00 P.M. and 6:00 A.M.

- (a) The owner or keeper may not suffer or permit any animal to bark, howl, cry or make other distressing or loud or unusual noise or to disturb the peace and quiet of any place, neighborhood, family, or person in the County in a substantially consistent manner. The disturbing of any neighborhood or persons by any such animal is declared to be a nuisance.
- (b) If the owner or keeper of an animal causing a repetitious disturbance cannot be located after a reasonable search, or if the owner is known to be absent due to illness, incarceration or other circumstances, the animal may be removed by the Animal Control Warden or Sheriff's Department and impounded, provided, however, that the Animal Control Warden or Sheriff's Department may obtain necessary legal process to enter into any premises used as a residence to take possession and remove such animal. Further, the owner or keeper of said animal may be held strictly liable for all expenses incurred.
- (c) The repetitious disturbance of any place or neighborhood or person in the County is hereby declared as nuisance and no person may suffer or permit any nuisance to exist. This offense carries a Seventy-Five Dollar (\$75.00) fine. In the case of a repeat offense, the Animal Control Warden may petition the Circuit Court for an order to destroy the animal.

(Ord. No. 2006-06-009-003)

ARTICLE VI – ANIMAL TREATMENT

3-6-1 OWNER’S DUTIES

It may be unlawful for any owner to knowingly fail to provide for each of his animals any of the following:

- (a) Sufficient quantity of good quality, wholesome food or water;
- (b) Adequate shelter and protection from the weather;
- (c) Veterinary care when needed to prevent suffering; or
- (d) Humane care and treatment.

3-6-2 CRUEL TREATMENT

No person or owner may knowingly beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

No owner may knowingly abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

3-6-3 NOTICE OF VIOLATION; PENALTY

Whenever a violation of Section 3-6-1 or Section 3-6-2 occurs, the Notice of Violation and Penalty may be the same as prescribed in Section 3-4-5 of this code.

(Ord. No. 2010-02-009-001)

ARTICLE VII – PRIMATE REGISTRATION

3-7-1 PUBLIC ACT 096-1219

Effective January 1, 2011 Public Act 096-1219 (See 720 ILCS 585/1) of the Illinois Compiled State Statutes prohibits ownership of primates except at a properly maintained zoological park, federally licensed exhibit, circus, college or university, scientific institution, research laboratory, veterinary hospital, hound running area or animal refuge in an escape-proof enclosure. The act defines primates as “nonhuman members of the order primate, including but not limited to chimpanzee, gorilla, orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye and tarsier”.

3-7-2 PRIMATE REGISTRATION

A person who had lawful possession of a primate before January 1, 2011 register the animal with the Adams County Animal Warden by completing and submitting a Primate Registration Application Form and paying a \$50.00 annual registration fee.

(Ord. No. 2011-08-009-001)

ARTICLE VIII - LIVESTOCK, POULTRY, OR EQUIDAE KILLED OR INJURED BY A DOG

3-8-1 CLAIMS

Any owner having livestock, poultry, or equidae killed or injured by a dog may, according to the provisions of this Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund. Refer to Illinois statute 510 ILCS 5/19 for specific procedures for filing a claim and reimbursement.

3-8-2 SCHEDULE FOR DAMAGES

Upon completion of a valid claim, the County Treasurer may reimburse the owner according the following schedule:

- (a) Killed animals. The County will pay 100% of the fair market value based on the weight of each animal and the price per pound on the date of said killing. The weight may be either the actual weight or an estimated weight as determined by the Administrator. The price per pound may be based from pricing data available from either a local livestock auction or from a recognized public source, such as the University of Illinois or the Chicago Mercantile Exchange.

If the weight of an animal is unavailable, the County will pay the following amounts:

For cattle,....\$200 per head	For horses,....\$200 per head
For swine,.....\$50 per head	For mules,....\$200 per head
For sheep,.....\$30 per head	For turkeys,.....\$5 per head
For goats,.....\$30 per head	For poultry other than turkeys, \$1 per head

The County will pay an additional 50% of the fair market value if the animals were cross-bred, hybrid, inbred, or purebred animals and the owner provides evidence by a certificate of registry of the appropriate breed association or organization.

- (b) Injured animals. The County will pay the cost to treat the specific injuries of the animal as documented on the claim to a maximum of the value established in 3-8-2 (A). The owner may provide documentation for all claimed costs.

ARTICLE IX – STATE STATUTE

3-9-1 OTHER PROVISIONS

For all matters not covered in this Animal Control Code, the Illinois Animal Control Act (See 510 ILCS 5) is adopted and incorporated herein.

CHAPTER 4: BOARDS & COMMISSIONS

ARTICLE I – QUINCY AND ADAMS COUNTY 9-1-1 COMMUNICATIONS SYSTEMS

GOVERNING BOARD

4-1-1 ESTABLISHED

A Joint Emergency Telephone System Board of the City of Quincy, Adams County, Illinois and the County of Adams, Illinois, is hereby established pursuant to and in accordance with the Emergency Telephone System Act. The Board shall be known as the City of Quincy and Adams County Joint Emergency Telephone System Board (herein sometimes “Quincy/Adams County Joint ETSB”). The Board shall provide for the management and operation of the 9-1-1 system consistent with the Emergency Telephone System Act and other applicable law. This Board and the related 9-1-1 Communications System have been established pursuant to the Intergovernmental Agreement Between the City of Quincy and the County of Adams Establishing a Joint Emergency Telephone System Board (“Joint Intergovernmental Agreement”).

4-1-2 FORMATION OF SYSTEM

For the purpose of acquiring, constructing, owning, operating and maintaining a centralized 9-1-1 emergency answering system, public safety answering point (“PSAP”), and public safety dispatch agency, there is hereby established the Quincy/Adams County 9-1-1 Communications System.

4-1-3 AREA OF SERVICE

The operating area of the Quincy and Adams County 9-1-1 Communications System shall be the entire Adams County area.

4-1-4 GOVERNING BOARD

- (a) Generally. The powers of the City of Quincy and Adams County Joint ETSB shall repose in and be exercised by a board of nine (9) members, each such member having one (1) vote on all issues. Members shall receive no compensation for their service, but shall be entitled to be reimbursed for the actual and necessary expenses, including travel expenses, incurred in the discharge of their duties.
- (b) Board Composition. The City of Quincy and Adams County Joint ETSB shall consist of nine (9) members as follows:
 - (1) Four (4) members shall be appointed by the City of Quincy Mayor, with the concurrence of the City Council, as follows:
 - i. Three (3) of these members shall be appointed from the membership of the Quincy City Council.
 - ii. One (1) member shall be a City of Quincy public safety official. Public safety officials include, but are not necessarily limited to, the Police Chief and the Fire Chief.
 - (2) Four (4) members shall be appointed by the Adams County Board Chair, with the concurrence of the Adams County Board, as follows:

- i. One (1) member shall be appointed from the membership of the Adams County Board.
 - ii. One (1) member shall be a public member and resident of Adams County.
 - iii. One (1) member shall be a representative of the Public Safety Answering Point ("PSAP"), provided that the representative may not be a current employee of the City of Quincy and Adams County Joint ETSB.
 - iv. One (1) member shall be an Adams County public safety official. Public safety officials include, but are not necessarily limited to, the Sheriff, Emergency Medical Service Director, and Emergency Management Agency Director.
- (3) One (1) member shall be a fire chief or other public safety official appointed by the President of the Adams County Rural Fire Association, with the concurrence of the Association's membership.
- (c) Terms of office. The terms of office of all appointed members shall be three years except for the initial appointments. In order to provide for staggered appointments, the City Council members shall be appointed, respectively, for initial terms and shall hold office of 1 year, 2 years, and 3 years. The City of Quincy public safety official and County Board member appointments shall each be for initial 3 year terms. The public member appointment by the County Board Chair and Adams County Rural Fire Association public safety official appointment shall be for initial 2 year terms. The PSAP representative and Adams County public safety official appointments shall be for 1 year. Reappointments shall be made in the manner of the original appointments. Vacancies for unexpired terms shall be filled in the same manner as the original appointments to complete the unexpired term. All terms after the initial terms shall be for three years. Members serve until their successors are appointed.
- (d) Operating procedure. A majority of board members holding office shall constitute a quorum of the board for purposes of conducting its business and exercising its powers and for all other purposes. Action may be taken by the board upon a vote of the majority of the members present, unless in any case the Joint Intergovernmental Agreement, the Emergency Telephone System Act, or the by-laws of the board shall require a larger number on any matter. The board shall elect a chairman, and a vice-chairman among its members. Unless otherwise provided by the board, the managing director of the Quincy/Adams County 9-1-1 Communications System will serve as secretary at the pleasure of the board.
- (e) Removal. An appointed board member may be removed by the body which appointed the member, but a member may be removed only for misconduct, official misconduct, or neglect of office after being given a copy of the charges against him or her at least ten (10) days prior to a hearing thereon conducted by the appointing official or body and being given an opportunity to be heard in person or by counsel. In the event of the removal of any member, a record of the proceedings, together with the charges and finding thereon, shall be filed in the office of the clerk of the official or body which appointed said member.
- (f) Officers and employees. The board shall employ a managing director of the system and shall employ telecommunicators and such other officers, agents and employees, permanent and temporary, as it may require, and shall fix and determine their qualifications, duties and compensation. For such legal services as it may require, the board may secure the services of any attorney licensed by the State of Illinois. The board may delegate to one or more of its agents or employees such powers and duties as it may deem proper. All employees of the City of Quincy

and Adams County Joint Emergency Telephone System Board and the Quincy/Adams County 9-1-1 System are employees of the City of Quincy who are assigned to perform services for the board. The board is the authority, for and on behalf of the City of Quincy, to select, to determine the compensation of, to negotiate contracts including but not limited to collective bargaining contract with, and to discipline or discharge employees assigned to perform services for the board.

4-1-5 POWERS AND DUTIES OF BOARD

The City of Quincy and Adams County Joint ETSB shall have the power and duty to perform the following functions:

- (a) Planning and operating a 9-1-1 and public safety dispatch system.
- (b) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.
- (c) Receiving moneys from the surcharge imposed under the Emergency Telephone System Act (ETSA), or disbursed to it under the ETSA for deposit into the Emergency Telephone System Fund.
- (d) Authorizing all disbursements from the Emergency Telephone System Fund.
- (e) Receiving moneys from the City of Quincy and Adams County for additional funding of the system.
- (f) Authorizing all disbursements from funds from the City of Quincy and Adams County.
- (g) Hiring any staff necessary for implementation, upgrade, and operation of the Quincy/Adams County 9-1-1 System.
- (h) The board members may establish or acquire any or all manner of facilities necessary to answer and dispatch emergency calls for service under a 9-1-1 system.
- (i) To sue and be sued.
- (j) To make and execute any and all contracts and other instruments necessary or convenient in the exercise of its powers.
- (k) To make, amend, and repeal by laws, rules and regulations not inconsistent with this ordinance.
- (l) To sell, transfer, dispose of, or purchase any property or interest therein at any time upon such terms and conditions as it may determine with public bidding where required by law.
- (m) To invest funds not required for immediate disbursement in property or securities legal for investment of funds controlled by savings banks.
- (n) To apply for, accept and use grants, gifts, or other financial assistance from any source, to borrow money from the United States Government or any agency thereof or from any other source for the purposes of the system.
- (o) Such other powers as may be subsequently given by the City of Quincy and County of Adams by intergovernmental agreement.
- (p) Any other duties and powers prescribed or conferred upon it by or reasonably implied from the Emergency Telephone Systems Act.

4-1-6 FUNDING OF SYSTEM; CUSTODIAN OF FUNDS

The Quincy/Adams County Joint ETSB shall be funded as follows:

- (a) Utilizing moneys received as provided by the Emergency Telephone System Act for both operational and capital expenses; and,
- (b) Additional funding for the system shall be paid by the City of Quincy and County of Adams with City paying 60% of all costs and the County paying 40% of all costs.

The Treasurer of the City of Quincy will be the custodian for the board of the Emergency Telephone System Fund. All funds shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction and authorization of the board by resolution passed by a majority of all members of the board. All funds shall be received, held, and expended only as permitted by the Emergency Telephone Systems Act or other applicable law.

4-1-7 EXEMPTION FROM TAXATION

The system shall be exempt from all county and municipal taxes and registration and license fees; the system shall be exempt from all State taxes and registration and license fees to the extent allowable by law. All property of the system is declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or by any subdivision thereof to the extent allowable by law.

4-1-8 BUDGETING

The members of the board shall pass and approve an annual budget and shall submit said budget to the County Board and City Council in sufficient time before said authorities adopt their respective budgets, so that necessary amounts may be included in the budgets of the corporate authorities as may be considered for the support and use of the board. Nothing herein is intended to grant any authority to the City of Quincy or County of Adams to receive, manage, or disburse Statewide 9-1-1 Funds or other funds of the board, such board funds being entirely within the control of the board.

4-1-9 IMMUNITY

The City of Quincy and Adams County Joint Emergency Telephone System Board and its employees, agents, or those acting for and on behalf of the Board shall have all such immunities from liability as recognized by law. Nothing in this Ordinance or the Joint Intergovernmental Agreement is intended to waive or diminish any such immunity.

4-1-10 AMENDMENTS

The Joint Intergovernmental Agreement may be amended from time to time only by a resolution or ordinance passed by both the County Board and City Council.

4-1-11 WITHDRAWAL

Should the City of Quincy or County of Adams desire to withdraw from the Joint Intergovernmental Agreement, written notice thereof shall be required to be given not less than two (2) years in advance of such withdrawal. However, if at the time notice is given there is any collective bargaining agreement in place, the withdrawal may not be effective earlier than the expiration of the then

current collective bargaining agreement but not exceeding more than three (3) years after such written notice.

4-1-12 TRANSFER OF ASSETS FROM PRIOR BOARD

As of May 1, 2018, the Quincy and Adams County 9-1-1 Communications Systems Governing Board is abolished and all powers, duties, assets, and obligations of said Board transferred to the City of Quincy and Adams County Joint Emergency Telephone System Board. Appointments to the City of Quincy and Adams County Joint Emergency Telephone System Board may be named in advance of May 1, 2018, but all appointments are effective on that date.

4-1-13 EFFECTIVE DATE OF CREATION

The City of Quincy and Adams County Joint Emergency Telephone System Board will be created effective May 1, 2018.

(Ord. Num. 2018-04-001-002)

ARTICLE II – MENTAL HEALTH BOARD (708)

4-2-1 ESTABLISHED

There is hereby established by the County Board, a Community Mental Health Funding Board in accordance with Chapter 405 Sec. 20 et seq. of the Illinois Compiled Statutes and shall be hereinafter referred to as the 708 Board.

4-2-2 COMPOSITION

The membership of this Board shall consist of seven (7) members appointed by the Chairman of the County Board, subject to the approval of the County Board.

Ordinarily, there shall be one Board member from each of the following groups: County Board of Commissioners, Adams Council for the Handicapped, Medical Society, and the Public Health Department. When appointments to the Board are made, every effort should be made to make the Board representative of the County looking to all criteria such as geography and occupation. (405 ILCS 20/3a)

4-2-3 TERM OF OFFICE

The members shall serve for a period of four (4) years. Appointments shall be effective June 1st of each year. (405 ILCS Sec. 20/3b)

4-2-4 ABSENTEEISM

Any member of the 708 Board deemed guilty of absenteeism, neglect of duty, misconduct or malfeasance in office, by a vote of the majority of the 708 Board and after being given a written statement of charges and an opportunity to be heard thereon within thirty (30) days of notification, may be removed by the appointing officer. The Chairman of the 708 Board, upon the recommendation of the Board, may then recommend that the Chairman of the County Board appoint a new member to serve the unexpired term of the recalled member. Absenteeism in this instance shall consist of non-attendance at three (3) consecutive Board meetings without legitimate excuse (illness, vacation, out of community). (405 ILCS Sec. 20/3c)

4-2-5 EXPENSES

The expenses incurred by the 708 Board in the performance of duties imposed upon it or its members may be a charge on the governmental unit and shall be paid out of the "708 Community Mental

Health Fund". No member shall receive payment, except expenses for service on the Board. (405 ILCS Sec. 20/3d)

4-2-6 OFFICERS ELECTED

The officers of the 708 Board shall be a Chairman, Vice-chairman, Secretary and Treasurer elected by the membership of the Board.

