

ORDINANCE NO. 23 - _____

**AN ORDINANCE
REPEALING AND REPLACING TITLE 2 (BOARDS AND COMMISSIONS) OF
THE NAPERVILLE MUNICIPAL CODE**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home
rule powers that:**

SECTION 1: Title 2 (Boards and Commissions) of the Naperville Municipal Code
is hereby repealed and replaced by language as follows:

**TITLE 2
BOARDS AND COMMISSIONS**

Subject Chapter	
General Provisions	1
Planning and Zoning Commission	2
Reserved	3
Building Review Board	4
Human Rights and Fair Housing Commission	5
Naper Settlement Museum Board	6
Board Of Library Trustees	7
Financial Advisory Board	8
Transportation Advisory Board	9
Public Utilities Advisory Board	10
Sister Cities Commission	11
Riverwalk Commission	12
Board Of Fire And Police Commissioners	13
Pension Plan Boards	14
Historic Preservation Commission	15
Advisory Commission On Disabilities	16
Foreign Fire Insurance Tax Board	17
Local Liquor Commission	18

CHAPTER 1 GENERAL PROVISIONS

SECTION:

2-1-1: APPLICATION:

The provisions contained herein shall apply to all boards and commissions and the members thereof. In addition to the general provisions in this Chapter, specific provisions particular to individual boards and commissions are contained in this Title.

(Ord. No. 04-196, 12-7-2004)

2-1-2: APPOINTMENT:

All members of boards and commissions shall be appointed by the Mayor with the approval of the City Council unless otherwise provided herein. The Mayor shall transmit the application of the prospective appointees to the City Council in confidence at least two (2) weeks in advance of consideration of the appointment by the City Council. The Mayor shall transmit the names only of prospective re-appointees in confidence at least two (2) weeks in advance of consideration of the appointment by the City Council. The names of the candidates for appointment or reappointment to a board or commission shall be included in the published agenda for the City Council meeting.

A board or commission appointee whose term has expired may continue serving on the board or commission until a successor has been appointed or until the passage of one hundred eighty (180) days from the date that the term has expired, whichever occurs first. This shall not apply to an appointee who is a member of a board or commission by virtue of their job title or position, or if nominated or elected by any agency or entity other than the Mayor.

(Ord. No. 05-149, 8-16-2005; Ord. No. 22-044 , § 2, 5-3-2022)

2-1-3: CHAIR:

The Mayor has the authority and power to appoint each chair of each board or commission.

(Ord. No. 04-196, 12-7-2004)

2-1-4: REMOVAL:

All members of boards and commissions may be removed at the request of the Mayor and approval of the City Council for any cause which in the opinion of the Mayor and City Council warrants removal. Any member who has attended less than seventy-five percent (75%) of meetings, excluding excused absences, may be subject to removal at

the request of the Mayor and approval of the City Council. In addition, any member who has failed to productively participate in the business of the board or commission may be subject to removal.

(Ord. No. 04-196, 12-7-2004)

2-1-5: RESIDENCY REQUIREMENTS:

Except for City employees, each member subject to appointment by the Mayor and confirmation by the City Council shall be a resident of the City.

(Ord. No. 04-196, 12-7-2004)

2-1-6: TERMS AND TERM LIMITS:

The terms shall be three (3) years, unless otherwise specifically provided. All terms of members of boards and commissions shall terminate on May 30 of the year in which the term is expired. All members of boards and commissions shall be limited to two (2) terms and shall not be eligible for future appointment to the same board or commission. If a board or commission member has served a partial term by appointment to a vacancy of an unexpired term, that term will not count towards the two-term limit if the partial term is less than eighteen (18) months.

Of the initial members for any newly established board or commission, one-third ($\frac{1}{3}$) of the members shall serve for a period of three (3) years, one-third ($\frac{1}{3}$) for a period of two (2) years and one-third ($\frac{1}{3}$) for a period of one year. If a vacancy occurs, the member appointed to fill the vacancy will serve for the unexpired term.

(Ord. No. 04-196, 12-7-2004; Ord. No. 11-119, § 1, 8-16-2011; Ord. No. 11-125, § 1, 9-6-2011)

2-1-7: DUAL MEMBERSHIP PROHIBITED:

Except for City employees, each member of any City board or commission is eligible for membership on only one board or commission at any one time and shall not be appointed to, or hold membership on, more than one board or commission at any one time.

(Ord. No. 04-196, 12-7-2004; Ord. No. 09-098, § 1, 8-18-2009)

2-1-8: PROCEDURES:

Each board and commission may adopt rules of procedure consistent with the ordinances of the City and the statutes of the state of Illinois. Adopted rules of procedure of each board and commission shall be filed with the City Clerk.

(Ord. No. 06-272, 11-21-2006)

2-1-9: OPEN MEETINGS ACT COMPLIANCE:

Each commission and board shall comply with the requirements of the state of Illinois Open Meetings Act, 5 Illinois Compiled Statutes 120/1 as amended from time to time. Notice of each meeting shall be given at least forty-eight (48) hours in advance and be posted at City Hall as well as the location where the meeting will be held. The meeting agenda will be posted with the notice of the meeting. Each board and commission shall keep minutes of its meetings, showing the members present and absent and the vote of each member upon each question. Each board and commission shall also keep records of any hearing it may hold.

1. A member wishing to attend a regular or special meeting of the board or commission by telephonic or video means must notify the recording secretary not less than twenty-four (24) hours before the meeting, unless advance notice is impractical. Such notice for an emergency meeting shall be given as early as possible. Attendance by telephonic or video means is only permitted in cases of: 1) personal illness or disability; 2) employment purposes or other public business; 3) a family or other emergency; or 4) an unexpected childcare obligation. After a roll call establishing that a quorum is physically present, any member physically present may make a motion to permit another member to participate by telephonic or video means. Such motion shall include the reason for the absence. All members physically present are permitted to vote on whether such participation will be allowed, and the motion must be approved by a vote of a majority of those members physically present.

The foregoing provisions shall be deemed to be adopted by each Board and Commission of the City of Naperville as a rule applicable thereto.

(Ord. 06-272, 11-21-2006)

2-1-10: QUORUM:

Each board and commission shall not take any final action unless there is present at least a quorum of its members, which is a majority of the membership.

(Ord. 04-196, 12-7-2004)

2-1-11: COMPENSATION:

All members of boards and commissions shall serve without compensation.

(Ord. 04-196, 12-7-2004)

2-1-12: REPORTS:

If requested by the City Council, boards and commissions shall provide reports as specified by the City Council.

(Ord. 04-196, 12-7-2004)

2-1-13: CONDUCT OF MEMBERS:

1. No board or commission member shall use his/her office or any City employee to promote his/her private enterprises whether compensation is received or not.
2. All members of boards and commissions are subject to ethical requirements contained in Title 1, Chapter 13 of this Code, including Section 1-13-9 (Compliance with the State Officials and Employees Ethics Act).
3. At all times during performance of their official duties, board and commission members shall comply with the City's workplace safety policies, harassment prevention, and respectful workplace policies as set forth in the employee policy manual.
4. Board and commission members shall always demonstrate respect for the opinions of each other, members of staff and members of the audience.
5. All members of boards and commissions shall perform their duties for the benefit of the citizens with integrity and impartiality, without allowing prejudice, favoritism or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest or to interfere with the professional operation of the City.
6. Board and commission members should conduct themselves in a manner that will preserve public confidence in, and respect for, the government they represent and refrain from actions or words that compromise the integrity and reputation of the City.
7. Board and commission members may choose to post and/or comment on various social media sites using their personal accounts. In these instances, it is recommended that the content and tenor of online comments and information posts should model the same decorum displayed during board and commission meetings.
8. Board and commission members shall maintain confidentiality of privileged information and not knowingly disclose confidential information.
9. Board and commission members making statements about City business should clarify that they are speaking for themselves and not on behalf of the board or commission. Board and commission members should also make this clarification when speaking on non-City business and using their board or commission title.

(Ord. No. 22-058 , § 2, 6-21-2022)

Editor's note(s)—Ord. No. 22-058 , § 2, adopted June 21, 2022, repealed and reenacted section 2-1-13 in its entirety to read as herein set out. Formerly, section 2-1-13 pertained to ethics, and derived from Ord. No. 04-196, adopted December 7, 2004.

2-1-14: CITY COUNCIL MEMBERS:

1. City Council representatives shall be appointed by the Mayor with the approval of a majority of the City Council to certain City boards and commissions. The following boards and commissions shall have a City Council representative: Naper

Settlement Museum Board, Board of Library Trustees, Financial Advisory Board, Public Utilities Advisory Board, Sister Cities Commission, Riverwalk Commission, Human Rights and Fair Housing Commission, Transportation Advisory Board, Historic Preservation Commission, Advisory Commission on Disabilities, Special Events and Community Arts Commission, and Emergency Telephone System Board.

