

Chapter 1

GENERAL PROVISIONS

Sections:

- 1.1** How Code designated and cited.
- 1.1ART.** In General.
- 1.2** Definitions and rules of construction.
- 1.3** Captions of sections.
- 1.4** Severability of parts of Code.
- 1.5** Provisions construed as continuations of existing ordinances.
- 1.6** Ordinances and resolutions--Recordation; indexing.
- 1.6.1.** Repealed
- 1.6.2.** Same--Adoption of codes and public records by reference.
- 1.7** Same--Publication; time of taking effect.
- 1.8** Same--Filing and preservation of original ordinances and resolutions.
- 1.9** Same--Preservation of rights and liabilities under repealed ordinances.
- 1.10** Same--Effect of repeal of repealing ordinance.
- 1.11** Numbering of ordinances.
- 1.11.1.** Supplements.
- 1.12** Comprehensive plan.
- 1.13** Official time.
- 1.14** Fiscal year.
- 1.15** General penalty for ordinance violation.
- 1.15.1.** Suspension, Revocation, Refusal to Renew, Grant or Amend any License or Permit.
- 1.15.2.** Late Penalty; Administrative Fees.
- 1.16** Citation and settlement in lieu of prosecution for certain offenses.
- 1.17** General Sentencing for Ordinance Violations--Work; restitution.
- 1.18** Actions--Generally.
- 1.19** Repealed by Ord. No. 2261 § 6.
- 1.20** Same--Complaint.
- 1.21** Liability for damage to Village property.
- 1.22** Village seal--Generally.
- 1.23** Same--Custody and use.
- 1.24** Village datum.
- 1.25** Repealed by Ord. No. 3265, § 7.
- 1.26** Repealed by Ord. No. 3265, § 7.
- 1.27** Freedom of Information--appointment of officer, requests for inspection or copying of records--procedures; fees.
- 1.28** Indemnification of certain officials.
- 1.29** Fee waivers.
- 1.30ART.** Article II. Village Officials and Employees Ethics Act.
- 1.31** Definitions.
- 1.32** Prohibited Political Activities.
- 1.33** Gift Ban.
- 1.34** Penalties.
- 1.35** Ethics Officer.
- Section 1.1** How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be

Downers Grove Municipal Code

designated as "The Municipal Code of the Village of Downers Grove," and may be so cited. Such ordinances may also be cited as the "Downers Grove Municipal Code."

Section 1.1ART. In General.

(Ord. No. 4915, 10/02/07)

Section 1.2 Definitions and rules of construction.

(a) Definitions.

In the interpretation and construction of this Code, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Action. The term "action" shall include suits, prosecutions and all judicial proceedings.

Alley. The word "alley" means public land, which may be improved or unimproved, that is designated for public service or utilitarian purposes, but not intended for general traffic circulation; this public land shall not be in excess of thirty (30) feet in width at its intersection with a street.

Computation of time. The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday, Sunday or a legal holiday, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.11.)

County. The words "county" or "the county" mean DuPage County in the State of Illinois.

Driveway. A private means of access for motor vehicles connecting the public street with private property and access to a parking area, garage, building or other structure.

Gender. Words importing the masculine gender shall include the feminine and neuter.

In the Village. The words "in the Village" or "within the Village" mean and include all territory over which the Village now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.09.)

Month. The word "month" means a calendar month. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.10.)

Number. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.03.)

Oath. The word "oath" shall be deemed to include an affirmation and the word "sworn" shall be construed to include the word "affirmed". (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.12.)

Occupant or tenant. The word "occupant" or "tenant" applied to a building or land, means any person who holds a written or an oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

Officer. Whenever the title of any Village officer is used, it shall be construed as if the words "of the Village of Downers Grove" followed it.

Or, and. "Or" may be read "and" and "and" may be read "or", if the sense requires it.

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of the whole or a part or the holder of any beneficial interest of such building or land.

Parkway. The word "parkway" means that part of the right of way, located between the curb and the nearest property line, or, in the absence of a curb, between the edge of the paved portion of the street

Downers Grove Municipal Code

and the nearest property line.

Person. The word "person" means any individual, partnership, corporation, joint stock association or any city or state or any subdivision thereof, and includes any trustee, receiver, assignee or personal representative thereof. (For state law definition of "person" as applicable to villages, see Ill. Comp. Stat., ch. 65, § 5.1-1-2. See also, Ill. Comp. Stat., ch. 5, § 70/1.05.)

Personal property includes every species of property, except real property as defined by this section.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall include real and personal property. (See Ill. Comp. Stat., ch. 765, § 325/1; ch. 30 § 605/1.02.)