Officers shall be elected for a full term of one (1) year, and shall be elected at the June meeting.

4-2-7 DUTIES OF OFFICERS

- (a) Chairman. The Chairman shall preside at all meetings of the Board. The Chairman shall be an ex-officio member of all committees and cosign checks with Treasurer.
- (b) Vice-Chairman. The Vice-Chairman shall in the absence or incapacity of the Chairman exercise the powers and perform the duties of the Chairman.
- (c) Secretary. The Secretary or a designated representative shall record the Minutes of all meetings of the 708 Board and shall forward to each member of the Board a copy of the Minutes of the meeting, together with a notification of the next meeting. The Secretary shall put a notice on the bulletin board in the courthouse to notify the public of Board meetings. No release shall be given in the name of the Board to news media without prior approval of the Chairman. The Secretary will keep a compilation of all official minutes of the Board and Board committees which will be considered a public record.
- (d) Treasurer. The Treasurer shall oversee the finances of the 708 Board. The Treasurer will be an ex-officio member of all financial committees. The Treasurer will keep books, make financial reports at Board meetings, draw up the Board proposed "Statement of Community Mental Health Fund Tax Levy" and "Appropriation Resolution", and cosign checks with the Chairman. The Treasurer will see to it that there is an annual budget submitted at least thirty (30) days prior to the start of the fiscal year and see to it that the annual budget is published in the County by newspaper prior to the annual meeting. The Treasurer will make available within sixty (60) days after the end of the fiscal year for free distribution an annual report showing the condition of the trust, such as income and expense reports. The Treasurer will develop a plan of investment of unexpended funds so that there will be maximum accrual of interest and so that all banks and financial institutions in the County will have equal access to having these funds invested in their

institution. The Treasurer will see to it that the Adams County Treasurer makes available to the 708 Board any and all funds collected by the Assessor as soon as they are collected.

4-2-8 MEETINGS

- (a) Regular Meetings. The 708 Board shall hold regular meetings at a time and place to be determined by the Chairman of the Board. Meetings must be held at least quarterly. The annual meeting of the Board shall be held in July of each year. All official meetings of the Board shall be open to the public. Members shall not act in the name of the Board without the approval of the Board through the Chairman.
- (b) Special Meetings. Special meetings may be called upon written request signed by two (2) members and filed with the Secretary.
- (c) Quorum. A quorum shall consist of four (4) voting members. The Chairman shall be a voting member.
- (d) Passage or Approval. Any proposition, in order to be approved, must receive a majority vote of those present.
- (e) Robert's Rules of Order. The meetings of the Board shall be conducted according to Robert's Rules of Order.

4-2-9 FISCAL YEAR

The fiscal year shall be considered to be from July 1 to June 30 of the following year.

4-2-10 POWERS AND DUTIES

The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain, and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of Adams County and/or to contract therefor with any private or public entity which provided such facilities and services.

The Board shall have the power to:

- (a) Review and evaluate community mental health services and facilities.
- (b) Provide Comprehensive Mental Health planning which would ordinarily develop twelve (12) month or five (5) year plans.

- (c) Review and make recommendations on all grant applications to State Department of Mental Health and Developmental Disabilities.
- (d) Enter into contracts for rendition or operation of services and facilities.
- (e) Make rules and regulations concerning the rendition and/or operations of services and facilities funded by the 708 Board.
- (f) Employ such personnel as may be necessary to carry out the purposes and to prescribe the duties of such personnel.
- (g) To educate the public on mental health.
- (h) To perform such other acts as may be necessary or proper to carry out the purposes of the Board consistent with the regulations of the Community Health Act.
- (i) Own, sell, rent, lease or purchase real property for purposes consistent with this Act.

4-2-11 COMMITTEES

The Chairman of the 708 Board may create and dissolve committees as required and prescribe their powers and responsibilities. The Chairman shall appoint committee members provided, however, that no appointment goes into effect if the 708 Board by majority vote opposes the appointment. Non-Board members may serve on any and all Board committees. Ordinarily Board committees will be appointed to time-limited tasks and will disband when the task is complete.

4-2-12 AMENDMENTS

These By-Laws may be amended at any regular meeting by a two-thirds (2/3) vote, provided at least four (4) members of the Board approve the recommended changes, proposed changes shall have been read at least at one prior meeting.

4-2-13 ANNUAL BUDGET AND REPORT

The Board shall annually prepare and submit to the appointing officer and governing board:

- (a) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least thirty (30) days prior to the fiscal year.
- (b) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within sixty (60) days of the close of the fiscal year. (405 ILCS Sec. 20/3f)

4-2-14 TAX LEVY - COMMUNITY MENTAL HEALTH FUND

In order to supply the necessary funds or to supplement existing funds for such community mental health facilities and services, including facilities and services for the mentally retarded, the County Board may levy an annual tax of not to exceed .10% percent upon all taxable property in the County. Such tax, when collected, shall be paid into a special fund to be designated as the "Community Mental Health Fund". The funds shall be used only for purposes specified in this Article and pursuant to the provisions of the Community Mental Health Act. (405 ILCS Sec. 20)

ARTICLE III – PUBLIC HEALTH BOARD

4-3-1 BOARD ESTABLISHED

There is hereby established a Public Health Board for the County of Adams in accordance with State Statute and shall be known as the Adams County Board of Health, hereinafter referred to as the Board.

4-3-2 SERVICE AREA

Public health services shall be provided for all areas in Adams County.

4-3-3 BOARD MEMBERSHIP; TERM

The Chairman of the County Board shall, with the advice and consent of the County Board, appoint a Board of Health consisting of eight (8) members as follows: two (2) physicians, one (1) dentist, one (1) nurse, three (3) at large and one (1) County Board member. The term of office of each member of the Board shall be for three (3) years. The term of office of original appointees shall begin on July 1 following their appointment, and the term of all members shall continue until their successors are appointed. Vacancies shall be filled for the unexpired time in a similar manner as original appointments. (55 ILCS 5/5-25012)

4-3-4 POWERS AND DUTIES

The Board in consultation with and being advised by the Department of Public Health, shall have the power to construct, repair, operate, maintain, and regulate health facilities to provide health services for residents of Adams County and/or to contract therefore with any private or public entity which provided such facilities and services.

The Board shall have the power to:

- (a) Review and evaluate health services and facilities.
- (b) Submit to the appointing officer and governing body a program of health services and facilities.
- (c) Within amounts appropriated therefor, execute such program and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any.
- (d) Enter into contracts for rendition or operation of services and facilities on a per-capita basis or otherwise.

- (e) Arrange for the rendition of services and operation of facilities by other agencies of the governmental unit or county in which the governmental unit is located with the approval of the governing body.
- (f) Make rules and regulations concerning the rendition or operation of services and facilities under its direction and supervision.
- (g) Employ such personnel as may be necessary to carry out the purposes of an act relating to health facilities and services and prescribe the duties of such personnel.
- (h) To perform such other acts as may be necessary or proper to carry out the purposes of the acts consistent with the regulations of the Director of the Department of Public Health. (55 ILCS 5/5-25013)

4-3-5 ANNUAL BUDGET AND REPORT

The Board shall annually prepare and submit to the appointing officer and governing board:

- (a) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least thirty (30) days prior to the fiscal year.
- (b) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within thirty (30) days of the close of the fiscal year.
- (c) The annual report must be published within thirty (30) days from the date it is submitted and approved and the budget and report shall be made available for public inspection.

4-3-6 TAX LEVY – COUNTY HEALTH FUND; USE OF FUNDS

In order to supply the necessary funds or to supplement existing funds for such health facilities and services, the Board may request to levy an annual tax of not to exceed .10% upon all taxable property in Adams County with the consent and approval of the County Board. Such tax, when collected, shall be paid into a special fund in the Adams County Treasury to be designated as the “Health Fund”. Said funds shall be used only for the purposes specified in this Article and pursuant to the Public Health Act. (55 ILCS 5/5-25010)

4-3-7 MEETINGS

The Board shall prescribe the time and places of the regular scheduled Board meetings and the manner in which special Board meetings may be called. It shall sit upon open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

4-3-8 EXPENSES OF BOARD MEMBERS – PAYMENT

The expenses incurred by the Board in the performance of duties imposed upon it or its members shall be paid out of the Health Fund.

4-3-9 REMOVAL

Any member of the Board may be removed by the appointing officer for neglect of duty, misconduct or malfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon. (55 ILCS 5/5-25012)

4-3-10 COORDINATION

In order to provide the broadest possible health program within the County, the Board shall work with all outside groups providing such services to help coordinate all programs and increase the services available to County residents and prevent duplication of programs, except where necessary. (55 ILCS 5/5-25001)

ARTICLE IV – SHERIFF’S MERIT COMMISSION

DIVISION I – ESTABLISHMENT AND ADMINISTRATION

4-4-1 PURPOSE AND ESTABLISHMENT OF A MERIT COMMISSION

The County Board hereby provides for all deputies, other than special deputies, employed on a full-time basis in the office of the Sheriff to be appointed, promoted, disciplined and discharged pursuant to recognized merit principles of public employment and for such employees to be compensated according to a standard pay plan approved by the County Board.

A deputy under this Article defined as such Commissioned Deputy Sheriffs who are engaged in patrol, law enforcement and criminal investigation duties and responsibilities of the County Sheriff’s Office.

There is hereby established the Adams County Sheriff’s Department Merit Commission. (See 55 ILCS 5/3-8002)

4-4-2 TENURE, ELIGIBILITY AND ORGANIZATION

The Commission shall consist of five (5) members appointed for terms of six (6) years each, except as hereinafter provided and shall be appointed by the Sheriff with the approval of a majority of the members of the County Board.

No more than three (3) of the members appointed shall be from the same political party. No member shall hold a statutory partisan political office.

The members of the Merit Commission shall meet and shall select a Chairman, Vice Chairman and a Secretary from its members who shall serve for a term of two (2) years or for the remainder of their term of office as a member of the Commission, whichever is shorter.

Three (3) members of the Merit Commission shall constitute a quorum for the transaction of business.

Meetings of the Merit Commission shall be held upon call of the Chairman or upon the call of any two (2) of the members.

The Merit Commission shall keep and maintain a record of its meetings and the business conducted therein. (See 55 ILCS 5/3-8003)

4-4-3 COMMISSION AUTHORITY AND RESPONSIBILITY

The Merit Commission shall have the authority and responsibility to promulgate rules, regulations and procedures for the operation of the Merit System and shall administer the Merit System.

All rules and regulations shall be submitted to and be approved by the County Board before becoming effective.

4-4-4 COMPENSATION AND EXPENSES

The members of the Merit Commission shall receive such compensation for their services and reimbursement for expenses incurred as provided.

The annual appropriation of the County of Adams, which is subject to the approval of the County Board, shall hereinafter determine and provide for such sum or sums of money to be expended for per diem compensation for members of the Commission and shall also provide for such sums of money necessary for reimbursement of reasonable and necessary expenses. (See 55 ILCS Sec. 5/3-8006)

4-4-5 STAFF ASSISTANTS

The Merit Commission is authorized to employ such technical, secretarial and clerical assistants as may be necessary to transact its business and to fix their compensation and reimbursement for expenses incurred, subject to approval of the County Board through the annual appropriation.

4-4-6 APPEAL

The provisions of 735 ILCS Sec. 5/3-101 and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Merit Commission.

4-4-7 VACANCIES

Future vacancies on the Commission shall be filled in accordance with 55 ILCS Sec. 5/3-8003.

4-4-8 - 4-4-11 RESERVED.

ARTICLE IV – SHERIFF’S MERIT COMMISSION

DIVISION II – ADMINISTRATION

4-4-12 ADMINISTRATION

- (a) Organization of the Commission. The officers of the Merit Commission shall be: chairman, vice-chairman, and secretary. All officers shall be elected by a simple majority vote of the Merit Commission. The term of the office of said officers shall be two (2) years or until the term of officer as a member of the commission shall expire, whichever period is shorter. The chairman shall preside at all meetings and shall perform all duties required of him by these rules, regulations and procedures. The vice-chairman shall preside at meetings in the absence or disability of the chairman. The secretary shall keep the minutes and records of the commission.
- (b) Office and Staff. The commission shall maintain an office in Quincy, Illinois, where its staff, assistants and clerks shall function and where its files and records shall be maintained.
- (c) Meetings. Regular meetings of the commission shall be held quarterly at its office. Other meetings may be called as necessary by the chairman or upon the call of two (2) members of the commission. The chairman must notify each of the commission members specifying the time and place of such meetings at least three (3) days prior to the meeting. Commission meetings shall be conducted under “Robert’s Rules of Order”.
- (d) Quorum. At meetings, three (3) members of the commission shall normally constitute a quorum and shall conduct the business of the commission.
- (e) Voting. On all matters brought before the commission, the concurrence of at least three (3) members of the commission shall be necessary for a decision and the action of such a majority shall be the act of the commission.
- (f) Minutes and Records. The commission shall:
 - (1) Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential, except that any members of the Sheriff’s Department shall be permitted on request to examine his/her graded written examinations and efficiency reports and except that where practical, an unsuccessful applicant shall be informed of the reason for his/her rejection upon written request for such information. All of the foregoing subject to 820 ILCS 40/0.01, Personnel Records Review Act.

- (2) Keep and maintain the minutes of all meetings and report the decisions rendered to appropriate parties.
- (3) Carefully compile and maintain a transcript of all disciplinary proceedings.
- (4) Keep and maintain all other records and files necessary for the proper administration and operation of the commission's business including any information required for compliance with the requests of the Adams County Board for reports of activity.
- (g) Changes in Rules, Regulations and Procedures. Changes in rules, regulations and procedures may only be approved by the favorable vote of three (3) commission members.
- (h) Inspections. At the request of the Sheriff or at its own discretion, the commission may inspect and investigate those phases of the Sheriff's Office's Personnel Management Program, which are within its purview. The commission may report on its findings to the County Board.

DIVISION III – RANKS

4-4-13 RANKS

- (a) Ranks. For the purposes of the administration and operation of the Adams County Sheriff's Department, the ranks in the Sheriff's Office in descending order of command are as follows: Sheriff, Chief Deputy, Captain and Sergeant.
- (b) Positions and Assignments. The rank of Chief Deputy is considered a position, rather than an assignment and persons meeting the requirements of the qualification and appointment procedures stated elsewhere in these rules, regulations and procedures can attain tenure in this position. The Sheriff, if elected from the ranks of tenured personnel, is considered to be on assignment. When an individual is removed from this assignment, he reverts back to his tenured position and rank.

DIVISION IV– CERTIFICATION AND PROMOTIONS

4-4-14 COMMISSION RESPONSIBILITIES

The commission shall make certifications for promotion on the basis of seniority, written and oral examination. Examinations for promotion will be given at the request of the Sheriff.

4-4-15 ELIGIBILITY

Candidates will be eligible to take the promotional examination only after the rank immediately above the candidate’s permanent rank. In addition:

- (a) They shall have served in the department for at least one (1) year from the date of their employment including the probationary period.
- (b) They shall be considered for promotion only after serving the required minimum on one (1) year in their permanent rank.
- (c) Deputies on leave of absence at the time the promotional screening process is initiated are not eligible. The process is initiated when the deadline for responding to the examination announcement has passed.
- (d) Persons who have served with another sheriff’s office, a police department, or any other law enforcement agency may receive an initial appointment to a rank above the lowest.

4-4-16 PROCEDURES

- (a) The Commission will provide each eligible officer with official notification announcing the examination and requesting a response, respecting the officer’s intention to participate.
- (b) Candidates for promotion must complete examinations for promotion at the time designated by the Commission. No exceptions will be allowed.
- (c) Such candidates must have taken the most recent examination offered by the Commission to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.