2. City Council members appointed to boards and commissions under this Section shall serve as liaisons for the City Council, providing accurate information in their official capacity as a member of the City Council.
3. The City Council member shall be an ex officio nonvoting member of such boards and commissions unless otherwise provided herein or the particular bylaws, a relevant agreement or other law explicitly grants the City Council member voting power. Likewise, the ex officio nonvoting City Council member shall not be counted for establishing a quorum unless otherwise provided herein or the particular bylaws, a relevant agreement or other law explicitly provides that the City Council member should be counted for such purpose. The terms of the Mayor and City Council members as ex officio members on such board and commissions shall not exceed the elected term of the City Council member.

(Ord. 04-196, 12-7-2004)

2-1-15: STUDENT PARTICIPATION:

1. In order to encourage civic responsibility and to provide hands-on learning experiences, student representative positions are established for certain boards and commissions.
2. Student representatives must be residents of Naperville and preference is given to juniors and seniors.
3. Student representatives do not have voting power, nor are they to be considered a member of a board or commission as it relates to vote counts or quorum requirements.

(Ord. 04-196, 12-7-2004; Ord. No. 11-026, § 1, 2-1-2011; Ord. No. 14-160, § 2, 10-7-2014)

2-1-16: CITIZEN PARTICIPATION:

1. Authority:
 - 1.1. The Illinois Open Meetings Act provides that members of the public must be given an opportunity to address public officials at open meetings and provides that public comment may be subject to the rules established and recorded by the public body.
 - 1.2. Members of the public may address boards and commissions pursuant to the rules established and recorded in this section unless otherwise provided herein

or particular bylaws, a relevant agreement or other law explicitly establishes participation rules.

1.3. Any person may be expelled for the remainder of a board or commission meeting by the chair or a majority vote of the board or commission if that person:

1.3.1. Addresses or attempts to address the board or commission at a meeting except in conformance and compliance with the rules provided in this Section; or

1.3.2. Otherwise acts in a disorderly manner so as to disrupt the ability of the board or commission to efficiently conduct its meeting.

2. Process:

2.1. Members of the public who want to address the board or commission at a meeting shall sign up before the start of the meeting identifying themselves by name and indicating whether they want to address the board or commission on a particular agenda item or during public forum.

2.1.1. The purpose of the public forum is to allow members of the public an opportunity to address the board or commission on issues of concern to them which are not part of the agenda.

2.2. During public forum or after the introduction of each agenda item, members of the public shall be called in the order that they signed up.

3. Limitations:

3.1. Speakers shall limit their remarks to no more than three (3) minutes unless additional time is granted by the chair or by a majority vote of the board or commission.

3.2. Speakers will be informed when their allotted time has expired. Upon the expiration of the allotted time, speakers shall stop speaking unless additional time is granted or unless there are questions directed to the speaker from board or commission members.

3.3. Groups of speakers should, whenever possible, consolidate their comments and avoid repetition through the use of representative speakers.

3.5. Except during public forum, speakers shall focus and limit their remarks directly to the matter then under discussion.

3.6. Speakers shall address their remarks to the board or commission as a whole and not to any individual board or commission members.

3.7. Speakers shall not ask questions of individual board or commission members or a member of staff without first obtaining permission from the chair.

3.8. Speakers shall refrain from harassing or directing threats or personal attacks at board or commission members, staff, other speakers or members of the audience.

- 3.9. Board or commission members may, but need not, ask questions of speakers at the conclusion of their comments.
 - 3.10. Members of the audience shall maintain decorum and refrain from noisy outbursts or other distracting actions such as applauding, cheering, or booing during or at the conclusion of any remarks made by any speaker, staff member or board or commission members.
4. Petitioners:
 - 4.1. Notwithstanding rules to the contrary in this Section, petitioners, defined as persons or entities who initiated and have a direct financial or ownership interest concerning a particular agenda item as determined by the City staff shall be called at the beginning of said agenda item and may address the board or commission concerning their petition for no more than ten (10) minutes.
 - 4.2. After members of the public have had an opportunity to address the board or commission pursuant to the rules provided in this Section, petitioners shall have no more than five (5) minutes to reply to any comments or questions from members of the public or Board or Commission members. There shall be no additional public participation on said agenda item after a petitioner's reply unless granted by the Chair or by a majority vote of the board or commission.

(Ord. No. 15-148, § 2, 9-1-2015)

CHAPTER 2 PLANNING AND ZONING COMMISSION¹

SECTION: 2-2-1: CREATION:

In order that adequate provisions be made for the development of a planning program for the guidance, direction and control of the growth and development or redevelopment of the City contiguous territory within one and one-half (1½) miles of the corporate limits and not included in any municipality, a Planning and Zoning Commission is hereby created pursuant to the City's home rule authority and the Constitution and Laws of the State of Illinois.²

(Ord. 375.71, 6-16-1971; amd. Ord. 04-196, 12-7-2004; Ord. No. 11-026, § 1, 2-1-2011; Ord. No. 13-129, § 2, 11-5-2013)

2-2-2: MEMBERSHIP:

1. The Planning and Zoning Commission shall consist of nine (9) members.

¹Editor's note(s)—Ord. No. 11-026, § 1, adopted February 1, 2011, changed the title of Chapter 2 from "Plan Commission" to "Planning and Zoning Commission."

² 65 ILCS 5/11-12-4 et seq.

2-2-3: POWERS AND DUTIES:

The Planning and Zoning Commission is hereby vested with the following powers and duties:

1. To hear, consider and recommend to the City Council matters dealing with amendments to the zoning ordinance.
2. To hear, consider and recommend to the City Council matters dealing with the granting of conditional uses.
3. To hear, consider and recommend to the City Council variances to Title 6, including those that may be requested in connection with conditional uses, rezoning, subdivisions, annexation requests, street graphics ordinance, tree preservation, and other zoning regulations.
4. To hear, consider and recommend to the City Council matters dealing with the granting of planned unit developments.
5. To prepare and recommend to the City Council a new comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory within one and one-half (1½) miles of the corporate limits of the City and not included in any other municipality.
6. To designate, subject to final consideration, evaluation and approval of the City Council, land suitable for annexation to the Municipality and the recommended zoning classification for such land upon annexation.
7. To recommend to the City Council, from time to time, such changes in the comprehensive plan or any part thereof, as may be deemed necessary.
8. To prepare and recommend to the City Council, from time to time, plans or recommendations for specific improvements in pursuance of the official comprehensive plan.
9. To give aid to the officials of the City charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan.
10. To consider and recommend to the City Council all matters which it is required to act upon under the terms of this Chapter.
11. To recommend, subject to final consideration, evaluation and approval by the City Council, reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements.
12. To recommend, subject to final consideration, evaluation and approval by the City Council, reasonable standards governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment.

- 13. To initiate, study and make recommendations regarding matters dealing with the planning of the community.
- 14. To initiate, direct and review, from time to time, studies of the provisions of this Chapter, and to make recommendations to the City Council regarding any changes to the ordinance.
- 15. To cooperate with the municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(Ord. 375.71, 6-16-1971; Ord. No. 93-178, 9-21-1993; amd. Ord. 03-105, 5-6-2003; Ord. 04-196, 12-7-2004; Ord. No. 11-026, § 1, 2-1-2011)

2-2-4: LAND SUBDIVISION OR RESUBDIVISION:

No map or plan of any subdivision or resubdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than one and one-half (1½) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provided for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, streetlights, schools, parks and other public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the City ordinances, including the official plan or map.

(Ord. 375.71, 6-16-1971; amd. Ord. 04-196, 12-7-2004)

2-2-5: IMPROVEMENTS:

The City Manager shall furnish the Planning and Zoning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements within the jurisdiction of the Planning and Zoning Commission. The Planning and Zoning Commission may report in relation thereto if it deems a report is necessary or advisable, for the consideration of the City Council.

(Ord. 375.71, 6-16-1971; amd. Ord. 04-196, 12-7-2004; Ord. No. 11-026, § 1, 2-1-2011)

CHAPTER 4 BUILDING REVIEW BOARD

SECTION:

2-4-1: CREATION:

There is hereby created the Naperville Building Review Board. The Board shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. 04-196, 12-7-2004)

2-4-2: MEMBERSHIP:

The Board shall consist of nine (9) members:

1. A registered engineer or architect experienced in building construction;
2. A person with training and/or experience in plumbing construction;
3. A person with training and/or experience in electrical construction;
4. A person experienced in the construction industry as a general contractor;
5. A person with training and/or experience in life safety or fire science;
6. A person with training and/or experience in structural engineering;
7. A person experienced in concrete or masonry; and
8. The remaining two (2) members should have training and/or experience applicable to building design, construction or building codes. In the event that applications are not received for a vacant position with specific training and/or experience requirements, then members shall be selected based on their overall qualifications in building design, construction, and building codes.