Public Land. Means and includes: (1) all overhead facilities and utility easements; (2) overgrown alleyways not accessible for general traffic circulation; (3) Village property other than public streets; and (4) , Village-improved public right-of-way, as those terms are defined herein, now or hereafter owned by the Village.

Real property shall include lands, tenements and hereditaments and shall embrace all chattels real. (For similar state law definition, see Ill. Comp. Stat., ch. 765, § 5/38.)

Right-Of-Way, Public. Improved or unimproved strip of land dedicated for public use, primarily intended to be occupied or presently occupied by a street, roadway, alley, sidewalk, parkway public utility line or any other public uses such as a bicycle or walking path.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. (For similar state law definition, see Ill. Comp. Stat. Ch. 625, §5/1-179.)

Sidewalk. The word "sidewalk" means that portion of a street, including the parkway, which is a hard surfaced pedestrian walkway intended for the use of pedestrians, and which is located between the curb lines or the lateral lines of a roadway and the adjacent property lines. (For similar state law definition, see Ill. Comp. Stat., ch. 625, § 5/1-188.)

State. The words "state" or "the state" mean the State of Illinois.

Street. Generally, the word "street" means the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public, as a matter of right for purposes of vehicular traffic. (For similar state law definition, see Ill. Comp. Stat., ch. 625, § 5/1-201.) For the purposes of Chapters 19, 20 and 28, "street" shall mean the improved component of a public right-of-way which is intended as the means of vehicular access to abutting property or as a thoroughfare, whether designated as a street, avenue or otherwise, but not including alleys or driveways.

Tense. Words in the present tense include the future. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.02.)

Village. The words "Village" or "the Village" mean the Village of Downers Grove in DuPage County, State of Illinois, except as otherwise provided.

Written, in writing. The words "written" or "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. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.15.)

Year. The word "year" means a calendar year unless otherwise expressed. (For similar state law, see Ill. Comp. Stat., ch. 5, § 70/1.10.)

Zoning Ordinance. The phrase "Zoning Ordinance" shall mean and refer to the Comprehensive Zoning Ordinance of the Village passed and approved April 19, 1965 as the same may from time to time be supplemented and amended.

(b) Rules of Construction.

(1) Words used in the present tense shall include the future; words used in the

Downers Grove Municipal Code

singular shall include the plural and the plural in the singular;

(2) The word "shall" is mandatory;

(3) The word "may" is permissive;

(4) The phrase "used for" shall include but is not limited to the phrases "arranged for," "designed for," "maintained for," and "occupied for".

(5) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. (Ord. No. 1622, § 1; Ord. No. 2480, § 1; Ord. No. 3265, § 1, Ord. No. 4017, 3/30/98; Ord. No. 4550, 11/18/03; Ord. No. 5392, 6/15/14)

Section 1.3 Captions of sections.

The captions of the several sections of this Code printed in boldface type are intended to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided shall they be so deemed when any of such sections, including the captions, are amended or re-enacted.

Section 1.4 Severability of parts of Code.

Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Code, since the same would have been enacted by the Mayor and Council without the incorporation in this Code of any invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 1.5 Provisions construed as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are substantially the same as those of the Revised Ordinances of the Village of Downers Grove of 1925, and those of all other ordinances existing at the time of the adoption of this Code shall be construed as a continuation thereof and not as new enactments.

Section 1.6 Ordinances and resolutions--Recordation; indexing.

All ordinances and resolutions passed by the Mayor and Council of the Village shall be deposited in the Office of the Village Clerk, and shall be duly recorded by such Clerk in the record book of ordinances and resolutions and appropriately indexed. (Ord. No. 2261, § 1.)

NOTE:For similar state law, see Ill. Comp. Stat., ch. 65, § 5/1-2-5.

Section 1.6.1. Repealed

(Ord. No. 3506, 9/14/92; Ord. No. 3917, 2/3/97; Ord. No. 4142, 8/2/99)

Section 1.6.2. Same--Adoption of codes and public records by reference.

(a) The Village is hereby authorized to adopt by reference, as criteria for the issuance of construction, reconstruction, alteration or installation permits, the provisions of any regulations published and prepared by nationally recognized trade or service associations, including without limitation building,

Downers Grove Municipal Code

plumbing, electrical, life-safety and fire prevention codes, or the provisions of any public record, including federal or state statute or regulations or DuPage County ordinances or regulations, without setting forth the provisions of such regulations or public records in full; provided that thirty days prior to adoption of the ordinance which incorporates by reference such regulations or public records, the Village Council shall place one copy of such regulations or public records on file with the Village Clerk and shall provide that additional copies thereof shall be made available by such department of the Village as may be responsible for the administration of such regulations.