Factors	Sgt.	Capt.
Written Examination	50	50
Oral Examination	45	45

Seniority in Rank

05

05

- (d) The Commission will certify to the Sheriff the top three or fifty percent (50%), whichever is greater, of those deputies and/or sergeants participating in the total promotional process.
- (e) The top three candidates or fifty percent (50%), whichever is greater, on the certification lists for the ranks of Sergeant or Captain are equally eligible for promotion by the Sheriff; however, in the event of a tie, all candidates obtaining such score shall be equally eligible for promotional consideration. The Sheriff may promote accordingly any one of the eligible candidates in accordance with recognized guidelines for promotion at any time the lists are in effect.
 - (1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.
 - (2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tie, all candidates obtaining such score shall be equally eligible for promotional consideration.
- (f) Upon written notification from the department to the Commission that a candidate on the certification list has been suspended or is on leave of absence, the Commission will remove the candidate's name from the certification list.
- (g) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Sheriff may file a written request with the Commission asking for the certification of additional names on any one list.

4-4-17 PROMOTIONAL PROBATIONARY PERIOD

All promotions shall be for a probationary period of one (1) year during which time the Sheriff may return the deputy to the deputy's prior rank. The Sheriff shall give all rejections of eligible candidates to the Merit Commission in writing.

DIVISION V – APPOINTMENT TO DEPARTMENT

4-4-18 APPOINTMENT TO THE DEPARTMENT

Deputy Sheriff or Correctional Officer to the Sheriff's Department, in addition to meeting the standards prescribed by the Illinois Compiled Statutes concerning Deputy Sheriffs or Correctional Officers must:

- (a) Be a citizen of the United States and be a physical resident of the County of Adams thirty (30) days within date of hire.
- (b) Be no younger than 21 years of age.
- (c) Be a high school graduate or have a certification of equivalency.
- (d) Possess a valid driver's license.
- (e) Must pass a physical examination by a doctor acceptable to the Adams County Medical Association, if required.
- (f) Meet such other mental, medical and physical standards as may be prescribed by the Merit Commission (820 ILCS 235/0.01). Physical agility tests may or may not be required for Correction Officers.
- (g) Be acceptable to the commission following a review of background, reputation and character.
- (h) Be acceptable to the commission after oral interview.
- (i) Be adjudged as qualified by the commission and placed on a list of qualified applicants.
- (j) Be appointed from the qualified list by the Sheriff when a vacancy or vacancies exists.
- (k) Serve successfully a one (1) year probationary period, during which time he/she is subject to removal by the Sheriff. The commission shall be notified by the Sheriff in writing of the appointee's removal.
- (l) Any applicant have served a minimum of two years of active military service, having received an honorable discharge, as evidenced by a DD214, shall receive an additional (5) five points to his/her written test score.

4-4-19 CERTIFICATE OF TENURE

After successfully completing the entire process, the commission shall certify the Deputy Sheriff or Correctional Office as possessing tenure.

4-4-20 APPOINTMENT PROCEDURE

The responsibilities of the Merit Commission include:

- (a) Preparing a list of all qualified candidates at the completing of each entry screening process. These lists will be maintained for one (1) year or until the list is exhausted, whichever is shorter. Tests will be held each year or as often as necessary.
- (b) Notifying all qualified candidates of their acceptability and that they are being placed on the qualified list.
- (c) Within fifteen (15) days, any qualified candidate who declines to accept an appointment will be replaced for said for said appointment by another qualified candidate. A refusal to accept an appointment constitutes grounds for removal from the qualified list.
- (d) Each candidate must attend and successfully complete the Police Training Institute course and State certification test if required.
- (e) The Merit Commission may exempt from one or more of the minimum requirements for appointment to the certified eligibility list, an applicant who is currently serving as a certified full time officer at another sheriff's office, police department, or any other law enforcement agency.

DIVISION VI – OTHER PERSONAL TRANSACTIONS

4-4-21 LEAVE OF ABSENCE

Leaves of absence without pay may be granted to any member of the Sheriff's Department covered by the merit system irrespective of rank. The leave shall be from the position and rank that he holds at the time the leave is granted. Such leave may be granted whether the officer has or has not completed his probationary period. All leaves of absence, except for requested military and government service, shall be for one (1) year or less, with the privilege of requesting a new leave at the expiration of the first. The Sheriff, with the approval of the commission, shall grant leaves of absence. An officer on leave of absence who accepts a position other than that for which the leave is granted, without written approval of the Sheriff, and the commission, shall be deemed to have resigned. An officer who fails to return to his position following the granted leave, or to request and be granted a new leave of absence on or before the expiration date of his first leave, shall also be deemed to have resigned. The Sheriff and the commission are the sole judge of the appropriateness of the reasons and purposes for which the leave is requested and they alone shall establish the conditions for approval of such a request.

4-4-22 RESIGNATIONS

Any member covered by the Merit System who resigns from the Sheriff's Department for any reason may not be reinstated.

4-4-23 REINSTATEMENT

Should a former member desire to again affiliate himself under the Merit System with the Sheriff's Department, he must once again meet the requirements for appointment to the Sheriff's Department and successfully complete the screening process in competition with all other applicants. Any tenured personnel running for Sheriff, if elected or appointed, will retain his tenured position on completion of his elective office.

(Ord. No. 2011-09-001-03; Corrected in 2013 Contract Negotiations)

ARTICLE V – CARE & TREATMENT DISABILITIES BOARD (377)

4-5-1 BOARD ESTABLISHED

There is hereby created a Care & Treatment Disabilities Board (377) which shall hereafter be referred to as the “Board”. (55 ILCS 105/0.01)

4-5-2 MEMBERSHIP; TERM

The County Board Chairman shall appoint a board of five (5) directors. Each director shall serve a three (3) year term expiring on June 30th of each year. The terms shall be staggered with no more than two (2) director’s terms expiring in any one (1) year. Vacancies shall be filled in like manner for the balance of the unexpired term. Each director shall serve until his successor is appointed. Directors shall serve without compensation but shall be reimbursed for expenses reasonably incurred in the performance of their duties. (55 ILCS 105/3)

4-5-3 MEETINGS AND RESPONSIBILITIES

The Directors shall meet in July, annually, and elect one of their number as president and one as secretary, and shall elect such other officers as they deem necessary. They shall adopt such rules for the administration of this Act as may be proper and expedient. They shall report to the court, from time to time, a detailed statement of their administration.

The Board shall have exclusive control of all money paid into the Fund for persons with a Developmental Disability and shall draw upon the County Treasurer for all or any part of that fund required by the Board in the performance of its duties and exercise of its powers under this Act.

The Board may establish, maintain and equip facilities within the County, for the care and treatment of persons with a developmental disability together with such auxiliary facilities connected therewith as the Board finds necessary. For those purposes, the Board may acquire, to be held in its name, real and personal property within the County by gift, grant, legacy, purchase or lease and may occupy, purchase, lease or erect an appropriate building or buildings for the use of such facilities and all related facilities and activities.

The Board may provide for the care and treatment of persons with a developmental disability who are not residents of the County and may establish and collect reasonable charges for such services. (55 ILCS 105/4)

4-5-4 PURCHASES

Purchases made pursuant to this Act shall be made in compliance with the “Local Government Prompt Payment Act”. (55 ILCS 105/4.1)

4-5-5 DONATIONS ACCEPTED

The Board of Directors may accept any donation of property for the purpose specified and shall pay over to the County Treasurer any money so received, within thirty (30) days of the receipt thereof. (55 ILCS 105/5)

4-5-6 MAINTENANCE CHARGE IMPOSED

The Board of Directors may impose a maintenance charge upon the estate of any person with a developmental disability receiving the benefits of the facilities or services prescribed in 55 ILCS 105/1 of the statutes. If the estate of such person is insufficient, the parent or parents of such person are liable for the payment of the amount due. (55 ILCS 105/6)

4-5-7 CALCULATION OF RATE

The rate at which the sums to be so charged as provided in Section 4-5-6 of this Article shall be calculated by the Board of Directors is the average per capita operating cost for all persons receiving the benefit of such facilities or services computed for each fiscal year; provided, that the Board may, in its discretion, set the rate at a lesser amount than such average per capita cost. Less amounts may be accepted by the Board when conditions warrant such action or when money is offered by persons not liable under Section 4-5-6. Any money received pursuant to this Section shall be paid into the County Fund for Persons with a Developmental Disability. (55 ILCS 105/7)

4-5-8 FINANCIAL INQUIRIES OF CLIENT

The Board of Directors is authorized to investigate the financial condition of each person liable under Section 4-5-6 and is further authorized to make determinations of the ability of each such person to pay the sums representing maintenance charges, and for such purposes to set a standard as a basis of judgment of ability to pay, which standard shall be recomputed periodically to reflect changes in the cost of living and other pertinent factors, and to make provisions for unusual and exceptional circumstances in the application of such standard. The Board may issue to any person liable therefor statements of amounts due as maintenance charges, requiring payment in such manner as may be arranged, in an

amount not exceeding the average per capita operating cost as determined under Section 4-5-7. (55 ILCS 105/8)

4-5-9 USE OF FACILITIES

The use of the facilities or services specified in 55 ILCS 105/1 of the statutes shall not be limited or conditioned in any manner by the financial status or ability to pay of any recipient or person responsible. Records pertaining to the payment of maintenance charges shall not be made available for inspection, but all such records shall be deemed confidential and used only when required for the purpose of Section 4-5-8 of this Article. (55 ILCS 105/9)

4-5-10 APPEAL OF CHARGES

Any person who has been issued a statement of any sum due for maintenance charges for a person with a developmental disability may petition the Board of Directors for a modification thereof, and the Board shall provide for a hearing thereon. The Board may, after such hearing, grant such relief as seems proper. (55 ILCS 105/10)

4-5-11 SUIT BY STATE'S ATTORNEY

Upon request of the Board of Directors, the State's Attorney of the County in which a person who is liable for payment of maintenance charges resides shall file suit in the Circuit Court to collect the amount due. The court may order the payment of sums due for maintenance for such period or periods as the circumstances require. Such order may be entered against any or all such defendants and may be based upon the proportionate ability of each defendant to contribute to the payment of sums due. Orders for the payment of money may be enforced by attachment as for contempt against the persons of the defendants, and in addition as other judgments at law, and costs may be adjudged against the defendants and apportioned among them, but if the complaint is dismissed the costs shall be borne by the County.

The provisions of the Civil Practice Law, and all amendments thereto, shall apply to and govern all actions instituted under the provisions of this Act. (55 ILCS 105/11)

4-5-12 ESTATE CLAIMS

Upon the death of a person who is liable for maintenance charges imposed by Section 4-5-6 of this Article and who is possessed of property, the executor or administrator of his estate shall ascertain from the Board of Directors the extent of such charges. Such claim shall be allowed and paid as other lawful claims against the estate. (55 ILCS 105/12)

ARTICLE VI – ADAMS COUNTY AMBULANCE SYSTEM

4-6-1 FORMATION OF SYSTEM

For the purpose of acquiring, constructing, owning, operating and maintaining a current county ambulance service there is hereby created the Adams County Ambulance System.

4-6-2 AREA OF SERVICE

- (a) The operating area of the Adams County Ambulance System shall be the entire Adams County area. With the consent of the Adams County Board the Adams County Ambulance System may enter into service agreements within and with bordering counties potentially expanding the service beyond Adams County.
- (b) The Adams County Board with advice of the Adams County Ambulance Board shall have the authority to provide, and the sole authority to permit, regulate, or contract any ground ambulance transportation service within the geographic boundaries of Adams County.

4-6-3 AMBULANCE BOARD

- (a) General. The powers of the Adams County Ambulance System shall repose in and be exercised by an Ambulance Board of five members, each member having one vote on all issues.
- (b) Method of Selection. The Chairman of the County Board shall, with the advice and consent of the County Board, appoint an Ambulance Board consisting of five (5) members as follows: one (1) county board member, one administration member of Blessing Hospital recommended by the CEO of Blessing Health System, one at the recommendation of the City of Quincy Mayor, and two (2) citizens of Adams County. In addition, the Chairman of the County Board may appoint a non-voting member which is a current employee and designated by the Union.
- (c) Terms of Office. The terms of all appointed members shall be three years beginning on March 1 following their appointments. Reappointments shall be made in the manner of the original appointments. Vacancies for unexpired terms shall be filled, for the unexpired time, in the same manner as the original appointments.
- (d) Ambulance Board Members shall receive no compensation for their service, but shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of their duties.
- (e) Operating Procedure. A majority of Board Members holding office shall constitute a quorum of the Board for the purpose of conducting its business and exercising its powers and for all other

purposes. Action may be taken by the Board upon a vote of the majority of the Members present, unless in any case the by-laws of the Board shall require a larger number.

- (f) Removal. An appointed Board Member may be removed by the Adams County Board, but a Member may be removed only for cause after being given a copy of the charges against him or her at least (10) days prior to a hearing thereon conducted by that body and being given an opportunity to be heard in person or by counsel. For purposes of this subsection, "cause" shall mean some substantial shortcoming which renders a Members continuance in office in some way detrimental to the Board and which law and sound public opinion recognize as good cause for the Member no longer holding office. In the event of the removal of any Member, record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Clerk of the body which appointed said Member.
- (g) Officer and Employees. The Ambulance Board shall appoint a managing director of the system. The appointment of the managing director, however, shall be subject to the approval of the Adams County Board. All employees of the Adams County Ambulance System shall be employees of Adams County.

4-6-4 POWERS OF BOARD

- (a) General. The Ambulance Board may establish or acquire any or all manner of facilities, vehicles, equipment and supplies necessary to operate the Adams County Ambulance System.
- (b) The Ambulance Board shall have the following powers in addition to and not in derogation of any others granted in this ordinance:
 - (1) Subject to the budgetary authority of the Adams County Board, to make and execute any and all contracts and other instruments necessary or convenient in the exercise of its powers;
 - (2) The make, amend, and repeal by-laws, rules and regulations not inconsistent with this ordinance;
 - (3) To sell, transfer, dispose of, or purchase any property or interest therein at any time upon such terms and conditions as it may determine with public bidding where required by law;
 - (4) In the name of Adams County, Illinois, to apply for, accept and use grants, gifts or other financial assistance from any source and with the consent of the Adams County Board, to borrow money from the United States Government or any agency thereof or from any other source for the purpose of the System;

- (5) Review and evaluate the system of Emergency Medical Services.
- (6) Such other powers as may be subsequently given by the Adams County Board.

4-6-5 FUNDING OF THE SYSTEM

- (a) The Ambulance Board shall set the fees to be charged for the different types of services rendered by the ambulance system. The fees shall be set in an amount that is reasonably expected to produce enough revenue to cover the expense of the ambulance system. All revenue received from the operation of the ambulance services shall be kept in an account by the Adams County Treasurer and shall be used to pay for the expenses of operation of the ambulance service. The County shall pay for the amount of expenses that exceeds revenue of the ambulance service.
- (b) In order to supply the necessary funds or to supplement existing funds for such ambulance services, the Board may request to levy an annual tax of not to exceed .25% upon all taxable property in Adams County with the consent and approval of the County Board. Such tax, when collected, shall be paid into a special fund in the Adams County Treasury to be designated as the "Ambulance Fund."

4-6-6 EXEMPTION FROM TAXATION

The Adams County Ambulance System shall be an organization of the Adams County Board and shall be exempt from all county and municipal taxes and registration and license, fees; the System shall be exempt from all State taxes and registration and license fees to the extent allowable by law. All property of the System shall be the property of Adams County and is declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or by any subdivision thereof to the extent allowable by law.

4-6-7 ANNUAL BUDGET

The members of the Ambulance Board shall pass and approve an annual budget and shall submit said budget to the County Board in sufficient time before the County Board adopts its budget, so that necessary amounts may be included in the budgets of the County Board. The budget shall be subject to the approval of the Adams County Board and may be amended by the Adams County Board as it deems appropriate.

4-6-8 LABOR CONTRACTS

The Adams County Board shall negotiate all contracts with any labor union employees of the ambulance system.

4-6-9 AMENDMENTS

This ordinance may be amended from time to time only by the action of the County Board.

4-6-10 REPEALER

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

4-6-11 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval by the Adams County Board as provided by law.