(Ord. 04-196, 12-7-2004)

2-4-3: POWERS AND DUTIES:

The Board shall have, exercise and perform, with respect to all construction subject to the jurisdiction of the City and with respect to all persons subject to the ordinances of the City, the following powers, duties and functions:

1. To receive, investigate, hold hearings on, make findings of fact, and process, as hereinafter set forth, any application for a ruling on, or variation from, the electrical, plumbing, building or fire/life safety regulations of the City, except for street graphics control regulations set out in Title 5, Chapter 4 of this Code.
2. To make recommendations to the City Council upon its findings of fact and recommendations on any application filed with the Board.
3. To perform the duties and functions assigned to the Electrical Commission by 65 Illinois Compiled Statutes 5/11-37-3, regarding the inspection of electrical equipment.
4. To review building codes, building material requirements, new construction methods, and building safety regulations and to make a recommendation to the City Council on any revisions that should be made to those code provisions as the Council may request.

(Ord. 01-169, 8-21-2001; amd. Ord. 04-196, 12-7-2004)

2-4-4: APPLICATIONS FOR RULINGS OR VARIANCES:

Any person aggrieved by a determination or decision made by a City department or employee pursuant to the electrical, plumbing, building or fire/life safety regulations of the City may make application to the Board for a formal determination of the question. Any person seeking a variance from the provisions of the electrical, plumbing, building or fire/life safety regulations of the City may also make application to the Board for a variance. All applications shall be filed with the City Manager's designee on a form provided by the City, which form shall require the following information:

1. The name, address and telephone number of the applicant.
2. The ordinance upon which a ruling is sought, or from which a variance is requested.
3. The City department, officers, or employees whose statements and decisions have previously been sought.
4. The location of the site for which the ruling or variance is requested.
5. A short, concise statement of the question to be resolved, and the applicant's position on the question.

Upon filing a complete application, the applicant shall pay a two hundred fifty-dollar (\$250.00) fee. Within fifteen (15) days from the date of filing of the application, the person processing the application shall determine any additional legal, technical, and staff expenses that may be incurred by the City in the course of the consideration, and obtain from the applicant a guarantee, in a manner acceptable to that person of these additional expenses, and then notify the chair of the Board that the applicant has satisfactorily guaranteed the City's costs.

(Ord. 01-169, 8-21-2001)

2-4-5: PRELIMINARY PROCEDURES:

Upon receipt of a properly filed application, and an acceptable guarantee of additional expenses, copies of the application shall be forwarded to the following:

1. The chair and secretary of the Board.
2. All City departments, officers and employees named in the application.
3. The City Clerk.
4. The City department responsible for enforcement of the ordinance in question, if different from that in Subsection 2-4-5.2 of this Section.

Upon receipt of the application and guarantee of additional expenses, the chair of the Board shall call a meeting of the Board to be held no later than thirty (30) days from receipt of the application and guarantee and shall notify the members thereof, the applicant, and all persons to whom the application was sent of the time and place of the meeting, and the substance of the application upon which the meeting is to be held.

(Ord. No. 01-169, 8-21-2001)

2-4-6: HEARING PROCEDURES:

1. The Board shall hold a hearing on the application, which may be continued from time to time. At the hearing, the applicant, the City, and any other interested person, may present any relevant evidence, testimony, or argument on the question under consideration.
2. At the conclusion of such hearing, the Board shall make a written report to the City Council of its findings of facts and recommendations. It shall then be the responsibility of the City Council to grant or deny a requested variance. The recommendations and findings of fact of the Board upon a request for a variance shall not be binding on the City Council, or any City department or employee unless approved by ordinance by the City Council.
3. Any determination made by the Board upon a request for a Code interpretation or decision shall be effective as of the date of formal decision by the Board, unless a review of such decision is sought from the City Council within fifteen (15) days of the date of the Board's decision. The applicant, any City department, or City Councilmember may petition the City Council to review a determination of the Board. The City Council may grant or deny such a petition.

(Ord. No. 01-169, 8-21-2001; Ord. No. 22-044 , § 2, 5-3-2022)

CHAPTER 5 HUMAN RIGHTS AND FAIR HOUSING COMMISSION³

SECTION:

2-5-1: CREATION:

There is hereby created a Human Rights and Fair Housing Commission for the City of Naperville. The Commission shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. No. 20-143 , § 1, 12-15-2020)

2-5-2: MEMBERSHIP:

The Commission shall consist of nine (9) members and one ex officio non-voting member of the City Council. Said members shall have experience in the various aspects of the duties of the Commission by virtue of their training, life experience or employment. The Commission shall be broadly representative of the City's population and shall include members of Naperville's minority communities.

(Ord. No. 20-143 , § 1, 12-15-2020)

³Editor's note(s)—Ord. No. 20-143 , § 1, adopted December 15, 2020, amended Chapter 5 in its entirety to read as herein set out. Formerly, Chapter 5, Sections 2-5-1—2-5-4 pertained to the Housing Advisory Commission, and derived from Ord. No. 96-207, adopted November 19, 1996; Ord. No. 04-196, adopted December 7, 2004, and Ord. No. 14-160, § 3, adopted October 7, 2014.

2-5-3: POWERS AND DUTIES:

The powers and duties of the Commission shall be as follows:

1. Assist the City Council in the development, implementation, and maintenance of City policies related to housing, unlawful discrimination and fair housing and propose policies and programs to the City Council in furtherance of combatting unlawful discrimination and unfair housing practices.
2. Encourage the maintenance and development of affordable housing and rehabilitation of deteriorating housing.
3. Assist in the identification and development of available resources related to housing, unlawful discrimination and fair housing.
4. Study and consider such other matters as may be referred to it by the City Council.
5. Receive, investigate and process complaints alleging violations of the provisions of Title 12 of this Code.
6. Seek conciliation of, hold hearings on, and make findings of fact with respect to any complaint received alleging violations of the provisions of Title 12 of this Code.
7. Educate and engage the community in efforts to promote increased awareness and understanding, and eliminate discrimination, and act as a point of contact with the community for issues related to housing, unlawful discrimination and unfair housing practices.
8. Delegate to designated City staff or agents any Commission functions, powers and duties, including with respect to investigating, conciliating, determining, certifying, reporting, or otherwise acting as to any Commission work, business, or matter related to the provisions of Title 12 of this Code, including, but not limited to, retaining the services of an administrative law judge or hearing officer for the purpose of adjudicating hearings and a mediator to aid in conciliations, regarding alleged violations of the provisions of Title 12 of this Code.

(Ord. No. 20-143 , § 1, 12-15-2020)

CHAPTER 6 NAPER SETTLEMENT MUSEUM BOARD

SECTION:

2-6-1: PURPOSE AND CREATION:

There is hereby created a Naper Settlement Museum Board. Whenever the word "Board" is used in this Chapter, it shall mean and refer to the Naper Settlement Museum Board. The purpose of the Board includes the following:

1. To oversee the Naperville Heritage Society as the developers and operators of the museum and historic settlement upon such property as shall be assigned as the responsibility of the Board by the City Council;

2. To ensure the museum is adhering to its stated mission and serving the best interests of the community at large;
3. To ensure that the museum remains reasonably accessible to all Naperville residents;
4. To maintain working knowledge of the Naper settlement master site plan, approving major modifications;
5. To monitor the relationship of user fees, tax support, and private philanthropic support to overall operations and capital improvements;
6. To review and recommend tax levy requests made to the City Council ensuring they are reasonable and justifiable.

(Ord. 04-196, 12-7-2004)

2-6-2: MEMBERSHIP AND TERMS:

The Board shall consist of nine (9) members. One member shall be the Mayor of the City. Five (5) members shall be appointed by the City Council; one of which shall be a member of the City Council of the City who shall be nominated by the City Council; four (4) of which shall be nominated by the Mayor and approved by the City Council, and three (3) members who shall be approved by the Naperville Heritage Society and are not subject to the residency requirements contained in Section 2-1-5 of this Title and the term limits contained in Section 2-1-6 of this Title. The term of each such member shall be three (3) years, exclusive of the Naperville Heritage Society appointees.

The City Council member appointed to the Board shall serve a two-year period or until the inauguration or appointment of a successor to the member's position on the City Council. The Mayor shall serve until the inauguration or appointment of a successor to the office of Mayor. The City Council member and the Mayor shall be entitled to vote and be counted for purposes of establishing a quorum.