(b) Any amendment which may be made to any regulations or public records incorporated by reference by the Village hereunder, may be likewise adopted by reference, provided that the procedures established herein are followed regarding placement of copies on file for inspection by the public. Ordinances adopting amendments by reference shall be required to be published as any other ordinances of the Village. (Ord. No. 3265, § 2.)

Section 1.7 Same--Publication; time of taking effect.

All ordinances of the Village imposing any fine, penalty, imprisonment or forfeiture or making any appropriation shall: (1) be printed or published in book or pamphlet form, published by authority of the corporate authorities; or (2) be published at least once within thirty days after passage in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village. No such ordinance shall take effect until ten days after it is so published, except that an ordinance imposing a municipal retailers' occupational tax adopted under Section 8-11-1 of the Illinois Municipal Code, or a tourism convention and other special events promotion tax adopted under Section 8-3-13 of the Illinois Municipal Code, or effecting a change in the rate thereof, shall take effect on the first day of the month next following the expiration of the thirty day publication period. All other ordinances, resolutions and motions shall take effect upon their passage unless they otherwise provide.

Anything in this section to the contrary notwithstanding, any ordinance which contains a statement of its urgency in the preamble or body thereof, other than an ordinance adopted under Article VIII of the Illinois Municipal Code, may take effect immediately upon its passage, provided that the Village Council, by a vote of two-thirds of all the members then holding office, so directs. The decision of the Village Council as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion. (Ord. No. 3265, § 3.)

Section 1.8 Same--Filing and preservation of original ordinances and resolutions.

The Village Clerk shall file and carefully preserve the originals of all ordinances and resolutions deposited in the Clerk's office. (Ord. No. 2261, § 2; Ord. No. 3265, § 4.)

Section 1.9 Same--Preservation of rights and liabilities under repealed ordinances.

No suit, proceeding, fine, penalty, forfeiture, debt, right or other liability whatever, instituted, incurred, given, created or accrued by or under any ordinance of the Village prior to its repeal or modification, shall be annulled, released or in anywise affected by the passage of such repealing or modifying ordinance, but the same may be prosecuted, recovered, completed and enjoyed as fully in all respects as if such ordinance or part thereof had remained in full force, unless otherwise expressly provided in the ordinance making such repeal.

Section 1.10 Same--Effect of repeal of repealing ordinance.

Downers Grove Municipal Code

When any ordinance, repealing any former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed so as to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

Section 1.11 Numbering of ordinances.

All ordinances passed by the Village Council shall be consecutively numbered by the Village Clerk in the order in which they are passed. (R.O. 1925, § 490; Ord. No. 2261, § 3; Ord. No. 2766, § 1.)

Section 1.11.1. Supplements.

This Code shall from time to time be amended by adding thereto supplements incorporating ordinances and revisions as directed by the Village Council. Except as expressly set forth therein, such supplements shall not be deemed to repeal, modify, amend, or otherwise affect the validity, enforceability, meaning or interpretation of any of the following:

(a) Any ordinance or resolution adopted on or after the date the ordinance incorporated into the supplement was adopted;

(b) Any ordinance or resolution promising or guaranteeing the payment of money or authorizing issuance of any bond or other evidence of indebtedness of the Village, or any contract or obligation assumed by the Village;

(c) Any ordinance or resolution in connection with any annual tax levy;

(d) Any ordinance or resolution conferring any right or franchise;

(e) Any special or temporary ordinance or resolution;

(f) Any ordinance or resolution relating to the salaries of Village officials or officers;

(g) Any ordinance annexing territory to the Village;

(h) Any ordinance naming, renaming, opening or vacating streets or alleys;

(i) Any ordinance relating to zoning;

(j) Any ordinance of a general and permanent nature ordered by the Village Council to be printed in the form of separate book or pamphlet. (Ord. No. 3380, § 1.)

Section 1.12 Comprehensive plan.