(Adopted on January 13, 2003, amended Ord. No. 2010-06-001-001, amended Res. No. 2019-02-001-003)

CHAPTER 5: BUSINESS REGULATIONS

ARTICLE I – SOLICITORS

5-1-1 DEFINITIONS

Whenever the following terms are used in this Article, they shall have the meanings ascribed to them in this Section.

- (a) Soliciting shall mean and include any one (1) or more of the following activities: Seeking to obtain orders, leads, referrals, or applications for the purchase of goods, contracts, policies, wares, merchandise, foodstuffs, services of any kind, character or description whatever; for any kind of consideration whatever or seeking to obtain subscriptions to books, photo or record clubs, magazines, pamphlets, periodicals, newspapers, or any other type of kind product, publication, or printed material; or seeking to obtain information of a survey nature of any type, with the exception of legitimate census, or church surveys, or those polls or surveys conducted by authorized city, state or federal governmental agencies, or their designated representatives; or seeking to obtain gifts, or contributions of money, clothing, or other valuable things for the support or benefit of any charitable, or non-profit group, club, association, corporation or project, not pre-authorized in writing by the County Clerk, and must be in possession of his authorizing letter prior to commencing solicitation. These groups shall be bound by this Section and Section 5-1-9 hereafter. These groups are exempted from Section 5-1-10 hereof.

Residents under sixteen (16) years of age, are specifically exempted from Section 5- 1-10 but are required to conform to Section 5-1-9 herein and to fulfill the same requirements of pre-authorized letter as listed in the preceding paragraph.

- (b) Residence shall mean and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type building or structure, and this shall be so construed to include commercial establishments of any size, type or description within this County.
- (c) Registered Solicitor shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided.

5-1-2 COUNTY POLICY

It is hereby declared to be the policy of the County Board that the occupant(s) of the residences within these County Limits, shall make the determination of whether solicitors shall be or shall not be invited into the respective residential property.

5-1-3 REGISTRATION REQUIRED

Every person desiring to engage in solicitation as herein defined, within residences in this County, is hereby required to annually make written application for a certificate of registration prior to any solicitation, as hereinafter provided, with the exception noted in Section 5-1-1, relative to those charitable or non-profit groups, clubs, associations or projects.

5-1-4 APPLICATION FOR CERTIFICATE OF REGISTRATION

Application for a Certificate of Registration shall be made upon a form provided by the County Clerk of this County, and shall be filed with that same office. The applicant shall truthfully state in full, the information requested. The form shall include name, age, address, marital status, physical description, name of employer, nature of product or services and proposed method of operation within the County, in addition to any other information deemed necessary by the Sheriff, including fingerprinting. The County Clerk's office shall cause to be maintained a complete and accurate record of each application received, together with all other information or data pertaining thereto, including denial of any application.

5-1-5 ISSUANCE AND REVOCATION OF CERTIFICATE OF REGISTRATION

The County Clerk after consideration of the application, information obtained relative thereto, and payment of the fee prescribed in Section 5-1-10 hereof, shall issue a registration certificate card to applicant, or may deny the application. The County Clerk may upon reviewing an application provide the Sheriff a copy of same who shall investigate the business character of the applicant and submit a report to the County Clerk within ten (10) days of receipt. Any certificate of registration issued hereunder may be revoked by the County Clerk, if the certificate holder is convicted of a violation of any provision of this Chapter or any other ordinance of this County, or of any State or Federal law, or has made a false material statement in his application. To revoke a certificate, the County Clerk shall mail by certified or registered mail to certificate holder's last address shown in his or her application a letter stating certificate is revoked and reasons therefore. The date of mailing of this notice shall determine the date that the certificate is null and void.

5-1-6 ANNUAL EXPIRATION DATE

The annual expiration date of all certificates of registration shall be the first (1st) day of January of each year, regardless of when issued.

5-1-7 DUTY OF SOLICITORS

Any registered solicitor who has gained access or entrance to any residence, invited or not, shall immediately produce his certificate of registration card when so requested, and shall immediately and peacefully depart from those premises when requested to do so by any occupant(s) thereof. No solicitor shall solicit for any other purpose than that which is specifically shown on his or her application.

5-1-8 UNINVITED SOLICITING PROHIBITED

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell, to knock, or make any sounds calculated to attract the attention of the occupant(s) of such residence, for the purpose of securing an audience with the occupant(s) thereof, and engage in soliciting is herein defined in defiance of any notice visibly exhibited, posted or displayed anywhere on the residence stating in manner of wordage that soliciting is not permitted.

5-1-9 TIME LIMIT ON SOLICITING

No soliciting as defined herein shall be conducted within the County prior to 9:00 A.M. or after 4:00 P.M. of any week day, or at any time on a Sunday, or a State or National holiday.

5-1-10 FEE REQUIRED

Each approved registered solicitor shall pay to the County Clerk a daily fee of Ten Dollars (\$10.00), or an annual fee of Fifty Dollars (\$50.00); the fee being personable, not transferable, and not refundable. The stated fee shall not be reduced if less than an annual period of registration is involved.

5-1-11 NOT APPLICABLE

All persons soliciting inside the corporate limits of a municipality subject to the provisions of that municipality are exempt from the provisions of this Article.

ARTICLE II - PEDDLERS

5-2-1 LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefore.

5-2-2 DEFINITIONS

"Peddler" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the street, highways, or any public place of the County or from house to house, whether at one place thereon or from place to place, from any wagon, truck pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

5-2-3 APPLICATION

The person desiring a license may obtain the same by making application with the County Clerk and providing the following information:

- (a) Name and physical description of applicant.
- (b) Permanent home and address and local address if operating from such an address.
- (c) A brief description of the business and of the goods to be sold.
- (d) Name and address of the employer, if any.
- (e) The length of time for which the right to do business is desired.
- (f) Evidence that the agent is acting on behalf of the corporation he represents.
- (g) Statement of the applicant's criminal record, other than a traffic record.
- (h) The last three (3) cities, villages, and/or counties where the applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities or counties.

5-2-4 INVESTIGATION OF APPLICANTS

Upon receipt of each application, the County Clerk shall provide the Sheriff a copy of same who shall investigate the business character of the applicant and submit a report to the County Clerk within ten (10) days of receipt.

5-2-5 FEES

The fee for a license issued under this Chapter shall be a daily license of Ten Dollars (\$10.00) and an annual license fee of Fifty Dollars (\$50.00) per person for residents and an annual license of Seventy-Five Dollars (\$75.00) per person for non-residents, the fee being personable, not transferable, and not refundable.

5-2-6 HOURS

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Code or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as herein defined, prior to 9:00 A.M. or after 4:00 P.M. of any weekday, or at any time on a Sunday or on a State or National holiday.

5-2-7 FRAUD

Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in the County or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in the application for a license shall be fined as provided in Section 1.09A.

5-2-8 EXEMPTION

All peddlers or hawkers operating only within the corporate limits of a municipality are hereby exempt from the provisions of this Article.

5-2-9 PRODUCE FARMERS

Illinois produce farmers are hereby excluded from the license fee provisions of this Chapter and may operate from a fixed location from dawn to dusk.

ARTICLE III - RAFFLES

5-3-1 DEFINITIONS

Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

- (a) "Net Proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.
- (b) "Raffle" means a form of lottery, as defined in Section 28-2, Subparagraph (b) of the Criminal Code of 1961, conducted by an organization licensed under this Act in which:
 - (1) the player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by a combination of numbers, or by some other medium, one or more of which chances is to be designated the winning chance;
 - (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

5-3-2 DUTIES

The County Board Chairman is charged with the administration of the appropriate provisions of the Legislative Act #HB2976 of the General Assembly of Illinois and provisions of this Chapter, and may appoint persons to assist him in the exercise of the powers and the performance of the duties herein provided, including, but not limited to the State's Attorney, and Sheriff.

5-3-3 LICENSE REQUIRED

No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of Adams County, Illinois, without having a license to do so issued by the County Clerk, in a manner hereinafter provided and a valid license for such purpose as provided by the Legislative Act of the Illinois General Assembly, House Bill 2976. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objectives.

5-3-4 APPLICATIONS FOR LICENSE

The County Clerk is authorized to grant and issue licenses to eligible organizations permitting them to conduct raffles and to participate in the sale of raffle tickets, within the borders of Adams County and outside the borders of any municipality, upon the conditions and in the manner provided by this Chapter and by the aforesaid Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the County Clerk with the seal of that office affixed thereto.

Prior to the issuance of a license, the applicant must submit to the County Clerk, an application, in triplicate, in writing and under oath stating:

- (a) The name and address of the organization;
- (b) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (c) The length of time the organization has continually existed immediately before making application for a license;
- (d) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (e) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;
- (f) The amount that the organization plans to charge for each raffle chance issued or sold;
- (g) The time and location where the raffle is to be held;
- (h) The purpose for which the proceeds of the raffle will be used;
- (i) The name and address of the person conducting and performing the raffle, and his relationship with the organization;
- (j) The last date which the applicant has applied for a raffle license;
- (k) The area in which the organization plans to sell or issue its raffle chances;
- (l) Whether or not the applicant has ever been convicted of a felony.

5-3-5 RULES FOR APPLICATIONS AND LICENSES

- (a) The license and application for license must specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.
- (b) The application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.
- (c) The County shall act on a license application within thirty (30) days from the date of application.

5-3-6 PROHIBITED LICENSEES

The following are ineligible for any raffle license:

- (a) Any person who has been convicted of a felony.
- (b) Any person who is or has been a professional gambler or gambling promoter;
- (c) Any person who is not of good moral character;
- (d) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;
- (e) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;
- (f) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Act.

5-3-7 RESTRICTIONS ON THE CONDUCT OF RAFFLES

- (a) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

- (b) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;
- (c) No person may receive any remuneration or profit for participating in the management or operation of the raffle;
- (d) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;
- (e) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license.

ARTICLE IV – ADULT ORIENTED BUSINESSES

GENERALLY. As adopted in the county’s liquor ordinance (below), adult oriented activities apply to retail liquor dealer’s licenses as noted in Section 5-4-32.

5-4-1 DEFINITION

Unless the context otherwise requires the following terms as used in this ordinance shall be construed according to the definitions given below.

- (a) Alcoholic liquor – any spirits, wine, beer, ale, or other liquid containing more than one-half of one per cent of alcohol by volume, which is fit for beverage purposes.
- (b) Restaurant – any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.
- (c) Hotel – every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to traveler and guests, whether transient, permanent, or residential, in which twenty-five or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- (d) Club – a corporation organized under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club in Chapter 235, Section 5/1-3.24 of the Illinois Compiled Statutes.
- (e) County – as referred to in this ordinance, County shall be that portion of Adams County, Illinois that lies outside the Cities, Villages, and incorporated towns, with the exception of those areas forbidding the sale of alcoholic beverages by referendum vote.
- (f) County Liquor Commissioner – as provided by Chapter 235, paragraph 111 of the Illinois Revised Statutes the Chairman of the Adams County Board shall serve as the County Liquor Commissioner.

5-4-2 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail in the County any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license.

5-4-3 APPLICATION

Applications for such license shall be made to the County Liquor Commissioner in writing, signed by the applicant, if an individual, or by at least two members of a partnership, if the applicant is a partnership or by the president and secretary thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information.

- (a) The name, age, address and birth date of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, their names, ages, addresses and birthdates; and in the case of a corporation, the objects for which organized, the names, addresses, and birthdates of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or his nominee, the names, birth date and address of such person.
- (b) The citizenship of the applicant, the place of his birth, and if a naturalized citizen, the time and place of his naturalization.
- (c) The character of business of the applicant; and in case of a corporation, the objects for which it was formed.
- (d) The length of time said applicant has been in business of that character; or in the case of a corporation the date when its charter was issued.
- (e) The amount of goods, ware, and merchandise on hand at the time application is made.
- (f) The location and description of the premises or place of business which is to be operated under such license.
- (g) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
- (h) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the county.
- (i) Whether a previous license by any state or subdivision thereof, or by the Federal Government has been revoked, and the reasons thereof.
- (j) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinances of the County in the conduct of his place of business.

5-4-4 RESTRICTIONS OF LICENSES

No such license shall be issued to:

- (a) A person who is not a resident of the County of Adams;
- (b) A person who is not of good character and reputation in the community in which he resides;
- (c) A person who is not a citizen of the United States;
- (d) A person who has been convicted of a felony under the laws of any state; except as specified by Illinois Revised Statutes;
- (e) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (f) A person who has been convicted of pandering or other crime of misdemeanor opposed to decency and morality;
- (g) A person whose license under this ordinance has been revoked for cause;
- (h) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (i) A co-partnership, unless all of the members of said co-partnership shall be qualified to obtain a license;
- (j) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five per cent of the stock of such corporation, would not

be eligible to receive a license hereunder for any reason other than citizenship and residence within the county;

- (k) A person who has been convicted of a violation of any Federal or State Law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation;
- (l) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;
- (m) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;
- (n) Any law enforcing public official, any mayor or alderman, and County Board Member or Chairman of the County Board: and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- (o) Any person, firm or corporation not eligible for a State retail liquor dealer's license.

5-4-5 LICENSE REQUIRED

It shall be unlawful to sell, barter, transport, deliver, furnish, possess, keep or offer for sale at retail any alcoholic liquor; or engage in or conduct a retail liquor business, or conduct any place for the sale of alcoholic liquor within the limits of the County as defined, without having a retail liquor dealer's license, or in violation of the terms of such license.

5-4-6 CLASSIFICATION

Subject to the limitation, conditions and restrictions herein set forth, one class of license may be issued pursuant to the terms of this article, and it shall be designated as "Retail Liquor Dealer's License". A Retail liquor dealer's license shall authorize and entitle a licensee to sell at retail alcoholic liquor on the premises licensed for consumption on the premises as well as other sale of such liquor.

5-4-7 FEE

The semi-annual license fee for such license under this ordinance shall be two hundred dollars (\$200.00). All licenses shall be signed by the County Liquor Commissioner and the County Clerk. No person shall in the county, engage in any business or occupation or exercise any privilege mentioned or referred to in this ordinance without first having obtained a license therefore; and a license is hereby expressly required for so engaging in any business or occupation or for the exercising of such privilege; and each person, firm, partnership, club, association, hotel, or corporation engaged in any business or occupation or exercising any privilege, for which a license is required under this ordinance, shall pay to the county for such license the semi-annual fee herein required for that particular kind of business, occupation or privilege.

5-4-8 LICENSE YEAR

The semi-annual license period, under this ordinance shall commence on the first day of January and the first day of July in each year and all licenses shall expire on the thirtieth day of June and thirty-first day of December than next succeeding. All fees shall be due and payable in advance of the first day of each license period; provided, however if any license under this ordinance shall be applied for, granted and issued after the beginning of any semi-annual license period, the full license fee for such period, as

herein provided for, shall be required and shall be paid therefore; but if such license shall be renewed for the next succeeding semi-annual license period, such licensee shall be entitled to a credit to apply to his license fee for the next succeeding license period in proportion to the full calendar months of the preceding license period, which expired prior to the issuance of his license for such preceding period.

5-4-9 EXEMPTIONS

Nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of his family, the possessor himself and guests, and nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for the sick and diseased, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institutions; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provide further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious service or ceremony conducted by such church shall not be prohibited by this ordinance. But druggists and pharmacists selling alcoholic liquor other than in concoction of prescriptions of duly licensed physicians shall be deemed retailers. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited in this ordinance.

5-4-10 PREMISES USED FOR DWELLINGS

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for selling purposes. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

5-4-11 SALE IN PUBLIC BUILDINGS

No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the county. No person shall furnish or suffer to be furnished any alcoholic liquors to any person confined in any jail or house of correction except upon a physician's prescription for medical purposes.

5-4-12 TRANSPORTATION

No person shall transport, carry, possess or have any alcoholic liquor in or about any motor vehicle except in the original package and with the seal unbroken, unless provided otherwise in the Illinois Revised Statutes.

5-4-13 DISPOSITION OF FEES

All such license fees shall be paid to the County Clerk at the time application is made, and shall be forthwith turned over to the county Treasurer. In the event that the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the County General Fund or in such other fund or funds as shall be designated by the County Board by proper action.