(Ord. 04-196, 12-7-2004)

2-6-3: POWERS AND DUTIES:

The Board shall have, exercise and perform the following powers, duties and functions:

1. To promote the solicitation and obtaining of funds, services and real and personal property for purposes related to the responsibilities of the Board from individuals, organizations, municipal corporations and any other sources permitted by law. All funds and real property solicited shall be received in the name of the City or the Naperville Heritage Society identified for Naper settlement. Funds received shall be delivered to the Finance Director as appropriate;
2. To recommend an annual budget and capital improvement projects to the City Council in compliance with a schedule generated by the City Manager's office, generally not later than December 20 of each year;

3. To operate as a department of the City in regard to all expenditures, purchases, personnel and accounts as appropriate;
4. To oversee the management agreement with the Naperville Heritage Society ensuring appropriate operating procedures, preservation policies, and fiscal management;
5. To ensure that the Naperville Heritage Society, as operating agents of Naper settlement, adopts rules and regulations for the properties and facilities entrusted to the Board.

(Ord. 04-196, 12-7-2004)

CHAPTER 7 BOARD OF LIBRARY TRUSTEES

SECTION:

2-7-1: CREATION:

There shall be a Board of Library Trustees for the City as provided by law⁴.

(Ord. 04-196, 12-7-2004)

2-7-2: MEMBERSHIP AND TERMS:

The Board shall consist of nine (9) trustees and one ex officio non-voting member of the City Council. The term of office for each trustee shall begin and end as provided in the Illinois Local Library Act, except that a trustee whose term has expired shall be subject to the provisions set forth in Section 2-1-6 of this Title. The library trustees shall select a president and secretary as provided by statute, and shall meet at such times as the Library Board may determine.

(Ord. 04-196, 12-7-2004)

2-7-3: POWERS AND DUTIES:

The Library Board shall have charge of the operation of any City library and of the expenditures of all library funds. Each year it shall file a report with the City Council containing, among other things, an itemized statement of the expenses anticipated for the coming year, as required by law⁵.

(Ord. 04-196, 12-7-2004)

2-7-4: RULES AND REGULATIONS:

The Board of Library Trustees shall have the power to make any reasonable rules and regulations governing the use of the library and library facilities.

⁴ 75 ILCS 5/4-1.

⁵ 75 ILCS 5/4-7.

(Ord. 04-196, 12-7-2004)

CHAPTER 8 FINANCIAL ADVISORY BOARD

SECTION:

2-8-1: CREATION:

There is hereby created a Financial Advisory Board. The Board shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. 04-196, 12-7-2004)

2-8-2: MEMBERSHIP:

The Financial Advisory Board (FAB) shall consist of seven (7) members and one ex officio non-voting member of the City Council.

(Ord. 04-196, 12-7-2004; Ord. No. 15-127, § 1, 8-11-2015)

2-8-3: POWERS AND DUTIES:

Based on all relevant financial information and reports as would be available to the City Council, the Financial Advisory Board shall have the following duties:

(Ord. 04-196, 12-7-2004)

1. To make recommendations to the City Council in connection with fiscal policies, financial reports, and budgets in all City departments;
2. To review, interpret, clarify and recommend modifications to financial reports and statements when requested to do so by the City Council;
3. To monitor and make recommendations on City investments;
4. To review and make recommendations on utility rate studies; and
5. To assist the City Manager and Finance Director when so requested on special projects that affect the financial affairs of the City.

(Ord. 95-240, 11-7-1995; amd. Ord. 04-196, 12-7-2004)

CHAPTER 9 TRANSPORTATION ADVISORY BOARD

SECTION:

2-9-1: CREATION:

There is hereby established a Transportation Advisory Board. The Board shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. 04-196, 12-7-2004)

2-9-2: MEMBERSHIP:

The Board shall consist of nine (9) members and one ex officio non-voting member of the City Council. Said membership shall include the following:

1. At least four (4) of said members shall have professional expertise in the various facets of the duties of the Board, by virtue of their training and/or employment. Said areas of expertise shall include, but are not necessarily limited to: engineering, the law, transportation operations, marketing, financing, environmental management and safety.
2. At least two (2) of said members shall have demonstrated interest in pedestrian or bicycle issues through professional expertise or participation in various civic organizations, clubs or committees/boards/commissions that have a pedestrian or bicycle focus.
3. At least four (4) of said members shall represent as broadly as possible geographic and/or social elements within the area served by the Naperville Plan Commission. Said representation shall include, but not necessarily be limited to students, retired persons, the handicapped, homemakers, the business community, newly developed areas, and low and moderate income persons.

(Ord. 04-196, 12-7-2004; Ord. No. 13-012, § 1, 3-5-2013; Ord. No. 18-062, § 1, 6-19-2018)

2-9-3: AREAS OF CONCERN:

The basic areas of concern of the Transportation Advisory Board shall consist of the following:

1. Streets and highways shall include City streets, County roads, State and Federal highways, on street parking, recreational drives, bridges and grade separations. This shall not be construed as to abrogate any duties of the Plan Commission.
2. Mass transportation shall include buses, taxis, trains, jitneys and such other forms as may be developed or proposed.
3. Pedestrianways shall include sidewalks, grade separations, shopping areas, and recreational pathways.
4. Bikeways shall include on- and off-street routes for transportation; and recreational uses.
5. Multi-use trails shall include off-street trails for non-motorized uses.
6. Materials and handling shall include truck routes, truck terminals and materials loading trucks and other facilities.
7. Environmental standards and impact analysis shall include air, noise, water, aesthetics and landscaping.
8. Safety programs shall include mass transportation, vehicles, pedestrians and bicycle riders, and shall include inter-modal activity.

(Ord. No. 75-11, 3-6-1975; Ord. No. 04-196, 12-7-2004; Ord. No. 13-012, § 1, 3-5-2013)

Editor's note(s)—Ord. No. 13-012, § 1, adopted March 5, 2013, repealed the former Section 2-9-3 in its entirety, which pertained to committees of the board, and derived from Ord. No. 04-196, adopted December 7, 2004. Subsequently, Ord. No. 13-012 redesignated the former Sections 2-9-4—2-9-7 as Sections 2-9-3—2-9-6. The historical notation has been preserved for reference purposes.

2-9-4: POWERS AND DUTIES:

With regard to the above areas of concern, the Transportation Advisory Board shall serve in an advisory capacity to the City Council regarding the following:

1. To prepare, review, and recommend comprehensive plans based upon adopted goals and strategies for each mode of transportation, with a high degree of coordination with other modes. Said plans and strategies shall be consistent with previously adopted or proposed land use plans as well as other social or economic goals as directed by the City Council.
2. To coordinate with other local, regional, state and national agencies and private transportation organizations (e.g., BNSF Railway, Chicago Metropolitan Agency for Planning, Illinois Department of Transportation, Naperville Park District, Regional Transportation Authority) in the adoption of goals and strategies or in reviewing or proposing specific projects or programs.
3. To review, suggest and coordinate programs for mass transportation, including, but not limited to, expanding or reducing services, special programs, routing, fee structures and marketing proposals and strategies.
4. To review, suggest and coordinate policies, programs, and marketing proposals and strategies for pedestrian and bicycle facilities, including, but not limited to, bicycle routes, multi-use trails, bicycle parking, the sidewalk network, and school walk routes.
5. To conduct public hearings on proposed policies and plans when considered necessary by the Board, the City Council, or as required by City, State, or Federal law or regulation, except where a hearing on the same subject is planned or required to be conducted by another body and where the Board finds that said hearing will be an unnecessary duplication.
6. To supervise and encourage a program of dissemination of information regarding transportation programs, problems, policies or goals, to the citizens of the Naperville community.

(Ord. No. 75-11, 3-6-1975; Ord. No. 01-213, 10-16-2001; Ord. No. 04-196, 12-7-2004; Ord. No. 13-012, § 1, 3-5-2013)

Editor's note(s)—See note at Section 2-9-3.

2-9-5: CITY COUNCIL REFERRALS:

All transportation matters coming directly to the City Council concerning the placement, removal or change of traffic signs, traffic signals, parking zones, bicycle routes, sidewalks or related transportation matter may be referred by the City Council to the Transportation Advisory Board for consideration.

1. All referrals to the Transportation Advisory Board shall specify the date and source of the proposal, whether from staff or private citizen(s).
2. After consideration by the Transportation Advisory Board, the transportation matter shall be forwarded to the City Council for final consideration, evaluation, and determination.

(Ord. No. 04-196, 12-7-2004; Ord. No. 13-012, § 1, 3-5-2013)

Editor's note(s)—See note at Section 2-9-3.

Editor's note(s)—See note at Section 2-9-3.

CHAPTER 10 PUBLIC UTILITIES ADVISORY BOARD⁶

SECTION:

2-10-1: CREATION:

There is hereby established a Public Utilities Advisory Board. The Board shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. No. 12-005, § 1, 1-17-2012)

2-10-2: MEMBERSHIP:

The Board shall consist of seven (7) members and one ex officio nonvoting member of the City Council.