The official Comprehensive Plan for the Village of Downers Grove shall consist of the following elements:

(a) The Comprehensive Plan dated June 13, 2017, as amended from time to time; and

(b) The Future Land Use Narrative dated March 21, 1995, and approved April 3, 1995, and the Future Land Use Map dated April 13, 2005, and approved June 7, 2005; and

(c) The development plans as may be approved by the Council from time to time, including a street and thoroughfare plan, a community facilities plan, a public utilities plan, a housing plan, neighborhood plans, and an official map; and

To the extent that the Comprehensive Plan is inconsistent with any provision or part of the Future Land Use Narrative and Map or the development plans, that Future Land Use Narrative and Map and those development plans shall control. (Ord. No. 2118, § 1; Ord. No. 2694, § 2; Ord. No. 2743, § 2; Ord. No. 3265, § 5; Ord. No. 3734, 4/3/95; Ord. No. 3781, 9/25/95; Ord. No. 4626, 11/16/04; Ord. No. 4652, 2/15/05; Ord. No. 4671, 5/3/05; Ord. No. 4675, 5/17/05; Ord. No. 4681, 6/7/05; Ord. No. 5227, 10/4/11; Ord. 5470, 7/21/15)

(Ord. 5625, Amended, 06/13/2017)

Section 1.13 Official time.

Downers Grove Municipal Code

Central standard time shall be the official time within the Village for the transaction of all Village business, except that from 2:00 A.M. of the last Sunday in April of each year to 2:00 A.M. of the last Sunday in October of each year, the official time for the Village shall be one hour in advance of central standard time.

When reference is made to any time without qualification in any motion, resolution or ordinance heretofore passed or which may be passed hereafter by the Mayor and Council, or in any official notice, advertisement or document of the Village, or in any contract to which the Village is a party, it shall be understood to refer to the official time of the Village as herein prescribed. When the words "daylight saving time" are used, the reference shall be to the advanced time herein prescribed as the official time from the last Sunday in April until the last Sunday in October.

In all motions, resolutions or ordinances of the Mayor and Council and in all official notices, advertisements or documents of the Village, and in all contracts to which the Village is a party relating to the time of performance of any act by any officer or department of the Village, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person, it shall be understood and intended that the time shall be the official time of the Village as herein prescribed. (Ord. No. 51; Ord. No. 371; Ord. No. 375; codification 1969; Ord. No. 3153, § 1; Ord. No. 3265, § 6.)

Section 1.14 Fiscal year.

The fiscal year of the Village shall commence on the first day of May, and terminate on the thirtieth day of April in each and every year, provided that effective January 1, 2007, the fiscal year of the Village shall commence on the first day of January, and terminate on the thirty-first day of December. (R.O. 1925 § 3; codification 1969; Ord. No. 4700, 8/16/05)

Section 1.15 General penalty for ordinance violation.

(a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the Village shall be guilty of an offense. Except in cases where a different penalty is prescribed by any ordinance of the Village, any person who pleads guilty to or is found guilty of an offense under the ordinances of Downers Grove shall be punished by a fine of not less than seventy five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

(b) Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Village is committed, continued or permitted by any such person, and he shall be punished accordingly.

(c) In all cases where the same offense is made punishable or is created by different clauses or sections of an ordinance the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the suspension or revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(d) The levy and/or payment of any penalty or fine provided in this code shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(e) In addition to any other penalties provided in this Code, the Village Attorney shall have the authority to seek injunctive or other relief in the Circuit Court of DuPage County to enforce and compel compliance with the ordinances of the Village. Such injunctive action may be combined with counts seeking monetary fines as provided herein. (R.O. 1925, § 44; codification 1969; Ord. No. 2261, § 4; Ord. No. 5276, 8/21/12)

NOTE: For state law as to limitations upon fines and penalties imposed by Village, see Ill. Comp. Stat., ch.

Downers Grove Municipal Code

65, § 5/1-2-1.

Section 1.15.1. Suspension, Revocation, Refusal to Renew, Grant or Amend any License or Permit.

(a) No permit or license as required by the Downers Grove Municipal Code shall be issued to any person or entity until all outstanding fees, fines, assessments or penalties shall have been paid to the Village Collector. Nor shall an amendment to any permit or license be approved until all such outstanding debts have been paid to the Village Collector. Any bond held by the Village may be withheld until all outstanding fees, fines, assessments or penalties have been paid to the Village Collector. The Village Collector shall have the authority to withhold all or a portion of the bond to satisfy any and all outstanding debts owed to the Village.

(b) In the event a person or entity incurs a fine, fee, assessment or penalty while holding a validly issued Village permit or license, said permit or license may be suspended or revoked at the discretion of the Village Manager.

(c) Any permit or license issued by the Village may be revoked or suspended at the discretion of the Village Manager if the permit holder or licensee violates any term of the permit or license or is found guilty of a violation of any and all provisions of the Downers Grove Municipal Code. (Ord. No. 4620, 10/5/04)

Section 1.15.2. Late Penalty; Administrative Fees.