5-4-14 RECORD OF LICENSES

The County Clerk shall keep a complete record of all such licenses issued by the County Liquor Commissioner under this ordinance and shall furnish the County Treasurer and the Sheriff each with a copy thereof; upon the issuance of any new license or the revocation of any old license, the County Liquor Commissioner shall give written notice of such action to each of these officers within forty-eight hours of such action; and the copies of such records and the notice of such action furnished and given to the County Clerk, and shall by the County Clerk be presented at the next meeting of the County Board.

5-4-15 TRANSFER OF LICENSE

A license shall be purely a personal privilege, good for not to exceed six months after issuance unless sooner revoked as in this ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descent by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such licensee, but not longer than six months after death, bankruptcy or insolvency of such licensee. The Administrator of the estate or the trustee of any insolvent or bankrupt licensee must meet requirements for license as set forth in this ordinance.

5-4-16 REFUND OF FEES

A refund may be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating in the case of entry into the Armed Forces or death of the licensee, or destruction of the premises for which the license was issued by fire or act of God. Refund shall be made only upon written application by the licensee, or by the administrator of the estate of any deceased licensee, to the County Liquor Commissioners. Upon examination of the application, and approval thereof by the County Liquor Commissioner, the County Liquor Commissioner may issue an order to the County Clerk for the refund of the unused portion of the license fee in proportion to the full calendar months remaining under the license. Such action being reported to the next meeting of the County Board by the County Liquor Commissioner.

5-4-17 CHANGE OF LOCATION

A retail liquor dealer's license shall permit the sale of alcoholic only in the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the County Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinance of the County.

5-4-18 PEDDLING

It shall be unlawful to peddle alcoholic liquor in the County.

5-4-19 SANITARY CONDITIONS

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises for the storage and sale of food for human consumption.

5-4-20 EMPLOYEES

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

5-4-21 LOCATION REQUIREMENTS

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such purpose prior to the taking effect of this ordinance. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.

5-4-22 CLOSING HOURS

No person or licensee hereunder shall sell or offer for sale at retail any alcoholic liquors, or furnish or give away, or allow or permit to be consumed on the licensed premises, or any other premises under the control, directly or indirectly, of the licensee, between the hours of one o'clock a.m. and five o'clock a.m. of any day, except that on January 1, of each year, said persons or licensees hereunder may sell or offer for sale at retail alcoholic liquors, and allow same to be consumed on the licensed premises, or other premises under the control, directly or indirectly, of the licensee, between the additional hours of one o'clock a.m. and 4:30 a.m. of said day.

5-4-23 ELECTION DAYS

No persons shall sell at retail any alcoholic liquor on the day of any national, state, county, or municipal election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

5-4-24 DESCRIPTION OF PREMISES

Every licensee shall state definitely and specifically the description of the premises in which the licensee shall operate under such license, and every licensee shall confine his operation strictly to such licensed premises; and no alcoholic liquor shall be sold or delivered by him or his servants or employees outside of said licensed premises.

5-4-25 VIEW INTO PREMISES

Except in a hotel, club, restaurant, or bowling alley, nothing shall be allowed to block a clear view from the street or road into the premises and light shall not be so dim or so arranged that all parts of the interior of the premises are not clearly visible. The County Liquor Commissioner has the right to require the filing of plans, drawings and photographs showing the existence of a clear view into the premises.

5-4-26 POSTING

Every licensee shall cause his license to be hung in plain view in a conspicuous place on the licensed premises.

5-4-27 SALE TO INTOXICATED PERSONS—HABITUAL DRUNKARDS

It shall be unlawful for the holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

5-4-28 ATTENDANCE AT BAR

It shall be unlawful for any person under twenty-one years of age to attend bar or to draw, pour, or mix any alcoholic liquor in any licensed retail premises.

5-4-29 REVOCATION-SUSPENSION

The County Liquor Commissioner may revoke or suspend any retail liquor dealer's license for any violation of any provisions of this ordinance, or for any violation of any state law pertaining to the sale of alcoholic liquor.

5-4-30 SALES TO PERSONS UNDER TWENTY-ONE

It shall be unlawful for any person under twenty-one years of age to drink, purchase or possess alcoholic liquor, or to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the county where alcoholic liquor is sold at retail.

5-4-31 CONSUMPTION OF PERSONS UNDER TWENTY-ONE

It shall be unlawful for any Parent or guardian to permit any person under twenty-one years of age of which he or she be parent or guardian to violate any provision of this ordinance. It shall be unlawful to sell, give or deliver alcoholic liquor to any person under twenty-one years of age or to permit any person under twenty-one years of age to consume alcoholic liquor.

5-4-32 PROHIBITED CONDUCT ON LICENSED PREMISES

It shall be unlawful for any licensee to permit the following conduct on licensed premises:

- (a) Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual acts.
- (b) The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.

- (c) The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
- (d) Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breast, buttocks, genitals, vulva, or anus.

5-4-33 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be fined not less than fifty dollars (\$50.00) nor more than two hundred (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

5-4-34 CONFLICT WITH STATE STATUTES

No portion of this ordinance shall be in conflict with the provisions of Chapter 43 of the Illinois State Statutes as revised and entitled "An Act Relating to Alcoholic Liquors", and any portion thereof in conflict shall be null and void.

5-4-35 SPECIAL ONE DAY PERMIT

Upon written request by officers of a State recognized not-for-profit organization, veterans organization, social or fraternal group, church and community organization, the County Liquor Commissioner is authorized to issue a county one day permit to sell beer only, at a given location in the county, the request having been submitted to the County Liquor Commissioner at least five days prior to the event, there being no charge for the issuance of such permit. A record of such applications and permits shall be kept by the County Clerk in the same manner as Retail Liquor Dealer's Licenses. Such permit is valid only when the function for which the permit is issued is a function of event not open to the general public and/or advertised as open to the general public.

(Ordinance adopted February 8, 2005)

ARTICLE V – FIREWORKS CODE

5-5-1 DEFINITIONS

As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

(a) The term includes:

- (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
- (2) Smoke devices;
- (3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(b) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a “common firework”.

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

- (a) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and
- (b) Fireworks not classified as common fireworks.

5-5-2 SALE OF FIREWORKS UNLAWFUL

It is unlawful for any person to sell any fireworks within the County other than those fireworks designated in Section 5-5-5 of this Article, provided that this prohibition shall not apply to duly authorized public displays.

5-5-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS

UNLAWFUL

It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the County; provided that this prohibition shall not apply to duly authorized public displays.

5-5-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS

It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the County without first having obtained a valid permit issued pursuant to the provisions of this Article.

5-5-5 —5-5-6 RESERVED

5-5-7 PUBLIC DISPLAY PERMIT

Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

5-5-8 APPLICATION FOR PUBLIC DISPLAY PERMIT

Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least fourteen (14) days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in Section 5-5- 12 of this Article.

5-5-9 —5-5-11 RESERVED

5-5-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS

All public fireworks displays shall conform to the following minimum standards and conditions:

- (a) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. (225 ILCS 227)
- (b) A permit must be obtained from the County and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.
- (c) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a five hundred (500) foot radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.
- (d) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site thirty (30) minutes prior to and after the

shooting of the event. The fire department or fire district having jurisdiction shall be reimbursed for all costs and expenses incurred as a result of the firework display (amended Ord. #2009-06-001-003).

- (e) All combustible debris and trash shall be removed from the area of discharge for a distance of three hundred (300) feet in all directions.
- (f) All unfired or “dud” fireworks shall be disposed of in a safe manner.
- (g) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.
- (h) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.
- (i) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

5-5-13 USE OF FIREWORKS IN PUBLIC PARKS

It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the County, provided, however, that such use shall be permitted under the following circumstances:

- (a) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.
- (b) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by Section 5-5-5 of this Article. Otherwise lawful discharge and possession of fireworks as allowed by Section 5-5-5 in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:
 - (1) The sensitivity of the area’s environment, wildlife and wildlife habitat;
 - (2) The inconvenience and nuisance to abutting property owners;
 - (3) The safety and suitability of the area as a place for the discharge of fireworks; and
 - (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.
- (c) Upon designation of any area, it shall be signed and posted by July 1st of each year for use on July 4th between the hours of 9:00 A.M. and 11:00 P.M. Designation of any area may be appealed in writing to the County Board by any citizen of the County. The decision of the County Board shall be final.
- (d) Nothing in this Article shall be deemed to limit the authority of the County Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

5-5-14 RESERVED

5-5-15 NONPROHIBITED ACTS

This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

5-5-16 APPLICABILITY

The provisions of this Code shall not be applicable to toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

5-5-17 STATUS OF STATE LAW

This Code is intended to implement applicable State law, to wit, Chapters 225 ILCS 227 and 425 ILCS 35, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

5-5-18 ENFORCEMENT

The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provision of this Code or the requirements of the community development code relating to temporary structures.

5-5-19 RECKLESS DISCHARGE OR USE PROHIBITED

It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

(Ord. Num. 2008-09-017-001)

ARTICLE VI – ADAMS COUNTY WIND ENERGY SITING CODE

5-6-1 PURPOSE

This Ordinance is adopted for the following purposes:

- (a) To assure that any development and production of wind-generated electricity in Adams County is safe and effective;
- (b) To facilitate economic opportunities for local residents;

5-6-2 DEFINITIONS

- (a) "Applicant" means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the siting of any WECS or Substation.
- (b) "Fall Zone" means the area, defined as the farthest distance from the WECS Tower base, in which a WECS Tower will collapse in the event of a structural failure. This area is the total height of the structure plus length of blade.
- (c) "Feeder Line" means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid.
- (d) "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- (e) "Meteorological Tower" means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting a WECS Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- (f) "County Board" means the Adams County Board.
- (g) "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
- (h) "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean
 - i. the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or
 - ii. any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- (i) "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure will be on a permanent foundation, served with electricity, potable water, and sewer or septic system. Primary Structure includes structures such as residences, commercial buildings, schools, churches, hospitals, retail buildings and day care facilities. Primary Structure excludes ancillary structures which are not used for residential purposes such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- (j) "Property Line" means the boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained

through fee title ownership, lease, easement, or other appropriate contractual relationship between the project developer or Owner and landowner.

- (k) "Public Conservation Lands" means land owned in fee title by state or federal agencies and managed specifically for conservation purposes, including but not limited to state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.
- (l) "Structural Engineer" means a qualified individual who is licensed as a structural engineer in the State of Illinois.
- (m) "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- (n) "Transmission Line" means those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- (o) "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- (p) "WECS Project" means the collection of WECSs and Substations as specified in the siting approval application pursuant to Section V of this Ordinance.
- (q) "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- (r) "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
- (s) "Wind Turbine" means any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

5-6-3 APPLICABILITY

- (a) This Ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets.
- (b) Owners of WECSs with an aggregate generating capacity of 0.5MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

5-6-4 PROHIBITION

No WECS or Substation governed by Section III A. of this Ordinance shall be constructed, erected, installed, or located within the County, unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

5-6-5 PROCEDURE

- (a) Filing of an Application – The Applicant for a WECS approval shall file twenty-five (25) copies of application, including ten (10) full-size copies of exhibits and fifteen (15) reduced copies of all exhibits, with the County Clerk, together with the appropriate site review application fee. The Applicant is to provide up to ten (10) additional copies of the application to the County upon request.
- (b) Fee Schedule – Upon submittal of the application for a WECS, the Applicant shall submit a non-refundable check to Adams County in the amount of \$50,000 which funds will be utilized to review and assess the application. Should the actual costs to the County exceed \$50,000, the Applicant shall be responsible for those additional costs, including, but not limited to the costs of outside attorneys, hearing officer, and consultants (e.g. noise engineers, traffic engineers, and environmental consultants) and shall remit additional funds to the County within 15 days of receipt of a request from the County. The County will submit invoices in a timely manner. The County will provide itemized records detailing fund distributions upon request by the Applicant. Such requests may not occur more than one time per calendar month.
- (c) County Clerk Responsibilities:
 - (1) Accept and date stamp the application as filed. The date stamp of the County Clerk should be considered the official filing date for all time purposes. Receipt and acceptance of an application by the County Clerk is pro forma, and does not constitute an acknowledgment that the Applicant has complied with the County ordinance.
 - (2) The County Clerk shall forward the application to the County Engineer for a determination of completeness.
 - (3) The County Clerk shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the County offices. Additionally, the County Clerk shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction.
- (d) Determination of Completeness – After the filing of an application the County Engineer shall make a preliminary determination of completeness of the application. If, in the County Engineer’s opinion, the application has addressed the required elements of an application, it will be forwarded to the Transportation, Building and Technology Committee and the County Board to conduct a public hearing on the application. If the application is incomplete, the Applicant will be so notified and the application will not proceed to hearing unless good cause is shown for the incompleteness.
- (e) Notice – The Applicant must provide a complete list of all properties adjacent to a proposed WECS or within one-half mile of a property upon which a proposed WECS is to be located. The Applicant shall have a notice issued to every owner of those properties by certified mail, registered mail, or personal service at the last known address of such owner of property as identified by the County tax records. Said notice will identify the nature of the proposed use and the date that a public hearing shall occur on the proposed use in front of the County Board and that any person may file an appearance to participate in that hearing and present witnesses at least five (5) days before the hearing commencement date. Those notices must be served at least 15 days before the public hearing shall commence and no earlier than 30 days before the hearing shall commence. The

Applicant shall provide evidence of notification or evidence of a “good faith” effort to contact the property owner prior to the hearing if requested by the County.

Said hearing notice shall also be published in a circulation of general publication at least three times before the hearing commences with the first publication occurring at least 30 days before the hearing and at least one publication occurring between 7 and 15 days before the hearing commences.

- (f) Hearing Officer – The County Board will appoint a hearing officer to preside over the WECS hearing. The hearing officer shall preside over the public hearing; establish a record of the proceedings using a certified court reporter, make decisions concerning the admission of the evidence and the manner in which the hearing is conducted. The County Board may request that the hearing officer draft a recommendation and proposed findings. At the commencement of the hearing people wishing to provide sworn testimony or unsworn public comment will be identified by a sign in sheet.
- (g) Entering an Appearance at Hearing and Submitting Exhibits – The hearing officer, any County Transportation, Building and Technology Committee member and any person who enters an appearance with the County at least seven days before the hearing will have the opportunity to question witnesses. Members of the public who do not enter an appearance at least seven days before the hearing may submit their questions for witnesses to the hearing officer who at his or her discretion may ask them of the witness. Any person or persons may appear at the hearing through an attorney licensed in Illinois. Any person offering sworn testimony will be subject to questioning. People offering public comment only (without being sworn in) will not be subjected to questioning. At least five copies of any exhibits which will be used in testimony or questioning must be furnished by the person offering such exhibit.
If the hearing officer is requested by the Transportation, Building and Technology Committee to make a recommendation and proposed findings such shall be provided within three business days of the completion of the hearing and submitted to the Transportation, Building and Technology Committee.
- (h) Committee and Board Action – The Transportation, Building and Technology Committee will consider the following facts:
 - (1) Whether the application and proposed WECS Project substantially complies with the WECS ordinance.
 - (2) Whether the proposed WECS Project is sufficiently protective of the public health, safety and welfare.

Within 10 days of conclusion of the hearing the Transportation, Building and Technology Committee shall tender its findings and recommendations to the County Board. The committee may recommend approval, approval with request for additional information or clarification, approval with conditions or denial. Within 30 days of the conclusion of the public hearing the County Board will meet in public session and render its decision. The County Board may approve, approve with conditions, or deny the application.

- (i) Refiling – Any Applicant, owner or operator whose WECS project application is denied may not refile a substantially similar application for one year. If the County Engineer determines an application is substantially similar to one the Applicant filed within one year it will not be

forwarded to the Transportation, Building and Technology Committee or the County Board for review.