(Ord. No. 12-005, § 1, 1-17-2012)

2-10-3: POWERS AND DUTIES:

The powers and duties of the Board shall be as follows:

1. To serve in an advisory capacity to the City Manager, the Public Utilities Director and the City Council in matters relating to rates, budgets, and capital improvements for the Public Utilities Department.

⁶Editor's note(s)—Ord. No. 12-005, § 1, adopted January 17, 2012, amended chapter 10 in its entirety to read as herein set out. Formerly, chapter 10, sections 2-10-1—2-10-4 pertained to similar subject matter and derived from Ord. No. 92-138, adopted July 21, 1992 and Ord. No. 04-196, adopted December 7, 2004.

2. To review plans and provide advisory comments for facilities expansion, system improvements and other needs for the Public Utilities Department in providing quality, reliable and cost- effective services to the City's residential, commercial, industrial, and institutional/governmental customers.
 3. To hear privacy complaints from City of Naperville utility customers regarding claims of violations of their right to privacy as set forth in Section 2-10-4, and to make recommendations to the Director of Public Utilities-Electric and to the Director of Public Utilities-Water, as applicable, to address such complaints as it deems appropriate. For purposes of hearing privacy complaints, the ex officio nonvoting member of the City Council shall not be considered a member of the Board.
 4. To adopt such rules of procedure as it deems necessary and appropriate.
- (Ord. No. 12-005, § 1, 1-17-2012)

2-10-4: PRIVACY COMPLAINTS:

1. City utility customers may file a complaint alleging a violation of privacy as defined herein by submitting a complaint to the Public Utilities Advisory Board as provided herein. If the complaint is not resolved to the customer's satisfaction, the customer may submit an appeal of the PUAB's findings and/or recommendations to the City Council.
2. Definitions: For the purpose of this Section, the following definitions apply:

APPEAL:	An appeal from the findings and/or recommendations of the PUAB.
CITY:	City of Naperville.
COMPLAINT:	A complaint filed with the PUAB alleging that a violation of privacy has occurred.
COMPLAINANT:	The individual or entity filing a complaint with the PUAB.
CUSTOMER:	An individual or entity which receives electricity or water from the City.
DIRECTOR:	The Director of the Department of Public Utilities-Electric or the Director of the Department of Public Utilities-Water, or their respective designees, as applicable.
HEARING:	A hearing before the PUAB upon submission of a complaint alleging a violation of privacy. The ex officio nonvoting City Council member shall not be considered a member of the Board for purposes of hearing complaints alleging a violation of privacy.
INFORMAL RESOLUTION:	A voluntary process by which a possible violation of privacy is informally addressed between a customer and the Director.
PRIVATE CUSTOMER	An individual customer's ePortal log-in I.D. and

INFORMATION:	password, Social Security number, personal e-mail address, home and personal telephone numbers, home address, driver's license number, State identification card number, energy usage data, credit or debit card information, checking account information, and other personal financial information.
PUAB:	The Public Utilities Advisory Board consisting of the seven (7) citizens appointed at large. The ex officio nonvoting member of the City Council shall not be considered a member of the Board for purposes of conducting hearings related to complaints of privacy violations.
UNAUTHORIZED ACCESS:	To intercept, read, retrieve, delete, create, or modify private customer information without the permission of the customer or a duly authorized representative of the customer. This shall not include access related to the performance of City operations.
UTILITY:	The Department Public Utilities-Electric or the Director of the Department of Public Utilities-Water, as applicable.
VIOLATION OF PRIVACY:	As defined in Subsection 2-10-4:3.

3. Violation Of Privacy: Subject to the provisions in Paragraph 4. below, a violation of privacy shall be deemed to have occurred when there is a release of private customer information to individuals or entities where the release was not authorized by the customer or a duly authorized representative of the customer, or where there is unauthorized access to private customer information.
4. A violation of privacy shall be deemed not to have occurred in the event that:
 - a. The provision of private customer information is legally required, has been approved by the customer, or has been approved by a duly authorized representative of the customer;
 - b. The City uses or provides information derived from the utility to third parties in the aggregate (meaning that individual customers are not identified, and only consolidated information is provided for planning, research, and related purposes); or
 - c. The City permits access to private customer information to City employees or to individuals or entities under contract with the City solely for the purpose of performance of City operations.
5. Informal Resolution: Prior to submitting a complaint with the PUAB alleging a violation of privacy, customers are encouraged to notify the Director of their concerns in order to confirm and clarify the facts and to determine if the concerns can be addressed by agreement. However, it is not required that a customer seek an informal resolution prior to filing a complaint with the PUAB.

6. **Complaint:** A customer who has reason to believe that a violation of privacy has occurred, and has been unable to reach an informal resolution, or has decided not to seek an informal resolution, may submit a written complaint to the PUAB by using a form provided on the City's website which form shall also be available by contacting the City Clerk's Office.
7. **Submission Of Complaint:** The complaint may be submitted to the City either by mailing or delivering a copy of the Complaint to the City Clerk's Office or as may also be provided on the City of Naperville website. Upon receipt of a complaint, the City Clerk shall promptly distribute the complaint to the Chair of the PUAB, to the Director, and to the City Attorney.
8. **Timing Of Complaint:** A complaint shall be filed within six (6) months of the date of the occurrence of the claimed violation of privacy or within six (6) months of the complainant's awareness of the claimed violation of privacy, whichever is later and if the complaint is not timely filed as provided herein, the complaint may be dismissed by the Board as untimely.
9. **Response To Complaint/Optional Reply:**
 - a. Within fourteen (14) days of receipt of a complaint from the City Clerk, the Director shall research and submit a response to the complaint, which response shall be submitted to the complainant, the PUAB and the City Clerk. The complainant may, but is not required, to reply to the response. Any reply shall be submitted to the Director, the PUAB and the City Clerk within fourteen (14) days of issuance of the response. The City Clerk shall make the Director's response and the complainant's reply, if any, available to the PUAB prior to the hearing on the complaint.
 - b. Upon receipt of a complaint or other information which indicates that a criminal or ordinance violation may have occurred, the City Attorney may refer the matter to the appropriate investigatory agency for possible prosecution.
 - c. Upon receipt of a complaint or other information which indicates that a violation of the Illinois Personal Information Protection Act, 815 ILCS 530/1 et seq. may have occurred, the Director shall immediately investigate and take all actions required by that Act.
10. **Dismissal Prior To Hearing:** If the complaint does not state a claim of violation of privacy as defined herein, it shall be dismissed by the PUAB prior to hearing.
11. **PUAB Hearing:**
 - a. **Scheduling Of Hearing:** Within thirty (30) days of receipt of the complaint, the PUAB shall schedule a hearing to proceed on a date acceptable to the complainant and Director and as soon thereafter as practicable. If the matter has been referred for investigation of a criminal or ordinance violation, the City Attorney shall notify the PUAB, the Director, and the complainant to that effect, and the PUAB hearing shall be postponed until conclusion of said investigation and/or prosecution.

- b. Purpose Of The Hearing: The purpose of the hearing before the PUAB is to determine: (i) whether or not a violation of privacy has occurred; (ii) if a violation of privacy has occurred, how and why it occurred; and (iii) if a violation of privacy has occurred, what steps should be taken to address the violation of privacy and to prevent it from occurring in the future. When conducting a hearing to address an alleged violation of privacy, the PUAB is acting as a quasi-adjudicative body as defined in the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.
 - c. Hearing Procedures: The PUAB shall hold a hearing on the complaint, which may be continued from time to time. Although the hearing shall be informal, and strict rules of evidence shall not apply, the PUAB may determine what evidence is credible. The PUAB does not have subpoena power, but may instruct the Director to make such City employees or agents available as reasonably needed to facilitate its findings and recommendations. At the hearing, the complainant and the City may present any relevant evidence, testimony, or argument on the complaint. The complainant shall have the burden of demonstrating that a violation of privacy has occurred by a preponderance of the evidence. The City Clerk, or their designee, shall attend, take minutes, and record the hearing.
 - d. Findings And Recommendations Of The PUAB: At the conclusion of the hearing, or within thirty (30) days of completion of the hearing, or as otherwise practicable, the PUAB shall make findings and/or recommendations as follows:
 - 1. If the PUAB finds that a violation of privacy has been proven, the PUAB may recommend to the Director what steps should be taken to address and correct its cause. Such steps may include process changes, personnel actions, ongoing monitoring, and/or such other steps that may be deemed appropriate, but shall not include monetary relief of any kind.
 - 2. If the PUAB finds that a violation of privacy has not been proven, the complaint shall be dismissed.
 - e. If the PUAB's findings and recommendations are issued on a date after the conclusion of the hearing, a copy shall be provided to the complainant and the Director not later than the following business day.
12. Agreement: If the Director and the complainant are in agreement with the findings and recommendations made by the PUAB, or otherwise reach an agreement, the Director and the complainant shall notify the Chair of the PUAB in writing to that effect within seven (7) days of issuance of the PUAB decision, and the complaint shall be deemed to be resolved.
13. Appeal to City Council: If the Director and/or the complainant are not in agreement with the findings and/or recommendations of the PUAB, the complainant and/or the Director may Appeal the findings and/or recommendations of the PUAB to the City Council. An appeal must be submitted to the City Clerk on a form provided by the City Clerk within fourteen (14) days of issuance of the PUAB's decision, or the decision of the PUAB shall be deemed final. If an appeal is taken to the City

Council, the PUAB no longer has jurisdiction over the complaint unless it is remanded to the PUAB by the City Council for any purpose.