When any statement for Village services, fees or fines shall remain unpaid after thirty (30) days of the date of said statement, the Village Manager may take whatever action is lawful and necessary to collect delinquent accounts, including, without limitation, termination of service or hiring a collection agency. For each account referred to a collection agency, a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed. (Ord. No. 5132, 4/20/10)

Section 1.16 Citation and settlement in lieu of prosecution for certain offenses.

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said

Downers Grove Municipal Code

violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5.501; Animals; Running at Large.
- (ii) Section 5.202.; Removal of Dog Excrement.
- (iii) Section 5.203; Removal of Cat Excrement.
- (iv) Section 8.2014(d); Requirements for Display of Massage Establishment

License.

- (v) Section 13.43; Storage of Refuse.
- (vi) Section 13.49.1; Placing Garbage on the Parkway for Scavenger Removal.
- (vii) Section 13.49.2; Discarding Refuse and Compostable Materials in Streets,

etc., prohibited.

- (viii) Section 15.5.1; Noise Regulations.
- (ix) Section 15.8; Drinking in Public.
- (x) Section 5.23.1; Possession of Tobacco Products by Minors.
- (xi) Section 19.15.1; Skateboarding, Roller Skating or In-Line Skating in a

Business District.

- (xii) Section 19.21.1; Depositing Snow on Paved Streets.
- (xiii) Section 25.11; Use of Public Hydrants.
- (xiv) Any provision of Chapter 6, Bicycles.

2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28.9.030.H; Real Estate Signs
- (ii) Section 28.9.030.J; Garage/Rummage Sale Signs.

3. INTERNATIONAL CODE COUNCIL 2006 INTERNATIONAL FIRE CODE (As adopted in Section 17.43)

- (i) Section 605.4; Multi-Plug Adaptors.
- (ii) Section 605.5; Extension Cords.
- (iii) Section 906; Portable Fire Extinguishers.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of one hundred dollars (\$100.00) if paid within ten (10) days of service of the citation, or two hundred dollars (\$200.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 13.35; Open Burning Prohibited.
- (ii) Section 13.38; A person who smokes in an area where smoking is prohibited

under the Smoke Free Illinois Act.

- (iii) Section 15.2; Curfew.
- (iv) Section 15.3; Littering.
- (v) Section 15.4.(a), (b), (c), (d), & (f); Malicious mischief.
- (vi) Section 15.5 (a), (d), (e) &(h) Disorderly conduct.
- (vii) Section 15.12; Fireworks-Possession.
- (viii) Section 15.23; Truancy.

(ix) Section 15.25(d)(1); Possession of drug paraphernalia in connection with 10 or less grams of cannabis.

- (x) Section 15.25(e)(1); Possession of cannabis prohibited (10 or less grams).
- (xi) Section 15.28 Retail Theft - Less than \$150.
- (xii) Section 15.29; Commercial Solicitation.

Downers Grove Municipal Code

- (xiii) Section 15.39 Noncommercial Solicitation.
- (xiv) Section 17.45; Parking in Fire Lane.
- (xv) Section 25.5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

3. 2003 NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7.1301)

- (i) Section 4.5.3.2 Unobstructed Egress.
- (ii) Section 4.6.13.1 through 4.6.13.4 Maintenance and Testing [Equipment, Systems and Life Safety Features Maintained in Proper Operating Condition].
- (iii) Section 7.2.1.5 Locks.
- (iv) Section 7.2.1.6 Locking Arrangements.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of three hundred dollars (\$300.00) if paid within ten (10) days of service of the citation, or six hundred dollars (\$600.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 7.1801; (a), (d), (e), (f), (g), (i), (k), (o), (p); Demolition/Construction Site Management.
- (ii) Section 15.20(b); Sale of Tobacco to a Minor.

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of five hundred dollars (\$500.00) if paid within ten (10) days of service of the citation, or one thousand dollars (\$1,000.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 3.25; Sale of Liquor to Certain Persons Prohibited.
- (ii) Section 15.20.1; Rental of Hotel Room to Minors.

(g) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying double the permit fee if work is started without a permit.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 7.301; Permit Required. (Buildings)
- (ii) Section 10.401; Work to be stopped. (Electrical)
- (iii) Section 16.303(b) Permit issuance. (Plumbing)

(h) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(i) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1.15(a).