5-6-6 SITING APPROVAL APPLICATION

(a) Form of Applications:

- (1) All applications shall be in writing on paper of eight and one-half inches by eleven inches (8 ½" by 11"), eight and one-half inches by fourteen inches (8 ½" X 14"), or eleven inches by seventeen inches (11" X 17"). For legibility, full-sized exhibits shall be on minimum ANSI D size paper.
- (2) The pages of the application shall be consecutively numbered, and all exhibits clearly marked and identified.
- (3) The application including exhibits or graphic presentations shall also be furnished in an electronic format suitable for reproduction for public dissemination and for posting on the Adams County Website.

(b) The siting approval application shall contain or be accompanied by the following information:

- (1) An executed Host Agreement must be appended to, and included as part of, any WECS application filed with the County. The content of said Host Agreement will be discussed and negotiated between the Applicant and the County's appointed counsel or representatives and will address issues including, but not limited to, payments in lieu of taxes (Example attached as Exhibit A), economic issues, renewable energy credit sharing, carbon credit sharing, reimbursement of County expense including consultants, experts and outside attorneys' fees.
- (2) A WECS Project Summary, including: (1) a general description of the project, include (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) types(s) of WECS(s), (iv) number of WECSs, and name plate generating capacity of each WECS, (v) the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s), and (vi) the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures.
- (3) The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owners(s), if known, and documentation demonstrating land ownership or legal control of the property.
- (4) A Site Plan for the installation of WECS(s) showing the planned location of each WECS Tower, substation, anchor bases, and service roads, Primary Structure(s), Property Lines (including identification of adjoining properties), all proposed structures, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower(s) to the Substation(s), ancillary equipment, and third party transmission lines.

Site Plan information not available at the time of application but to be obtained prior to construction or through an ALTA survey shall be provided in a detailed list.

Site Plan information shall be on Illinois State Plane Coordinate System: NAD 1983 State Plan Illinois West FIPS 1202 Feet. Site plan information shall also be supplied in an electronic format suitable for incorporation into the Adams County Geographic

Information System database. Information to be provided should include but not limited to: tower locations and heights, road easements, substation locations, and other non-proprietary information.

- (5) The legal description of each proposed tower and substation location.
 - (6) All proposed setback dimensions.
 - (7) Topographic site information for the subject property and the adjacent properties within one-fourth (1/4) mile of the property line of the subject property indicating contours in ten foot (10') intervals.
 - (8) Existing structures on properties within one-fourth (1/4) mile of the property.
 - (9) All existing and proposed underground and aboveground utilities and identification of all communication towers within two miles of the proposed WECS.
 - (10) All rights of way, wetlands, flood plains, drainage ditches, scenic and natural areas and wooded areas on properties under contract with the Applicant, and public conservation lands on properties within 1,500 feet of a proposed WECS.
 - (11) Ingress and egress from the site as proposed during construction and thereafter, which indicates:
 - i. Proposed road surface and cover.
 - ii. Dust control.
 - iii. Width and length of access route and location of ingress/egress.
 - iv. Road maintenance progress or schedule for proposed use of land.
 - (12) Certified easements, contracts, waivers, and option agreements for proposed use of the land.
 - (13) Notice by registered mail or certified mail to residential and commercial microwave communication users within a 2.5 mile radius of the subject property informing them of the proposed WECS.
 - (14) Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
 - (15) Fire protection plan for the construction and the operation of the facility.
 - (16) Revegetation plan of the areas that will be disturbed.
 - (17) Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.
 - (18) Public road routes.
 - (19) A permit application filed with the Federal Aviation Administration;
 - (20) A proposed Decommissioning Plan for the WECS project;
 - (21) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; and
 - (22) Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures, if applicable.
- (c) The Applicant shall notify the County of any changes to the information provided in Section V.D. above that occurs while the siting approval application is pending.

5-6-7 DESIGN AND INSTALLATION

- (a) Design Safety Certification and Conformance to Codes and Standards

- (1) WECSs and all components shall conform to all applicable industry standards, including those of the American National Standards Institute ("ANSI") and the International Electrical Commission. Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GGL"), or an equivalent third party. The WECS shall comply with all applicable local and county codes for electrical, mechanical and structural components of the facility. All documents provided for review shall be stamped by a professional engineer.
 - (2) Following the granting of siting approval under this Ordinance, a Structural Engineer shall certify, as part of the permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- (b) Controls and Brakes – All WECSs shall be equipped with manual and automatic controls and mechanical brakes to limit rotation of the blades to a speed below the design limits of the WECS. A professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by professional engineer or authorized factory representative's statement or certification and approved by the company.
 - (c) Electrical Lines – All electrical wires and lines connecting WECS to other WECS or substation shall be installed underground to the greatest extent possible.
 - (d) Color, Finish and Appearance – The tower and the blades of the WECS shall be uniform in style and color and shall be white or gray or another unobtrusive color. The finish of the tower and the blades shall be matte and nonreflective. The towers and blades shall be uniform in direction of blade rotation. Any on site buildings shall be designed such that they are unobtrusive to minimize the industrial character of the project. All colors, finishes and design shall conform to all applicable FAA requirements. Except for required warnings and tower identification, no lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or the blades. Standard company insignia may be placed on the nacelle of the WECS.
 - (e) Warnings and Tower Identification – Signs warning of the high voltage associated with the WECS shall be posted at every entrance to the WECS, at the base of all pad mounted transformers and substations. Visible, reflective, colored objects such as flags, reflectors or tape shall be placed on the anchor points of guywires, if any, and along the guywires up to a height of not less than eight feet (8') from the ground. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building and each tower shall have posted a unique number for identification purposes.
 - (f) Setback Requirements
 - (1) All WECS Towers shall be set back at least 1.1 times the WECS Tower Heights from any Primary Structure on a parcel of real property which is participating in a WECS project by leasing, contracting, owning, selling, or allowing any portion of said real property to be used for the placement of a WECS. The distance for the participating landowner setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. All WECS shall be set back from a Primary Structure on non-participating lands by at least 1,320 feet. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower

be located closer to a Primary Structure than 1.10 times the WECS Tower Height or within the Fall Zone of the WECS Tower. All WECS shall be set back at least 1,500 feet from school property lines unless waived by the school district.

- (2) All WECS Towers shall be set back a distance of at least 1.1 times the WECS Tower Height from public roads, third party transmission lines, and communication towers. The County may waive this setback requirement.
 - (3) All WECS Towers shall be set back a distance of at least 1.5 times the WECS Tower Height or the Fall Zone, whichever is greater from adjacent Property Lines. The affected adjacent property owner may waive this setback requirement.
 - (4) All WECS Towers shall be set back a distance of at least 1.1 times WECS Tower Height from the Property Line of any Public Conservation Lands, and a distance of at least 1500 feet from any river bluff located on public or private property.
 - (5) The Applicant will need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.
- (g) Compliance with Additional Regulations – Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.
- (h) Use of Public Roads
- (1) An Applicant, Owner, or Operator proposing to use any County, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:
 - i. Identify all such public roads; and
 - ii. Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - iii. Adhere to any temporary postings due to weather conditions
 - (2) To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the County, municipality, township or village to use a public road, the Applicant, Owner, or Operator shall:
 - i. Enter into a road use and repair agreement with the County and respective municipalities, township or village.
 - ii. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage;
 - iii. Provide a road repair plan to ameliorate any and all damage, installation or replacement of roads, streets, bridges, intersections, culverts, storm sewers, or public rights of way
 - iv. The Applicant shall provide a letter of credit or surety bond in an amount and type approved by the County Engineer and Township Road District Commissioner to assure compliance with the road repair plan and road agreement.
- (i) Drainage Systems – The Applicant shall be responsible for repairing, in a timely fashion, any damage caused to public drainage systems by the construction, operation or maintenance of WECS. Financial assurances in the form of cash or an escrow account, surety bond, or a letter of

credit in a form and amount acceptable to the County Engineer shall be posted to assure compliance with this section.

- (j) Height – The maximum WECS Tower Height shall not exceed 550 feet.
- (k) Power Lines – All electrical control wiring and power lines less than 69kv shall be wireless or not aboveground to the extent possible except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- (l) Access Roads – The Applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.
- (m) Blade Clearance – The vertical distance from the grade to the tip of the wind turbine blade when the blade is at its lowest point must be at least thirty five feet (35’).
- (n) Lighting – Tower lighting shall meet all applicable FAA regulations. The Applicant shall seek leave from the FAA to utilize the least intrusive lighting possible.
- (o) Noise Levels – The sound pressure level generated by a WECS shall comply with all applicable Illinois Pollution Control Board noise regulations.
- (p) Shadow Flicker – The Applicant shall have an analysis conducted by a qualified professional of the expected potential shadow flicker. No turbine shall be located at an area that will result in shadow flicker at a primary structure on a non-participating landowner property of more than 20 hours per year.
- (q) Environmental Impact – The Applicant shall have a third-party qualified professional conduct analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities. The Applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The Applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts.
- (r) Landscaping – Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation.
- (s) Climb Prevention – All WECS shall be designed to prevent unauthorized access to electrical and mechanical components or access to the towers on the site. A monopole with an internal ladder and locked access door is preferred and guy wired towers are disfavored. All towers shall not be climbable from the ground to fifteen feet (15’) aboveground and all access doors to towers and equipment shall be lockable.
- (t) Avian and Wildlife Impact – The Applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The Applicant shall take the appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The Applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (u) JULIE Membership – Applicant, after completion of construction, will become a member of the Joint Utility Locating Information for Excavation (“JULIE”), to identify the location of any underground electrical lines, to provide a list of the same to the County, and to register the same with JULIE.
- (v) Construction Hours – Applicant will undertake all construction activities associated with the Project only between the hours of 6:00 a.m. and 9:00 p.m. County Engineer approval must be

acquired before making any other change in work hours due to construction schedule requirements which will not be unreasonably withheld.

- (w) Stormwater Prevention – Applicant further agrees to provide a final Stormwater Pollution Prevention Plan for the Project to Adams County prior to the start of construction and obtain any other permits required by State and Federal government agencies.
- (x) Underground Cable Warnings – All cables, except where installed by trenchless methods, shall have an underground warning tape buried a minimum 24 inches below grade and a minimum of 12 inches above cable in the same trench. The warning tape shall be 6” wide polyethylene plastic, shall be red in color, and shall have the appropriate warning stenciled on it.
- (y) Agency Permits – Applicant shall obtain all required permits from other governmental agencies prior to commencing construction or as otherwise required by the applicable laws and regulations. Copies or evidence of such permits shall be submitted to the County on or before issuance of the first Permit for an individual wind tower. Permits shall be obtained from Adams County for the wind towers.
- (z) Substation Noise – Any substation to be constructed and operated as part of the Project shall utilize commercially available and reasonable sound-attenuation measures to minimize potential noise impacts for surrounding and nearby properties, the approval of which shall not be unreasonably withheld by the County. Substation lighting shall be limited to that necessary to provide safety and security. Normal substation nighttime operation shall utilize minimal lighting.

5-6-8 OPERATION

(a) Maintenance

- (1) The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonably requests.
- (2) Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(I) of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with a relevant third-party certifying entity identified in Section VI(A)(I) of this Ordinance to determine whether the physical modification requires re-certification.
- (3) An Applicant or successor in interest shall have the facility inspected annually by third party qualified wind power professionals at their own expense. The third party qualified wind power professional shall be subject to the approval of the Adams County Engineer. Within 30 days of the inspection a copy of any report must be provided to the Adams County Engineer. The WECS may not operate unless a certificate is provided to the Adams County Engineer indicating that the annual maintenance has been completed and the facility is in good working condition. Failure to provide this annual certification may cause the revocation of the operating permit.

(b) Signal Interference

- (1) WECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antennas for radio, television or wireless phone or other

personal communication systems would produce electromagnetic interference with signal transmission or reception unless the Applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. WECS shall not be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant. The Applicant shall provide the project summary and site plan to all microwave

- (2) Transmission providers, and all communication tower operators within five miles of any WECS to address potential conflicts.
 - (3) If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.
- (c) Crop Dusting – Applicant will make available a map to all aerial sprayers showing exact location of all turbines and meteorological towers including the exact GPS coordinates, township, section number and tower heights.
- (d) Coordination with Local Fire Department
- (1) The Applicant, Owner or Operator shall submit to the local fire department a copy of the Site Plan.
 - (2) The Applicant will communicate with any fire department(s) providing fire protection for the areas of the proposed WECS and upon request by the fire department cooperate in the development or revision of the fire department's emergency response plan.
 - (3) The Applicant shall where reasonably possible link the WECS project's fire detection systems with the appropriate fire departments.
 - (4) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- (e) Materials Handling, Storage and Disposal
- (1) All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
 - (2) All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
- (f) Complaint Resolution – The Applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the WECS. The process shall use an independent mediator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The Applicant shall provide to the nearby residents a toll-free phone number for complaints during the construction of the facility if a problem should arise.

Applicant will respond to all complaints from persons directly affected by the WECS project within 48 hours, will attempt to resolve all complaints in a prompt and responsible manner, will keep a log of all complaints and the method of resolution, will make the log available to County, and will

agree to participate in a non-binding mediation for complaints that are not resolved with the cost of such to be paid directly by Applicant.

- (g) Federal, State and Local Requirement Compliance – The Applicant shall comply with all applicable Federal, State and Local laws and regulations with authority to regulate WECS.
- (h) County Access – Applicant will allow County officials or their agents, who are in compliance with the safety and operations requirements associated with the Project, to investigate any issues arising from the Project at and by entering the Project area and providing any requested documentation. Such access shall be granted upon reasonable notice by the County officials or their agents.

5-6-9 PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

5-6-10 LIABILITY INSURANCE

The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$5 million in the aggregate at all times. The County and all affected Road Districts must be listed as additional insured.

5-6-11 DECOMMISSIONING PLAN

Prior to receiving siting approval under this Ordinance, the Applicant, Owner, and/or Operator must provide a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- (a) An acknowledgement by the Applicant that if WECS is out of service for a period of 180 days it will be deemed non-operational and removal of the WECS must commence;
- (b) An acknowledgement that within 180 days or within a negotiated time frame dependent upon extenuating circumstances (i.e. seasonal weather, available labor and equipment) of being determined non-operational the following must be removed:
 - (1) All wind towers above ground improvements and outside storage.
 - (2) Foundations, pads and electrical lines and reclaim the site to a depth of four feet (4') below the surface of the ground.
 - (3) Any hazardous materials or contaminated soils from the WECS disposed of in accordance with federal and state law.
- (c) Provisions for the restoration of the soil and vegetation;
- (d) An estimate of the decommissioning costs certified by a Professional Engineer to be updated every five years. Such estimate must explicitly detail the cost before considering the protected salvage value of out of service WECS.
- (e) Financial Assurance, posted in cash, escrow account, surety bond or irrevocable letter of credit, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to 100% of the Structural Engineer's certified estimate of the decommissioning costs without reducing said amount for salvage value;
- (f) Identification of and procedures for County access to Financial Assurances;

- (g) A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs;
- (h) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

5-6-12 REMEDIES

- (a) The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.
- (b) Prior to implementation of the applicable County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 180 days, for good faith negotiations to resolve the alleged default(s).
- (c) If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

5-6-13 PERMIT TRANSFER

The WECS Permit may be transferred by the Applicant only upon the transferee's execution and delivery to the County Engineer of a letter agreeing to be bound by the foregoing conditions.

5-6-14 TERMS AND LIMITATIONS OF PERMIT

- (a) Permit Effective Date – The Certificate of Permit shall become effective upon approval by the County Board.
- (b) Failure to Commence Construction or Operation – Unless otherwise stated in the conditions of the Certificate of Permit, initial construction work on the WECS Project shall commence within twelve (12) months of the effective date of the Certificate of Permit unless such time period is extended by the County Board. If no extension of time is granted, the Certificate of Permit shall immediately terminate upon expiration of the twelve (12) month period.
- (c) Conditions – The County may impose any conditions to a permit to further the purposes and intent of this ordinance or minimize non-material impacts on citizens or other property in the area.
- (d) Revocation of Certificate of Permit – Upon finding a material violation of the terms of the Certificate of Permit, the County Board shall have the authority to revoke the Certificate of Permit after notice to the Applicant/Permittee and after affording the Applicant/Permittee an opportunity to be heard.