- a. Upon an appeal of PUAB findings and/or recommendations, the City Clerk shall cause the audio recording of the hearing, along with any exhibits provided to the PUAB during the hearing, (hereinafter the "record"), to be made available to the members of the City Council.
 - b. The City Clerk shall schedule the appeal to be considered at a City Council meeting within sixty (60) days of receipt of the appeal by the City Clerk, or as soon thereafter as practicable. After the hearing has been opened, it may be continued by the City Council as it deems appropriate.
 - c. Upon consideration of the complaint, the record provided by the City Clerk, and any other information deemed relevant by the City Council, the City Council may uphold, reverse, or modify the findings and/or recommendations of the PUAB and direct such action, if any, as the City Council deems appropriate.
14. Unless otherwise specified, when the word "days" is used herein, it refers to calendar days. When a timeframe is specified herein, the time shall be counted starting the day after the triggering event. If the last day for any timeframe set forth herein lands on a weekend or holiday, the required date shall be the next business day.

(Ord. No. 12-005, § 1, 1-17-2012; Ord. No. 22-044 , § 2, 5-3-2022)

CHAPTER 11 SISTER CITIES COMMISSION

SECTION:

2-11-1: PURPOSE AND CREATION:

There is hereby created a Naperville Sister Cities Commission for the purpose of creating greater understanding and of fostering a lasting friendship between the people of Naperville and its sister cities, Nitra, Slovakia, Pátzcuaro, México, and Cancun, México. The Sister Cities Commission may also carry out other activities as directed by City Council.

(Ord. No. 07-197, 8-21-2007; Ord. No. 10-160, § 1, 6-15-2010; Ord. No. 20-042 , § 1, 4-21-2020)

2-11-2: MEMBERSHIP:

Said Commission shall be composed of nine (9) members appointed by the Mayor and approved by a majority of the City Council. One City Council member may be appointed by the Mayor and approved by a majority of the City Council to serve as an ex officio nonvoting member of the Board, who shall not be counted for purposes of establishing a quorum and who will function as a liaison for the City Council.

(Ord. No. 04-196, 12-7-2004; Ord. No. 16-180, § 1, 11-15-2016; Ord. No. 17-165, § 1, 12-5-2017)

2-11-3: POWERS AND DUTIES:

1. The affairs of said Commission shall be governed by an executive board comprised of a chair (or cochair), vice chair, treasurer, secretary and one chair from a standing committee to be elected by the whole Commission, which executive board shall be a working board and shall meet as necessary to accomplish the goals and purposes of said Commission.
2. The chair of the executive board may appoint committees as necessary to further the goals of the Commission. The chair of the various committees shall be drawn from the membership of the Commission. Each committee shall be responsible and report to the executive board. The members of each committee shall be appointed by the respective committee chair.
3. The City Manager shall designate a City employee to serve as liaison officer to the Commission and to perform such other duties as may be assigned by the City Manager to coordinate and expedite the work of the Commission. The liaison officer shall not be entitled to vote.
4. With the exception of the chair of the executive committee, no member of said Commission, shall enter into any obligation, pay bills, or solicit or collect money without the approval and consent of the City Council. The chair of the executive board may be reimbursed for minor expenditures, up to one hundred dollars (\$100.00) per occurrence, provided that the expenditure is consistent with the Commission's mission and in accordance with the categories and amounts in the Commission's budget.

(Ord. No. 04-196, 12-7-2004; Ord. No. 22-044 , § 2, 5-3-2022)

CHAPTER 12 RIVERWALK COMMISSION

SECTION:

2-12-1: CREATION:

There is hereby created the Naperville Riverwalk Commission. The Commission shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. 04-196, 12-7-2004)

2-12-2: MEMBERSHIP:

The Commission shall consist of thirteen (13) members of which:

1. One (1) ex officio member of the City Council who shall be entitled to vote and be counted for purposes of establishing a quorum.
2. One (1) member shall be an administrative employee of the City, appointed by the Mayor with the approval of the City Council.
3. One (1) member shall be an administrative employee of the Naperville Park District, appointed by the President of the Naperville Park District. In the event the President of the Park District fails to make such appointment, the Mayor shall appoint a substitute member, subject to approval of the City Council.
4. One (1) member shall be appointed by the Naperville Riverwalk Foundation. In the event the foundation fails to make such an appointment, the Mayor shall appoint a substitute member, subject to approval of the City Council.
5. One (1) member shall be appointed by the Riverwalk Bicentennial Fund Foundation. In the event the Foundation fails to make such an appointment, the Mayor shall appoint a substitute member, subject to approval of the City Council.
6. The President of the Naperville Park District shall serve as an ex officio voting member and is counted toward the establishment of quorum. In the event that the President of the Naperville Park District is unable or unwilling to serve on the Commission, the Mayor shall appoint a substitute member, subject to approval of the City Council.

(Ord. No. 04-196, 12-7-2004; Ord. No. 05-247, 12-6-2005; Ord. No. 06-121, 6-6-2006; Ord. No. 16-157, § 1, 10-4-2016; Ord. No. 23-018 , § 1, 3-7-2023)

2-12-3: POWERS AND DUTIES:

The Commission shall have, exercise and perform the following powers, duties and functions:

1. The Commission may appoint such committees of its own members as it may deem necessary or appropriate to accomplish and effectuate the goals and purposes of the Commission including, but not limited to:
 - 1.1. Finance committee, which committee shall be responsible for the budget and accounting;
 - 1.2. Planning, design and construction committee, which committee shall be responsible for developing, recommending and implementing plans for the expansion, extension and improvement of the Riverwalk in accordance with the development guidelines and initial reserve study;
 - 1.3. The finance, planning, design and construction, and other committees as may be created by the Commission shall be responsible to and report to the Commission.
2. Promote, encourage and guide the development and use of the Naperville Riverwalk between Jefferson Avenue on the north and Hillside Road on the south.

3. Submit an annual budget to the City Manager not later than the submittal deadline established by the City's Finance Department. The City Council shall review and approve a budget to the Commission not later than April 30 of each year as part of the annual budget adopted by the City Council.
4. Operate under the rules and regulations of the City in regard to all expenditures, purchases, personnel and accounts.

(Ord. No. 04-196, 12-7-2004; Ord. 05-247, 12-6-2005)

CHAPTER 13 BOARD OF FIRE AND POLICE COMMISSIONERS

SECTION:

2-13-1: CREATION:

There is hereby created a Board of Fire and Police Commissioners created pursuant to state law, 65 Illinois Compiled Statutes 5/10-2.1-17.

(Ord. 04-196, 12-7-2004)

2-13-2: MEMBERSHIP:

The Board of Fire and Police Commissioners shall consist of five (5) members and such members may belong to the same political party⁷.

1. Such members shall be appointed by the City Council and shall serve at the discretion of the Council.
2. Upon appointment, each member shall take an oath in the following form:

<i>State of Illinois)</i>	
)	<i>I, _____</i>
)	

having been appointed to the office of Member of the Board of Fire and Police Commissioners in the City of Naperville, in the Counties of DuPage and Will, DO SOLEMNLY SWEAR, (or affirm,) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Member of the Board of Fire and Police Commissioners according to the best of my ability.

Subscribed and sworn to me, this ____day of _____, 20____.

Notary Public

⁷ 65 ILCS 5/10-2.1-1 et seq.

Seal

(Ord. 04-196, 12-7-2004)

2-13-3: POWERS AND DUTIES:

The Board of Fire and Police Commissioners shall have charge of all appointments to and promotions and demotions within the Fire and Police Departments, except the Fire and Police Chiefs, the District and Assistant Fire Chiefs and Deputy Chiefs of Police, and conduct and hold all entrance and promotional examinations in the manner required by law, and shall perform such other duties as specified by statute except as may be provided by the City Council. The Board shall adopt, enforce, administer, and amend rules and regulations which are consistent with governing state and federal law, and which are not in conflict with this Code, except as may be approved by the City Council, acting within its home rule authority.