(j) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

Downers Grove Municipal Code

(k) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, community development officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or ICC Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4; Ord. No. 3464, 5/18/92; Ord. No. 3554, 4/19/93; Ord. No. 3612, 11/29/93; Ord. No. 3671, 8/23/94; Ord. No. 3680, 9/6/94; Ord. No. 3747, 5/22/95; Ord. No. 3758, 7/10/95; Ord. No. 3762, 7/24/95; Ord. No. 3765, 7/31/95; Ord. No. 3812, 12/11/95; Ord. No. 3831, 1/22/96; Ord. No. 3884, 9/23/96; Ord. No. 3938, 5/27/97; Ord. No. 3976, 10/6/97; Ord. No. 4052, 7/27/98; Ord. No. 4056, 8/3/98; Ord. No. 4101, 2/8/99; Ord. No. 4176, 1/4/00; Ord. No. 4182, 3/7/00; Ord. No. 4246, 2/6/01; Ord. No. 4274, 3/20/01; Ord. No. 4454, 10/15/02; Ord. No. 4526, 7/15/03; Ord. No. 4533, 9/16/03; Ord. No. 4573, 3/2/04; Ord. No. 4621, 10/5/04; Ord. No. 4638, 1/18/05; Ord. No. 4668, 5/3/05; Ord. No. 4768, 5/2/06; Ord. No. 4801, 8/1/06; Ord. No. 4812, 9/19/06; Ord. No. 4895, 8/7/07; Ord. No. 4927, 11/20/07; Ord. No. 5001, 9/16/08; Ord. No. 5056, 5/5/09; Ord. No. 5089, 11/3/09; Ord. No. 5077, 11/6/09; Ord. No. 5156, 10/12/10; Ord. No. 5384, 5/6/14; Ord. No. 5392, 6/15/14) (Ord. 5600, Amended, 01/24/2017)

Section 1.17 General Sentencing for Ordinance Violations--Work; restitution.

In addition to the payment of a fine as set forth in Section 1.15(a), any person who pleads guilty to or is found guilty of the violation of any provision of this Code may be sentenced by the court to a period of court supervision or to conditional discharge for a period not to exceed one year under the provisions of the Illinois Uniform Code of Corrections,* including a requirement that the person (a) perform community service work appropriate in type and duration to the offense committed; (b) make restitution or reparation in an amount not to exceed actual loss or damages to property and pecuniary loss; or (c) any other penalty or condition set forth in 730ILCS 5/15-6-3 or 5-6-3.1 as may be amended from time to time. If sentenced to work as aforesaid, the court may not require the person to work more than eight hours per day on weekends or legal holidays. (Ord. No. 2261, § 5; Ord. No. 3464, 5/18/92; Ord. No. 3645, 4/11/94; Ord. No. 3951, 6/30/97; Ord. No. 5276; 8/21/12)

*See Ill. Comp. Stat., ch. 730, § 5/1-1-1 et seq. (See §§ 5/5-6-1 through 5/5-6-3.1)

Section 1.18 Actions--Generally.

Actions, suits and prosecutions for the violation of any Village ordinance, may be commenced and prosecuted in the name of "The Village of Downers Grove," before any court of competent jurisdiction in DuPage County. (R.O. 1925 § 558.)

Section 1.20 Same--Complaint.

Whenever any person shall make a complaint in writing, verified by affidavit, to any court of competent jurisdiction, and shall state in such complaint that any provision of this Code or of any other ordinance of the Village has been violated, and that he, the complainant, has reasonable grounds to believe that the person charged in such complaint is guilty thereof, the court shall examine upon oath or affirmation the complainant and any witnesses. The complainant, may charge several persons with the violation of the same ordinance, and no suit shall be dismissed for any defect of form of complaint. A warrant in the name of the Village as plaintiff or complainant may be issued by the court for the arrest of the person charged if it appears from the contents of the complaint and the examination of the complainant and other witnesses, if any, that the person against whom the complaint was made has

Downers Grove Municipal Code

violated a provision of this Code or any other Village ordinance. (R.O. 1925 § 34.)

Section 1.21 Liability for damage to Village property.

Any person or entity damaging or causing damage to property owned or controlled by the Village shall be liable for all costs incurred in repairing the damage or replacing the item damaged whether such work is completed by the person or entity causing the damage or by the Village or its contractor. Such person or entity shall also be liable for any administrative costs as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" and those costs incurred in repairing or replacing the property and in billing the person or entity for the costs. (Ord. No. 3890, 10/28/96; Ord. No. 5132, 4/20/10)

Section 1.22 Village seal--Generally.

The seal now being used by and for the Village, the impression of which is circular in form, on the outer circle of which are the words, "Village of Downers Grove, Illinois", and within the inner circle of which is a symbolic figure of grain, is hereby established and declared to have been, and to now and in the future be, the official seal of the Village, to be used in all instances in which, by law and custom, it is necessary to use such seal to give effect to the corporate acts of the Village. In lieu of an impression, the seal may be affixed by use of a stamp. (R.O. 1925, § 1; Ord. No. 3657, 6/27/94)

Section 1.23 Same--Custody and use.