5-6-15 INDEMNIFICATION, REIMBURSEMENT AND HOLD HARMLESS

AGREEMENT

The application shall include an agreement in a form acceptable to the County by the Applicant, Owner or Operator to the Applicant to indemnify and hold harmless the County and the County's officers, Board members, agents and employees ("indemnitees") from and against any and all damages, costs, remediation, claims, demands, lawsuits, appeals, losses, attorneys' fees and expenses to the extent arising

out of or resulting from a permit authorizing the development, construction, building and operation of a WECS or WECS Project.

5-6-16 VARIANCE AND MODIFICATION

(a) Standards for Granting Variances

(1) Where an Applicant demonstrates that a provision of this Ordinance would cause unnecessary hardship, delay or impediments to the development of a WECS Project if strictly adhered to, and where, in the opinion of the County Engineer and County Board, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the County Board may authorize a variance, if the variance complies with the following provisions:

- i. The requested variance is required for the development, construction, operation or decommissioning of the WECS Project, and the failure to obtain the requested variance would result in a practical difficulty or unnecessary hardship for the Applicant;
- ii. The granting of the requested variance will not be materially detrimental or injurious to any adjacent property;
- iii. The granting of the requested variance will not violate the general spirit and intent of this Ordinance.

(2) Any variance thus authorized is required to be entered in the minutes of the County Board meeting, and the reasoning on which the variance was justified must be described in the minutes as well.

(b) Application for Variance

(1) An Applicant for a variance shall file a request for a variance with the County Clerk within at least 21 days prior to the next regularly-scheduled County Board meeting. The County Clerk shall place the Applicant's request on the agenda for the next County Board meeting.

(2) The burden of proof shall rest with the Applicant to clearly establish that the requested variance satisfies the criteria for granting such a variance under this Ordinance.

(c) Conditions – In granting a variance, the County Engineer and County Board may impose such conditions and restrictions upon the property benefiting from the variance as may be necessary to reduce or minimize any potentially negative impacts on any adjacent properties, and to carry out the general purpose of this Ordinance.

5-6-17 INTERPRETATION

The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of County of Adams. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County of Adams nor conflict with any statutes of the State of Illinois, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

5-6-18 SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations, and the application of those provisions to any persons or circumstances shall not be affected thereby.

5-6-19 REPEAL

All ordinances and regulations and amendments thereto enacted and/or adopted by the County Board that are inconsistent with the provisions of this Ordinance are hereby repealed, as of the effective date of this Ordinance. The repeal of any prior ordinance or its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

5-6-20 CERTIORARI PROCEDURE

In any decision by the County Board under this Ordinance, any person aggrieved may petition the Circuit Court of Adams County, Illinois, for a writ of certiorari as provided by law.

5-6-21 EFFECTIVE DATE

This Ordinance is an ordinance necessary for the health and safety of the people of Adams County, Illinois, and shall be in full force and effect from and after its passage.

(Ord. Num. 2010-01-052-007, as amended August 10, 2010)

ARTICLE VII – ADAMS COUNTY SOLAR FARM ORDINANCE

5-7-1 PURPOSE.

The purpose of this ordinance is to ensure that order is maintained in the development of solar farms in Adams County, while also ensuring the protection of the health, safety, and welfare of the residents of Adams County.

5-7-2 DEFINITIONS.

- (a) "Applicant" means the entity or person who submits an application for a solar farm to the County.
- (b) "County Board" means the Adams County Board.
- (c) "Operator" means the entity responsible for the day-to-day operation and maintenance of the solar farm, including any third party subcontractors.
- (d) "Owner" means the entity or entities with an equity interest in the solar farm, including their respective successors and assigns.
- (e) "Solar farm" means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

5-7-3 DESIGN STANDARDS.

- (a) Minimum Lot Size – No solar farm shall be erected on any lot less than 5 acres in size.
- (b) Setback Requirements – Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment, excluding fences, a minimum of fifty (50) feet from a property line or twenty-five (25) feet from a right-of-way. This requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the Adams County Clerk, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and affected road authorities adjoining the property line on which the solar farm is to be located. However, in no instance shall any part of a solar farm be located within fifty (50) feet of any of the aforementioned items.
- (c) Height – Systems, equipment and structures shall not exceed thirty (30) feet in height when ground mounted and oriented at maximum tilt. Excluded from this height requirement, however, are electric transmission lines and utility poles.
- (d) Fencing and Signage – Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of eight (8) feet. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm project. The sign at the entrance shall include the facility's 911 address and a 24-hour emergency contact number.
- (e) Power and Communication Lines – Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Adams County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies

in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and developer.

- (f) Foundations – A qualified engineer licensed in the State of Illinois shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- (g) Other Standards and Codes – All solar farms shall be in compliance with all applicable local, state and federal regulatory standards, including the National Electric Code, as amended.
- (h) Lighting – Any lighting shall be installed for security and safety purposes only, and shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
- (i) Noise – Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence.

5-7-4 APPLICATION.

Filing an Application – The applicant for a solar farm shall file twenty-five (25) copies of the application, including ten (10) full size copies of exhibits and fifteen (15) reduced size copies of all exhibits, with the Adams County Clerk, together with the appropriate application fee. The application shall include the following:

- (a) Site plan with existing conditions showing the following:
 - (1) Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
 - (2) Existing public and private roads, showing widths of the roads and any associated easements.
 - (3) Location and size of any abandoned wells or sewage treatment systems.
 - (4) Existing buildings and any impervious surfaces.
 - (5) A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - (6) Existing vegetation (list type and percent coverage, i.e., cropland/plowed fields, grassland, wooded areas, etc.).
 - (7) Waterways, watercourses, lakes, and public water wetlands. Also any delineated wetland boundaries.
 - (8) A copy of the current FEMA FIRM map that shows the subject property, the one hundred year flood elevation and any regulated flood protection elevation, if available.
 - (9) Surface water drainage patterns.
 - (10) The location of any subsurface drainage tiles.
- (b) Site plan with proposed conditions showing the following:
 - (1) Location and spacing of solar panels.
 - (2) Location of access roads and access points.
 - (3) Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - (4) New electrical equipment other than at the existing building or substation that is to be the connection point to the solar farm.

- (5) Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
- (c) A preliminary map and plan showing the roads and right-of-ways that will be utilized for both the construction and operation of the solar farm. The applicant shall submit an executed agreement between the solar farm owner/operator and all road district authorities with infrastructure affected by the solar farm to the County. This agreement shall include, at a minimum:
 - (1) A final map identifying the routes that will be used.
 - (2) A plan for repairing and/or restoring the affected roads.
 - (3) Other inclusions as specified by the County Board or affected road authority.
- (d) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
- (e) An itemized cost estimate for the entire construction of the project.
- (f) A description of the method of connecting the array to a building or substation.
- (g) An interconnection agreement must be completed with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
- (h) Decommissioning Plan – A decommissioning plan shall be required to ensure that solar farm facilities are properly removed after their useful life.
 - (1) Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months.
 - (2) The owner/operator will have six (6) months to complete the decommissioning plan after operation of a solar farm stops being operational, or the County will take the necessary decommission steps.
 - (3) The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
 - (4) The Adams County Board may require the posting of a bond, letter of credit or establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a solar farm permit for the facility.
 - (5) Adams County reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.
- (i) Complaint Resolution – The Applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process shall use an independent mediator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The Applicant shall provide to the nearby residents a toll-free phone number for complaints during the construction of the facility if a problem should arise.

Applicant will respond to all complaints from persons directly affected by the solar farm project within 48 hours, will attempt to resolve all complaints in a prompt and responsible manner, will keep a log of all complaints and the method of resolution, will make the log available to the

County, and will agree to participate in a non-binding mediation for complaints that are not resolved with the cost of such to be paid directly by the Applicant.

5-7-5 APPLICABLE FEES.

Upon submittal of the application for a solar farm, the Applicant shall submit a non-refundable filing fee of \$5,000 that will be utilized to review and assess the application. Should the actual costs to the County exceed \$5,000, the Applicant shall be responsible for those additional costs, including, but not limited to the costs of outside attorneys, hearing officer, and consultants (e.g. noise engineers, traffic engineers, and environmental consultants), and shall remit additional funds to the County within 15 days of receipt of request from the County.

(a) County Clerk Responsibilities:

- (1) Accept and date stamp the application as filed. The date stamp of the County Clerk should be considered the official filing date for all time purposes. Receipt and acceptance of an application by the County Clerk is pro forma, and does not constitute an acknowledgment that the Applicant has complied with the County ordinance.
- (2) The County Clerk shall forward the application to the County Engineer for a determination of completeness.
- (3) The County Clerk shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the County offices. Additionally, the County Clerk shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction.

5-7-6 PUBLIC HEARING

After the filing of an application the County Engineer shall make a preliminary determination of completeness of the application. If, in the County Engineer's opinion, the application has addressed the required elements of an application, it will be forwarded to the Transportation, Building and Technology Committee and the County Board to conduct a public hearing on the application. If the application is incomplete, the Applicant will be notified and the application will not proceed to hearing unless good cause is shown for the incompleteness.

- (a) Notice – The Applicant must provide a complete list of all properties adjacent to a proposed solar farm. The Applicant shall have a notice issued to every owner of those properties by certified mail, registered mail, or personal service at the last known address of such owner of a property as identified by the County tax records. The notice will identify the nature of the proposed use and the date that a public hearing shall occur on the proposed use in front of the County Board, and that any person may file an appearance to participate in that hearing and present witnesses at least five (5) days before the hearing commencement date. Those notices must be served at least fifteen (15) days before the public hearing. The Applicant shall provide evidence of notification or evidence of a “good faith” effort to contact the property owner prior to the hearing if requested by the County. The hearing notice shall also be published in a circulation of general publication at least three (3) times before the hearing commences with the first publication occurring at least thirty (30) days before the hearing and at least one publication occurring between seven (7) and fifteen (15) days before the hearing commences.

- (b) Hearing Officer – The County Board will appoint a hearing officer to preside over the solar farm hearing. The hearing officer shall preside over the public hearing; establish a record of the proceedings using a certified court reporter, make decisions concerning the admission of the evidence and the manner in which the hearing is conducted. The County Board may request that the hearing officer draft a recommendation and proposed findings. At the commencement of the hearing people wishing to provide sworn testimony or unsworn public comment will be identified by a sign in sheet.
- (c) Entering an Appearance at Hearing and Submitting Exhibits – The hearing officer, any County Transportation, Building and Technology Committee member, and any person who enters an appearance with the County at least seven (7) days before the hearing will have the opportunity to question witnesses. Members of the public who do not enter an appearance at least seven (7) days before the hearing may submit their questions for witnesses to the hearing officer who at his or her discretion may ask them of the witness. Any person or persons may appear at the hearing through an attorney licensed in Illinois. Any person offering sworn testimony will be subject to questioning. People offering public comment only without being sworn in will not be subjected to questioning. At least five (5) copies of any exhibits which will be used in testimony or questioning must be furnished by the person offering such exhibit.

If the hearing officer is requested by the Transportation, Building and Technology Committee to make a recommendation and proposed findings such shall be provided within three (3) business days of the completion of the hearing and submitted to the Transportation, Building and Technology Committee.

- (d) Committee and Board Action – The Transportation, Building and Technology Committee will consider the following facts:
 - (1) Whether the application and proposed solar farm project substantially complies with the solar farm ordinance.
 - (2) Whether the proposed solar farm project is sufficiently protective of the public health, safety and welfare of the residents of Adams County.

Within 10 days of conclusion of the hearing, the Transportation, Building and Technology Committee shall tender its findings and recommendations to the County Board. The committee may recommend approval, approval with request for additional information or clarification, approval with conditions, or denial. Within thirty (30) days of the conclusion of the public hearing the County Board will meet in public session and render its decision. The County Board may approve, approve with conditions, or deny the application.

- (e) Refiling – Any Applicant, owner or operator whose solar farm project application is denied may not refile a substantially similar application for one year. If the County Engineer determines an application is substantially similar to one the Applicant filed within one year it will not be forwarded to the Transportation, Building and Technology Committee or the County Board for review.

5-7-7 LIABILITY INSURANCE.

The owner/operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. The County shall be named as an individual insured on the policy to the extent the County is entitled to indemnification.

5-7-8 EFFECTIVE DATE.

This Ordinance is an ordinance necessary for the health and safety of the people of Adams County, Illinois, and shall be in full force and effect from and after its passage.

Ord. Num. 2018-09-001-016

CHAPTER 6: EMPLOYEES

ARTICLE I – SEXUAL HARASSMENT POLICY

6-1-1 STATEMENT OF POLICY

It is the policy of Adams County to provide a work environment free of sexual harassment. Adams County complies with the State of Illinois Public Act 100-0554 that requires governmental units to adopt a sexual harassment policy by either an ordinance or resolution, that complies with the law's new requirements. Adams County has adopted such Resolution (see link below).

[Adams County Anti-Harassment Policy – Resolution #2018-01-001-002](#)

ARTICLE II – EMPLOYEE HANDBOOK

6-2-1 ADAMS COUNTY EMPLOYEE HANDBOOK

The Adams County Board adopted the Adams County Employee Handbook effective January 1, 2020 as the County's personnel policies and shall be applicable to all employees, appointed and elected officials, unless preempted by state or federal law or in conflict with an existing employment contract or collective bargaining agreement.

(Res. Num. 2019-10-001-024)

6-2-2 SUPPLEMENT TO ADAMS COUNTY HANDBOOK

The Adams County Board adopted the Adams County Employee Handbook Supplement as the County's non-union personnel policies and shall be applicable to all employees, unless preempted by state or federal law or in conflict with an existing employment contract or collective bargaining agreement.

(Res. Num. 2019-12-001-030)

CHAPTER 7: OFFENSES

DIVISION I – TRUANCY ORDINANCE

7-1-1 PURPOSE

An Adams County Ordinance is created to prohibit chronic truancy in accordance with Illinois State Law 55 ILCS 5/5-1078.2.

7-1-2 DEFINITIONS

As used in this Ordinance, unless the context requires otherwise, are the following words and phrases shall be defined as:

“COURT”, the 8th Judicial Circuit; Adams County, Illinois.

“PARENT” is defined as a person who is a natural parent, adoptive parent, or step-parent of another person.

“GUARDIAN”

- (a) a parent, or
- (b) a person who under court order is the guardian of a minor, or
- (c) a public or private agency with which the court has placed a minor.

“TRUANT OFFICER” is defined as any officer, appointee, employee, or other agent of any school district or any federal, state, or local government, entity, or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute (105 ILCS 5/26-1).

“TRUANCY REVIEW BOARD” is defined as any agency or entity established by any school district or any federal, state, or local government entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agent which provides service to improve educational performance and/or school attendance.

“TRUANT” is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

“VALID CAUSE” for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

“CHRONIC TRUANT” is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

“TRUANT MINOR” is defined as a chronic truant ages 7 through 17 to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs, and other school and

community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

7-1-3 GOVERNING OFFICE

In accordance to 105 ILCS 5/34/4.5, the county appoints the Regional Office of Education to establish and implement the newly created Office of Chronic Truant Adjudication. The Office of Chronic Truant Adjudication will govern the processes and operations of this ordinance. The Regional Office of Education will monitor and maintain fiscal records and reconcile monthly with the county's account for these revenues and expenditures. The Office of Chronic Truant Adjudication will be self-sustaining.