(Ord. 04-196, 12-7-2004; amd. Ord. 07-154, 7-17-2007)

CHAPTER 14 PENSION PLAN BOARDS

SECTION:

2-14-1: FIREFIGHTERS' PENSION FUND BOARD:

1. Creation: There shall be a Board of Trustees of the Firefighters' Pension Fund which shall consist of two (2) members appointed by the Mayor, two (2) members shall be chosen from the active firefighters of the City, and one other person who shall be chosen from the retired firefighters as provided by statute⁸. The members of the Board selected from the active and retired firefighters shall be elected at the time and in the manner provided by statute. The term limits contained in Section 2-1-6 of this Code have no applicability to the Pension Board members, with said terms being determined pursuant to State statute.* The Firefighters' Pension Fund Board exists for the purpose of managing the pension fund as provided by law.

(Ord. 06-015, 1-17-2006; Ord. No. 09-098, § 2, 8-18-2009)

2. Duties: The Board of Trustees of the firefighters' pension fund shall have control of the management of all funds belonging to or designated by law as part of the firefighters' pension fund and of the administration of such funds, as provided by statute.

(Ord. 04-196, 12-7-2004)

⁸ 40 ILCS 5/4-121.

2-14-2: POLICE OFFICER PENSION BOARD:

1. Creation: There shall be a Police Officer Pension Board which shall consist of five (5) members. Two (2) of the members shall be appointed by the Mayor, two (2) shall be elected from the active police force of the City, and one shall be elected from the beneficiaries of the pension fund as provided by law.⁹ The term limits contained in Section 2-1-6 of this Code have no applicability to the Pension Board members, with said terms being determined pursuant to State statute.† Except for elected and appointed City employees, each member subject to appointment by the Mayor shall be a resident of the City. The Police Officer Pension Board exists for the purpose of managing the pension fund as provided by law.
2. Duties: It shall be the duty of the members of the Police Officer Pension Board to manage, invest, and control the police pension fund and all monies pertaining thereto in the manner provided by statute.

(Ord. 04-196, 12-7-2004; Ord. No. 09-098, § 2, 8-18-2009)

CHAPTER 15 HISTORIC PRESERVATION COMMISSION¹⁰

SECTION:

2-15-1: CREATION:

There is hereby established and created a Historic Preservation Commission. The Commission shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code. Any references to the Historic Sites Commission within this Code shall refer to the Historic Preservation Commission.

(Ord. No. 09-090, § 1, 8-19-2009)

2-15-2: MEMBERSHIP:

The Commission shall consist of nine (9) members and two (2) ex officio non-voting members of which:

1. Four (4) voting members shall be owners or residents of any designated landmark or any property located within the Historic Preservation District, as defined in Section 6-11-2 of this Code. In the event that owner or resident applications are not received for a vacant position, then members shall be selected at large based on their qualifications or interest in the position.

⁹ 40 ILCS 5/3-128.

¹⁰Editor's note(s)—Ord. No. 09-090, § 1, adopted August 19, 2009, amended Chapter 15 in its entirety to read as herein set out. Formerly, Chapter 15, §§ 2-15-1—2-15-4 pertained to the Historic Sites Commission, and derived from Ord. No. 84-201, adopted December 17, 1984; Ord. No. 04-196, adopted December 7, 2004, and Ord. No. 05-039, adopted March 15, 2005.

2. One (1) ex officio non-voting member shall be the Naperville Heritage Society Director, or designee. The Heritage Society Director, or designee, shall not be subject to the residency requirements of Section 2-1-5 or term limits of Section 2-1-6 of the Code.
5. One (1) ex officio non-voting member of the City Council.
(Ord. No. 09-090, § 1, 8-19-2009; Ord. No. 16-092, § 2, 6-21-2016; Ord. No. 22-044 , § 2, 5-3-2022)

2-15-3: POWERS AND DUTIES:

The Historic Preservation Commission shall discharge the following duties and responsibilities under this Chapter and Title 6, Chapter 11 of this Municipal Code:

1. Review all applications for the designation or expansion of historic preservation districts, hold public hearings on such applications and report findings and make recommendations to the City Council subject to the standards and procedures established by Title 6, Chapter 11 of this Code.
2. Review all applications for designation of landmarks, hold public hearings on such applications and report findings and make recommendations to the City Council subject to the standards and procedures established by Title 6, Chapter 11 of this Code.
3. Review applications for issuance of certificates of appropriateness, report findings, and grant or deny such applications subject to the standards and procedures established by Title 6, Chapter 11 of this Code.
4. Review all proposed amendments to the Zoning Ordinance¹¹ and applications for conditional uses or variances from the Zoning Ordinance which may affect any landmark or any improvement or area within a historic preservation district and report findings and make recommendations to the Plan Commission or Zoning Board of Appeals subject to the standards and procedures established by Title 6, Chapter 11 of this Code.
5. As warranted, oversee architectural surveys and inventories of historically and architecturally significant properties, structures and areas within the City.
6. Keep a register of all properties and structures that have been locally designated as landmarks or historical preservation districts as defined in Section 6-11-2 of this Code.
7. Inform, educate and raise awareness of the historical and architectural heritage of the City, the value of preservation and financial incentive programs available to property owners.

¹¹See Title 6 of this Code.

8. Provide public education and outreach measures to promote preservation of those improvements and areas within the City that have historical, architectural or aesthetic features.
9. Develop specific guidelines for the alteration, construction, or demotion of landmarks or improvements within the historic preservation districts, subject to the standards established by Title 6, Chapter 11 of this Code for the review of applications for certificates of appropriateness.
10. Continue to participate in the "Certified Local Government" program of the National Historic Preservation Act and prepare and transmit an annual report to the Illinois State Historic Preservation Officer.
11. Perform such other duties as the City Council may direct from time to time to effectuate the purpose of Title 6, Chapter 11 of this Code.

(Ord. No. 09-090, § 1, 8-19-2009; Ord. No. 11-034, § 3, 3-1-2011)

2-15-4: RECOMMENDATIONS OF COMMISSION:

All recommendations of the Historic Preservation Commission on any applications for landmark designation, for designation or expansion of a historic preservation district, for conditional uses, for variances from the provisions of the Zoning Ordinance, or for amendments to the Zoning Ordinance shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation, and determination by the City Council.

(Ord. No. 09-090, § 1, 8-19-2009)

CHAPTER 16 ADVISORY COMMISSION ON DISABILITIES

2-16-1: CREATION:

There is hereby established an Advisory Commission on Disabilities. The Commission shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. 04-223, 12-16-2004; Ord. No. 16-109, § 2, 8-16-2016)

2-16-2: MEMBERSHIP:

The Commission shall consist of seven (7) members and one (1) ex officio non-voting member of the City Council. At least three (3) of said members shall have professional expertise or experience with the disabled, community development, architecture, transportation, communications, employment, the law, environmental management and safety.

(Ord. 04-223, 12-16-2004; Ord. No. 16-109, § 2, 8-16-2016)

2-16-3: POWERS AND DUTIES:

The Advisory Commission on Disabilities shall serve in an advisory capacity to the City and in connection therewith shall:

(Ord. 91-163, 9-3-1991; amd. Ord. 04-196, 12-7-2004)

1. Receive and/or develop comprehensive plans and/or policies in the areas of employment, transportation, public service and telecommunications as deemed necessary based on adopted goals and strategies of the ADA and regulations promulgated to carry out the ADA to eliminate discrimination of disabled persons. The Commission shall submit written recommendations concerning said policies and/or plans to the City Council. Said plans and/or policies shall be consistent with previously adopted or proposed land use plans as well as other social or economic goals as directed by the City Council where not inconsistent with the ADA or other applicable law.
2. Receive and/or solicit "technical assistance" as provided in the ADA in understanding the responsibility of the City under the ADA where deemed necessary by the Commission or the City Council.
3. Conduct public hearings on proposed policies and plans when considered necessary by the Commission, the City Council, or as required by City, State, or Federal law or regulation, except where a hearing on the same subject is planned or required to be conducted by another body and where the Commission finds that said hearing will be an unnecessary duplication.
4. Make recommendations to the City Council as deemed necessary by the commission with regard to alleged violations or complaints of discrimination against disabled persons.
5. Conduct such other functions or perform other duties as may be requested by the City Council to ensure that every citizen is afforded an equal opportunity to access and participate in City programs, services, facilities and communications. Assist the City in the implementation of the Americans with Disabilities Act (ADA), regulations promulgated in connection therewith and other applicable law concerning the elimination of discrimination of disabled persons.

(Ord. 91-163, 9-3-1991; amd. Ord. 04-196, 12-7-2004; Ord. No. 16-109, § 2, 8-16-2016)

CHAPTER 17 FOREIGN FIRE INSURANCE TAX BOARD

SECTION:

2-17-1: CREATION:

The City of Naperville Foreign Fire Insurance Tax Board (hereinafter the Board) is hereby established.