The Village seal shall be and remain in the custody of the Village Clerk, to be used by the Clerk, and by the Mayor of the Village. (R.O. 1925, § 2.)

Section 1.24 Village datum.

The datum for the level of the Village of Downers Grove shall be as follows:

Elevation 713.28 feet above mean sea level, as indicated by a square symbol chiseled in the northeast corner of the southerly control signal tower of the Burlington Northern Railroad, located approximately two thousand two hundred feet west of the intersection of such railroad's right of way and Main Street, Downers Grove. (Ord. No. 1579, § 1; Ord. No. 3030, § 1.)

Section 1.27 Freedom of Information--appointment of officer, requests for inspection or copying of records--procedures; fees.

(a) The Village Clerk and his/her designees shall serve as the Freedom of Information Officers and shall perform such duties as required by law.

(b) Persons desiring to inspect or obtain copies of Village records under the Illinois Freedom of Information Act shall make a written request which shall be submitted to the Freedom of Information Officer.

(c) The fee charged for copies of Village records, files, ordinances, documents, or other information retained by the Village, shall be as set forth by statutes of the State of Illinois. Where no statutory fee has been established, a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed. (Ord. No. 3265, 11/27/89; Ord. No. 3564, 5/24/93; Ord. No. 3965, 8/25/97; Ord. No. 4695, 7/5/05; Ord. No. 5095, 1/1/10; Ord. No. 5132, 4/20/10)

Section 1.28 Indemnification of certain officials.

To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and applicable law, all elected and appointed officials of the Village, each member of any board or commission of the Village established by ordinance or resolution, all members of the Village's senior staff as designated by the administrative policy of the Village Manager, and each attorney of the Village, shall be indemnified, defended and held harmless by the Village from and against all liabilities, expenses of investigations, judgments and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such official or employee in connection with or resulting from any claim made against him, or any action, suit, proceeding or investigation in which he may be involved, by reason of his/her being or having been such official or such employee of the Village, whether or not he continues to be such official or employee at the time of such claim, action, suit, proceeding or investigation; provided, however, that the foregoing indemnity shall not extend to any of the following:

(a) Any liability or cost with respect to any matter as to which such official or employee is finally adjudged to be guilty of bad faith, or actual malice, or willful and wanton misconduct in the performance of his/her duties as such official or employee;

(b) Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless (i) such settlement shall be approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby, or (ii) such settlement shall have been made upon the written opinion of independent legal counsel selected by the Village Council, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or willful and wanton misconduct on the part of such official or employee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion;

(c) Any liability, expense, judgment or amount paid in settlement in connection with or resulting from any claim, action, suit, or proceeding in which such official or employee and the Village itself or officials of the Village acting in their governmental capacities are adverse parties.

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

The foregoing rights of indemnification shall be in addition to any other rights to which such official or employee may otherwise be entitled as a matter of law.* (Ord. No. 2022, § 1; Ord. No. 2643, §§ 1-2; Ord. No. 3265, § 8; Ord. No. 4852, 2/20/07)

*For state law as to indemnification injuries caused by policemen, see Ill. Comp. Stat., ch. 65, § 5/1-4-6. Also see ch. 745, § 10/1-101 et seq.

Section 1.29 Fee waivers.

Notwithstanding anything else to the contrary contained in the Municipal Code, or any other code or ordinance of the Village, certain fees which may be established by such codes and ordinances may be waived by the Manager or Council, subject to the following:

(a) These fees may be waived only for the benefit of governmental entities or not-for-profit charitable, religious, educational or public service organizations or institutions; and

(b) The Village Manager may, in his/her sole discretion, waive, in whole or in part, any such fee not in excess of five thousand dollars (\$5,000); and

(c) The Village Council may, in its sole discretion, waive, in whole or in part, any such fee of any amount.

Upon granting a fee waiver in compliance with this section, the Manager shall inform the Council in writing of his/her action. (Ord. No. 2048, § 1; Ord. No. 2486, § 1; Ord. No. 3265, § 9; Ord. 3510, 10/19/92; Ord. 4696, 7/5/05; Ord. 4852, 2/20/07)

Section 1.30ART. Article II. Village Officials and Employees Ethics Act.

(Ord. No. 4915, 10/2/07)

Section 1.31 Definitions.

For purposes of this Article, the following definitions shall apply:

Appointee. A person appointed to a position in or with the Village, regardless of whether the position is compensated.