7-1-4 ENFORCEMENT

- (a) No action on this Ordinance shall be made except on the signed complaint of the County's Truancy Officer, an officer of the County's Sheriffs Department, the Regional Superintendent of Schools, and/or the authorized designee of the established Office of Chronic Truant Adjudication.
- (b) A "Notice of Truancy" shall be sent by certified mail or delivered in person to the offending person(s) along with a summons to appear in front of a Truancy Review Board. The Truancy Review Board as designated by the established Office of Chronic Truant Adjudication shall convene to determine if the offense of truancy has been committed. The truancy notices shall be in writing and shall:
 - (1) state the name of the person being cited and the person's address, if known;
 - (2) set forth the specific section of this ordinance that was violated, the dates of the violation, and a brief description of the violation; and
 - (3) be signed by the issuing Police Officer, Truant Officer, or authorized complaining party, designee of the Office of Chronic Truant Adjudication.
 - (4) In each instance where a citation is issued to a minor for violation of this Ordinance, a minor's parents, custodian, or guardian shall be provided a copy of the citation notifying the parent, custodian, or guardian of the charge made against the minor.
- (c) A minor cited in accordance with this Ordinance must attend a hearing of the Truancy Review Board on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian, or other adult person having the legal care and custody of the minor. If any such person fails to attend any summoned hearing with the minor, unless the interest of justice would be served, the truancy offense will be directed to the State's Attorney's Office and a Truant in Need of Supervision petition will be requested. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

7-1-5 PENALTY

- (a) Any person who violates any provision of this Ordinance shall be fined an amount not to exceed One Hundred Dollars (\$100.00). A separate offense shall be deemed to have been committed upon each 18 truant school day periods on which such violation occurs or continues.
- (b) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform ten (10) hours of board approved community service during times other than the minor's hours of school attendance. The minor's parent, custodian, guardian, or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes

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and/or other counseling as recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(Ord. Num. 2011-09-001-001)

DIVISION II – UNLAWFUL POSSESSION OR CONSUMPTION OF ALCOHOL

7-2-1 ORDINANCE. UNLAWFUL POSSESSION OR CONSUMPTION OF ALCOHOL

- (a) No person under 21 years of age shall purchase, accept delivery, possess, or consume alcoholic liquor except as provided in this section.
- (b) The consumption or possession of alcoholic liquor by a person under 21 years of age is not prohibited:
 - (1) in the performance of a religious service or ceremony; or
 - (2) under the direct supervision and approval of a parent when in the residence of the person under 21 years of age; or
 - (3) when the person under the age of 21 is possessing alcoholic liquor pursuant to his or her employment.

7-2-2 PENALTY

Any person who violates this ordinance shall pay a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

(Adopted June 11, 2013)

DIVISION III – UNLAWFUL POSSESSION OF CANNABIS

7-3-1 ORDINANCE. UNLAWFUL POSSESSION OF CANNABIS

- (a) This ordinance is intended to apply to first time possessors of small amounts of cannabis.
- (b) DEFINITIONS.

“CANNABIS” includes marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not, the seeds thereof, the resin extracted from any such part of such plant, and any compounded manufacture, sale, derivative, mixture, or preparation of derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, but shall not include mature stalks of such plant, fiber produced from such stalks, oil or cake made from seeds of such plant, any other compound manufactured, salt, derivative, mixture or preparation of such mature stalk, fiber, oil, cake, or the sterilized seed of such plant which is incapable of germination.

- (c) It shall be unlawful for any person to knowingly possess less than 2.5 grams of a substance containing cannabis in Adams County, Illinois.

7-3-2 PENALTY

Any person who violates this ordinance shall pay a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

(Adopted June 11, 2013)

DIVISION IV – UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA

7-4-1 ORDINANCE. UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA

(a) DEFINITIONS.

“CANNABIS” includes marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not, the seeds thereof, the resin extracted from any such part of such plant, and any compounded manufacture, sale, derivative, mixture, or preparation of derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, but shall not include mature stalks of such plant, fiber produced from such stalks, oil or cake made from seeds of such plant, any other compound manufactured, salt, derivative, mixture or preparation of such mature stalk, fiber, oil, cake, or the sterilized seed of such plant which is incapable of germination.

“DRUG PARAPHERNALIA” is all equipment, products and materials of any kind, other than methamphetamine manufacturing materials, which are intended to be used unlawfully in planting, propagating, growing, harvesting, injecting, ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body.

- (b) It shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, in Adams County, Illinois.

7-4-2 PENALTY

Any person who violates this ordinance shall pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

(Adopted June 11, 2013)

DIVISION V – DISORDERLY CONDUCT

7-5-1 ORDINANCE. DISORDERLY CONDUCT

A person commits the offense of disorderly conduct when he knowingly does any act in such an unreasonable manner as to alarm and disturb another and provoke a breach of the peace.

7-5-2 PENALTY

Any person who violates this ordinance shall pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

(Adopted June 11, 2013)

CHAPTER 30: PUBLIC SAFETY

EMERGENCY MANAGEMENT AGENCY

30-1-1 ESTABLISHMENT

- (a) There is hereby created an Emergency Management Agency to develop, plan, analyze, conduct, provide, implement, and maintain programs for disaster mitigation, preparedness, response, and recovery in accordance with the The Illinois Emergency Management Agency Act, the National Incident Management System (NIMS), and the Robert T Stafford Act.
- (b) This agency will supersede the Civil Defense Agency and Emergency Services and Disaster Agency heretofore authorized, and shall be known as the Adams County Emergency Management Agency (hereinafter EMA).
- (c) The Adams County EMA shall consist of the Director, who shall be its executive and other administrative personnel as may be selected by the Director and may make such expenditures within the appropriation therefore as may be necessary to carry out the purpose of this ordinance.
- (d) The Adams County EMA shall have jurisdiction over and serve the entire County of Adams.

30-1-2 LEFT BLANK INTENTIONALLY

30-1-3 LIMITATIONS

NOTHING IN THIS ORDINANCE SHALL BE CONSTRUED TO:

- (a) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.
- (b) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency;
- (c) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any person thereof, when on active duty; but the Adams County Emergency Operations Plan shall place reliance upon the forces available for performance of functions related to disaster emergencies;
- (d) Limit, modify, or abridge the authority of the County Board Chairman, the committees, and the Adams County Board to exercise any other powers vested in them under the constitution, statutes, or common law of this state and county, independent of or in conjunction with any provisions of this chapter.

30-1-4 DEFINITIONS

As used in this Ordinance, unless the context clearly indicates otherwise, the following words and terms mean:

- (a) "Director" means the staff assistant to the head of a local government subdivision with the duty of carrying out the requirements of this ordinance.
- (b) "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural, human or technological cause, including, but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, or acts of terrorism.
- (c) "Disaster Operations" means the functions created in accordance with the provisions of this ordinance to be performed by state or local political subdivisions to alleviate the effects of disaster.
- (d) "Emergency Management" means the efforts of the state and political subdivisions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.
- (e) "Emergency Operation Plan" means the written plan of the political subdivision describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.
- (f) "Exercise" means a planned event realistically simulating a disaster, conducted for the purpose of evaluating the political subdivision's emergency management capabilities, including, but not limited to, testing the emergency operations plan.
- (g) "Municipality" means any city, village, and incorporated town.
- (h) "National Incident Management System" means the consistent nationwide approach developed and administered in accordance with Homeland Security Presidential Directive-5 for federal, state, local, and tribal governments and private- sector and nongovernmental organizations to work together effectively and efficiently, to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.
- (i) "Political Subdivision" means any county, city, village, or incorporated town.
- (j) "Terrorism" means the unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

30-1-5 DIRECTOR

- (a) The Director of the Adams County EMA shall be appointed by the Chairman of the County Board with the concurrence of the county board and shall serve until removed by the same.
- (b) The Director shall have direct responsibility for the organization, administration, training and operation of the Adams County EMA subject to the direction and control of the Chairman of the Adams County Board.
- (c) The Director shall coordinate activities of all organizations for emergency management and disaster operations within Adams County and shall maintain liaison and cooperate with emergency agencies and emergency organizations of municipalities within Adams County, other counties and cities, and of the federal and state government.
- (d) The Director shall head the Local Emergency Planning Commission.

- (e) During times of Presidential Disaster Declarations, the Director shall be appointed as the county's authorized agent for purposes of coordinating assistance and reimbursement through federal assistance programs.

30-1-6 FUNCTION

THE ADAMS COUNTY EMA SHALL:

- (a) Prepare and keep current an Emergency Operations Plan for Adams
- (b) Prepare and distribute to all appropriate officials in written form, a clear and complete statement of the organization of an incident management system, and the emergency responsibilities of all local departments and offices of the disaster chain of command;
- (c) Inter-relate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders in the development of such a plan.
- (d) Establish, train, and coordinate resources for use in search and rescue incidents.
- (e) Establish, train, and maintain EMA volunteer units as may be deemed necessary by the Director or the County Board to place the county in a position to promptly and effectively respond to disaster;
- (f) Maintain and operate, as necessary, an Emergency Operations Center for essential agencies and organizations to coordinate disaster response.
- (g) Prepare for issuance by the board chairman and Adams County Board, resolutions, proclamations and regulations as necessary or appropriate in coping with disaster.
- (h) Coordinate with other emergency response agencies the preparation and coordination of emergencies that require a multiple discipline response.
- (i) Cooperate with the federal and state governments and any public or private agency or entity in achieving any purpose of this ordinance and in implementing programs for disaster mitigation, preparation, response, and recovery;
- (j) Perform such emergency management and disaster operations, functions within Adams County as shall be prescribed in and by the state emergency operations plan 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 Illinois Emergency Management Agency Act".
- (k) Execute and enforce such orders, rules, and regulations as may be made by the Governor under authority of "The Illinois Emergency Management Agency Act". The Adams County EMA shall have available for inspection at its offices, all orders, rules and regulations made by the Governor, or under his authority, as shall be furnished by the Illinois Emergency Management Agency.

30-1-7 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

- (a) The Director may negotiate mutual aid agreements with other counties or political subdivisions of the state, but no such agreement shall be effective until the County Board Chairman has approved it.
- (b) The Director may negotiate memorandums of understandings with other private or non-profit entities, but no such agreement shall be effective until the County Board Chairman has approved it.

30-1-8 LOCAL DISASTER DECLARATION

- (a) In the event of a disaster, as defined in Section 3, the County Board Chair, may, upon the recommendation of the Adams County EMA Director, by proclamation declare that a disaster exists. Upon such proclamation the County Board Chair shall have and may exercise for a period not to exceed 7 days, except by or with consent of the Adams County Board, the following emergency powers.
- (b) To make, amend, and rescind all lawful necessary orders, rules, and regulation including but not limited to:
 - (1) Establishment of curfew
 - (2) To recommend evacuation of all or parts of the population from any stricken or threatened area
 - (3) To control ingress and egress to and from a disaster area, the movement of persons within the area and to occupy the premise within
 - (4) Issue such other orders as are necessary for the immediate protection of life and property
- (c) Temporarily occupy and/or control private or public property, real or personal, for temporary public use in responding to a declared disaster defined in section 3; provided, however, that the lawful owner of such property be compensated a fair market value for the use or taking of property, upon that owner's application to the County for such compensation at the conclusion of the declared disaster.
- (d) To suspend the provisions of any regulatory statute prescribing procedures for conduct of County business, or orders, rules, and regulation of any County agency, if strict compliance with the provisions in any way prevent, hinder, or delay necessary action, including emergency purchases, by the Adams County Emergency Management Agency, in coping with the disaster.
- (e) Any order or proclamation declaring, continuing, or terminating a county disaster shall be given prompt and general publicity.

30-1-9 UTILIZATION OF EXISTING AGENCY, FACILITIES, AND PERSONNEL

- (a) Upon the proclamation of a declared disaster defined by section 3, the Director may utilize and direct the services, equipment, supplies and facilities of existing departments, offices, agencies within the political subdivision, to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed.

30-1-10 PURCHASES AND EXPENDITURES

- (a) The County Board Chairman may, on recommendation of the Director, may authorize any purchase or contracts necessary to place the county in a position to effectively combat any disaster and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster.
- (b) In the event of a declared disaster, the Director is authorized, on behalf of the county, 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 procedure or formalities normally prescribed by law pertaining to county contracts or obligations, provided that if the County Board meets, at such time the director shall act subject to the directions and restriction imposed by that body.

30-1-11 APPROPRIATION

- (a) The Adams County Board shall make an appropriation for EMA purposes in the manner provided by law.
- (b) The County Board may levy, for EMA purposes only, a tax not to exceed five (5) cents per hundred (100) dollars of the assessed value of all taxable property in addition to all other taxes; however, that amount collectable under such levy shall in no event exceed .25 cents per capita.

30-1-12 STATE EMERGENCY ACTION

- (a) If the Governor of Illinois declares that a disaster emergency exists in the event of an actual enemy attack upon the United States, or the occurrence within the state of Illinois, or a major disaster resulting from enemy sabotage, other hostile action, or from manmade or natural disaster, it shall be the duty of the Adams County EMA to cooperate fully with the Illinois Emergency Management Agency and with the Governor in the exercise of emergency powers as provided by law.

30-1-13 COMPENSATION / REIMBURSEMENT BY STATE

- (a) The County Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state or federal government to the county for expenses incident to emergency management activities as provided by law or the Adams County Board.

30-1-14 OATH

- (a) Every person appointed to serve in any capacity in the Adams County EMA organization shall, before entering upon his or her duties, subscribe the following oath, which shall be filed with the Director.

“I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and 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 Adams County Emergency Management 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.”

30-1-15 DISASTER WARNING DEVICES

- (a) The testing of warning systems, including outdoor warning siren systems and public notification systems, shall be held only on the first Tuesday of each month at 10:00am.
- (b) Testing shall be withheld until the following month in the event possible severe weather.

- (c) If the system requires testing due to failure or maintenance public notification must be given no less than one day in advance.
- (d) Warning systems utilized during exercises must be approved in advance by the Adams County Emergency Management Agency

30-1-16 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS, OR LOANS

- (a) Whenever the federal or state governments or any agency or officer thereof or whenever any person, firm or corporation shall offer to Adams County, services, equipment, supplies, materials, or funds by way of gift or grant for purposes of emergency management agency operations, the county, acting through the county board, may authorize any officer of the county to receive such services, equipment, supplies, materials, or funds on behalf of the county.
- (b) However, in times of disaster, as defined in section 3, the EMA Director may receive such services, equipment, supplies, materials, or funds on behalf of the county.

30-1-17 SEVERABILITY

- (a) If any provisions of this ordinance or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

CHAPTER 31: ABANDONED/UNCLAIMED HUMAN REMAINS DISPOSITION POLICY

31-1-1 PURPOSE

The purpose of this policy is to ensure that any person that passes away in Adams County, Illinois, that is declared by the Coroner to be abandoned or unclaimed, be attended to with appropriate observance and understanding, with dignity and respect.

The following guidelines have been set forth by the Adams County Coroner's Office to act as a procedural policy in offering guidance to achieve the proper and most respectful care for any person that passes away in Adams County and has been declared abandoned or unclaimed, a determination to be made by the Coroner.

31-1-2 POLICY

It is the policy of Adams County that each deceased individual of the county that the Coroner determines to be unclaimed or abandoned be entitled to a dignified disposition of their remains. Disposition in such cases shall be done by cremation.

This policy will be enforced by the Coroner after he/she has exhausted any and all possible leads in locating a legal Next of Kin to take responsibility for final disposition, or when a known legal Next of Kin refuses to take responsibility for the final disposition. This policy will be enforced with utmost compassion for the deceased person in question with dignity and respect. The Coroner will utilize, at his/her discretion, whatever professional services are available to him/her to perform such task, at the expense of the county.

*It is important for all to understand and recognize that the Coroner's Office is NOT a funeral service provider, rather a provider of solutions when the ability to work with a funeral service provider is not an option.

31-1-3 PROCEDURE

1. This policy will be followed when a deceased individual has no known next of kin or if the next of kin is known this policy will be presented and explained to any known legal next of kin that will not take responsibility for final disposition. If any legal next of kin is known to exist, a signature will be requested from legal next of kin to release the county from any liability.
2. Remains will be cremated.
3. Once cremated, the cremains will be made available for removal by the next of kin when released by the coroner. Cremains will be placed in the Adams County crypt located in the Village of Golden cemetery mausoleum located in Golden, IL. This crypt was purchased by the Adams County Coroner's Office to provide a respectful resting place.
4. At any time a legal next of kin should want to retrieve the cremains from the crypt, for any reason whatsoever, the Coroner's office will require that an Illinois licensed funeral home/funeral service

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provider be working with such person. A disposition permit must be issued by the Adams County Registrar prior to the removal of any cremains from the crypt, as required by the State of Illinois.

(Adopted April 10, 2019; as amended June 9, 2020)