(Ord. 04-196, 12-7-2004; Ord. No. 12-032, § 1, 4-3-2012)

2-17-2: TAX IMPOSED:

Pursuant to 65 ILCS 5/11-10-1, every corporation, company and association which is not incorporated in the laws of the State of Illinois, shall pay a tax of two percent (2%) of the gross receipts received from fire insurance upon property situated within the city. This tax shall not be applicable to receipts from contracts of marine insurance, even though they include insurance against fire, where the premium for the fire insurance is not separately specified. This tax shall be paid to Fire Board.

(Ord. No. 12-032, § 1, 4-3-2012)

Editor's note(s)—Ord. No. 12-032, § 1, adopted April 3, 2012, amended Section 2-17-2 in its entirety to read as herein set out. Formerly, Section 2-17-2 pertained to membership and derived from Ord. No. 04-196, adopted December 7, 2004.

2-17-3: MEMBERSHIP:

The Board shall consist of seven (7) trustees, the Fire Chief, who shall hold office by virtue of rank, and six (6) members, who shall be elected at large by the sworn members of the department. If there is an insufficient number of candidates to fill all these positions, the number of board members may be reduced, but not to fewer than three (3) trustees. All members of the department shall be eligible to be elected as officers of the department foreign fire insurance board. The members of this board shall annually elect officers. These officers shall be a chair and a treasurer. The trustees shall be elected for three (3) year terms. The trustees of the department foreign fire insurance board shall make all needful rules and regulations with respect to the department foreign fire insurance board and the management of the money to be appropriated to the board.

(Ord. No. 12-032, § 1, 4-3-2012; Ord. No. 22-044 , § 2, 5-3-2022)

Editor's note(s)—Ord. No. 12-032, § 2, adopted April 3, 2012, amended Section 2-17-3 in its entirety to read as herein set out. Formerly, Section 2-17-3 pertained to powers and duties and derived from Ord. No. 95-78, adopted April 18, 1995; Ord. No. 96-117, adopted July 2, 1996, and Ord. No. 04-196, adopted December 7, 2004.

2-17-4: POWERS AND DUTIES:

All expenditures of the Board shall be made for the maintenance, use, and benefit of the Fire Department. The Board shall comply with the following procedures:

1. The Finance Director shall provide the Treasurer of the Board a monthly accounting of receipts and expenditures of the fund.
2. By January 15 of each year the Board's officers shall approve a preliminary listing of the planned annual expenditures of the funds expected to be received pursuant

to the foreign fire insurance tax, and shall promptly forward same to the City Manager.

3. The Board's officers shall, no later than April 1 of every year, adopt a listing of proposed expenditures of the funds expected to be received from the foreign fire insurance tax, and shall promptly forward same to the City Manager. The final listing may be amended at any time by a majority vote of the officers of the Board consistent with established practice. Expenditures shall be made only for items specifically described in the final listing as originally adopted or subsequently amended.
4. The Board shall approve all expenditure of monies from the fund for the maintenance, use and benefit of the Department.
5. The City Finance Director may examine the books, records and other papers and documents of a designated agent, corporation, company or association for the purpose of verifying the correctness of the report of the amounts received for fire insurance.
6. The Board's treasurer shall provide a bond to the City in an amount equal to three (3) times the average amount of foreign fire insurance tax revenue received by the City to ensure the faithful performance of the duties imposed by law and the Board on the treasurer. Fees for the treasurer's bond shall be paid from the funds collected from the foreign fire insurance tax.
7. To the extent allowed by law, the Board's treasurer shall be responsible for paying the service charge levied by the Illinois Municipal League for the collection of the foreign fire insurance tax from the proceeds of that tax, provided that the service charge has not already been retained by the Illinois Municipal League prior to disbursement of the tax.
8. At no time shall the actions of the Board or its officers interfere with the rights of the Fire Chief, the composition of the Fire Department, the Board of Fire and Police Commissioners, or in any way impede the ordinary operation of the Fire Department.
9. As part of the annual municipal audit, the Board funds shall be audited to verify the funds have been expended by the board only for the maintenance, use and benefit of the department.

(Ord. No. 95-78, 4-18-1995; Ord. No. 96-117, 7-2-1996; amd. Ord. No. 04-196, 12-7-2004; Ord. No. 12-032, § 3, 4-3-2012)

Editor's note(s)—Ord. No. 12-032, § 3, adopted April 3, 2012, redesignated the former Section 2-17-3 as Section 2-17-4. The historical notation has been preserved for reference purposes.

CHAPTER 18 LOCAL LIQUOR COMMISSION

SECTION:

2-18-1: CREATION:

There is hereby established a local Liquor Commission.

(Ord. 04-196, 12-7-2004)

2-18-2: MEMBERSHIP AND TERMS:

The local Liquor Commission shall be composed of nine (9) members appointed by and serving at the sole discretion of the local Liquor Commissioner to terms of four (4) years each. Appointments are not subject to City Council approval. Appointments shall be made to coincide with the term of the Mayor, members shall hold office for their designated terms or until their successors have been appointed, whichever is longer. One member of the Commission will serve as the designated hearing officer. No member of the Liquor Commission shall have any ownership interest in, or be employed by, any licensed Naperville establishment. No person shall be appointed to, or remain a member of, the Liquor Commission if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed Naperville establishment.

(Ord. 04-196, 12-7-2004; Ord. No. 17-081, § 1, 6-20-2017)

2-18-3: POWERS AND DUTIES:

The Commission shall perform such functions and duties as directed or requested by the Liquor Commissioner in relation to the regulation of licensed activities, including, but not limited to, the following:

1. Review applications and the investigation of applicants for liquor licenses, and to submit findings and recommendations to the local Liquor Commissioner setting forth its conclusions respecting such applications.
2. Conduct disciplinary hearings and submit findings and recommendations to the Commissioner setting forth its conclusions respecting the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any.
3. Review and recommend changes in this Chapter to the local Commissioner.
4. Keep written records of its meetings and proceedings which shall be open for public inspection during regular business hours at City offices provided that such public records shall not include matters concerning the applicants or licensees which would result in an invasion of privacy.

(Ord. 02-181, 9-3-2002; amd. Ord. 04-196, 12-7-2004)

CHAPTER 19 SPECIAL EVENTS AND COMMUNITY ARTS COMMISSION¹²

SECTION:

2-19-1: CREATION:

There is hereby established a Special Events and Community Arts (SECA) Commission. The Commission shall have only those powers, duties, responsibilities and authority specifically delegated to it under this Code.

(Ord. No. 18-065, § 1, 6-19-2018; Ord. No. 22-053 , § 1, 6-7-2022)

2-19-2: MEMBERSHIP:

Initially, as of the effective date of the ordinance from which this Chapter derives, the Commission shall consist of eleven (11) members. Thereafter, as member terms expire, they shall not be replaced until the Commission stands at nine (9) members and thereafter the Commission shall consist of nine (9) members. Preferably, members shall have professional expertise in the various facets of the duties of the Commission, by virtue of their training and/or employment. Said areas of expertise may include, but are not necessarily limited to, business, nonprofit management, arts, social or artistic events, diversity, and culture.

(Ord. No. 18-065, § 1, 6-19-2018; Ord. No. 22-053 , § 1, 6-7-2022)

2-19-4: DISCLOSURE:

1. Any member with an ownership, employment, or family interest, financial or nonfinancial, pursuant to Section 1-13-6 of this Code, in any SECA application, shall file with the Commission a signed and dated disclosure, stating their name, the name of the SECA applicant, and identifying their interest in the SECA application, prior to the Commission or City Council consideration of the SECA application.
2. Any member with an interest in a SECA application shall recuse themselves from any discussion or vote on the matter.
3. The disclosure form shall be submitted to the SECA Commission staff liaison and kept on file for the duration of the member's term.
4. Failure of a member to file a disclosure form pursuant to this Section may subject the member to immediate removal from the Commission.

(Ord. No. 18-065, § 1, 6-19-2018)

¹²Editor's note(s)—Ord. No. 22-053 , § 1, adopted June 7, 2022, changed the title of Chapter 19 from "Special Events and Cultural Amenities Commission" to "Special events and community arts commission."

2-19-5: POWERS AND DUTIES:

1. Receive and review annual SECA Grant Fund applications.
2. Provide a recommendation to the City Council regarding the annual allocation of the SECA Grant Fund portion of the food and beverage tax.
3. Reserved.
4. Assist, inform and advise the City Council and City of Naperville in furthering the arts, cultural experiences, and special events in Naperville.
5. Provide recommendations to the City Council regarding the SECA policy, procedures, and application in accordance with the SECA mission statement.
6. Support community arts through the administration of the City of Naperville Public Arts Program.

(Ord. No. 18-065, § 1, 6-19-2018; Ord. No. 22-053 , § 1, 6-7-2022)

SECTION 2: Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION 3: Severability. If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION 4: This Ordinance shall be in full force and effect from and after its approval.

PASSED this ____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2023.

Scott A. Wehrl
Mayor

ATTEST:

City Clerk