Campaign for elective office. Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

Candidate. A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

Compensated time. Any time worked by or credited to any employee that counts toward any minimum work time requirement imposed as a condition of employment with an agency, but does not include any designated holidays or any period when the employee is on a leave of absence.

Compensatory time off. Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with the Village.

Contribution. Has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

Employee. A full-time, part-time, or contractual employee.

Gift. 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 an employee or officer.

Leave of absence. Any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the Village.

Officer. An elected or appointed official, members of advisory panels, boards and commissions and members of non-governing boards and commissions, regardless of whether the official is compensated.

Political. Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act 25 ILCS 170/1 et seq.), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties or governmental and public service functions.

Political organization. A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code 10 ILCS 5/9-3, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

Downers Grove Municipal Code

- (2) 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.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) 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.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source. Any person or entity who:

- (1) is seeking official action (i) by the officer or (ii) in the case of an employee, by the employee or by the officer or other employee directing the employee;
- (2) does business or seeks to do business (i) with the officer or (ii) in the case of an employee, with the employee or with the officer or other employee directing the employee;
- (3) conducts activities regulated (i) by the officer or (ii) in the case of an employee, by the employee or by the officer or other employee directing the employee;
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer, or employee; or
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act 25 ILCS 170/1 et seq., except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors. (Ord. No. 4915, 10/2/07)

Section 1.32 Prohibited Political Activities.

- (a) Village employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). Village employees shall not intentionally misappropriate any Village property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- (b) At no time shall any officer intentionally misappropriate the services of any Village employee by requiring that employee to perform any prohibited political activity (i) as part of that

Downers Grove Municipal Code

employee's Village duties, (ii) as a condition of Village employment, or (iii) during any time off that is compensated by the Village (such as vacation, personal, or compensatory time off).

(c) A Village employee shall not be required at any time to participate in any prohibited political activity in consideration for that Village employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A Village employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Village employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a Village employee to engage in as a part of his or her official Village employment duties or activities that are undertaken by a Village employee on a voluntary basis as permitted by law.

(f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of Village employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club. (Ord. No. 4915, 10/2/07)

Section 1.33 Gift Ban.

(a) Except as otherwise provided in this Section no officer or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the officer or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

(b) The restriction in subsection (a) does not apply to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee pays the market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or under this Article or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss municipal business.
- (6) 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 fiance or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the officer, or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the officer, or employee shall consider the circumstances under which the gift was offered, such as:
 - (i) 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;

Downers Grove Municipal Code

- (ii) whether to the actual knowledge of the officer or employee, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) whether to the actual knowledge of the officer or employee, the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees.
- (8) Food or refreshments not exceeding \$75 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. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
 - (9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer or employee as an office holder or employee) of the officer or employee, or the spouse of the officer or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
 - (10) Intra-governmental and inter-governmental gifts.
For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee of the Village from another officer or employee of the Village; and "inter-governmental gift" means any gift given to an officer or employee of the Village, by an officer or employee of another State agency, of a federal agency, or of any governmental entity.
 - (11) Bequests, inheritances, and other transfers at death.
 - (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$10.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

(c) Disposition of gifts. An officer or employee does not violate this Act if the officer or employee promptly forwards the prohibited gift to the Ethics Officer who shall immediately return the prohibited gift to its source or give the gift to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. No. 4915, 10/2/07)

Section 1.34 Penalties.

(a) Any violation of this Article shall be reported to the DuPage County States Attorney's Office for criminal prosecution as required by law.

(b) The penalties for violation of this Article shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the State Officials and Employees Ethics Act to the extent allowed by law and stated as follows:

(1) A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of Section 1.32 (Prohibited Political Activities).

(2) A person who intentionally violates any provision of Section 1.33 (Gift Ban) is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

(3) Any person who intentionally makes a false report alleging a violation of any provision of this Act to the Village's Ethics Officer, an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(4) In addition to any other penalty that may apply, whether criminal or civil, a Village employee who intentionally violates any provision of this Article II is subject to discipline or discharge by the

Downers Grove Municipal Code

municipal authorities. (Ord. No. 4915, 10/2/07)

Section 1.35 Ethics Officer.

The Village Attorney shall be designated the Downers Grove Ethics Officer provided the Village Council has not otherwise contracted with another person or entity to perform the duties of Ethics Officer. It shall be the responsibility of the Ethics Officer to provide guidance to the officers and employees of the Village concerning the interpretation of and compliance with the provisions of this Ordinance, State law and all other policies of the Village regarding ethics. (Ord. No. 4915, 10/2/07; Ord. No. 5002, 9/16/08)