

Chapter 31: Village Officials and Employees

CHAPTER 31: VILLAGE OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS

§ 31.001 APPOINTMENTS.

The President with the consent of the Board of Trustees shall make appointments to fill all appointive offices. Employees of all departments shall be selected by the President, in the absence of provisions to the contrary. ('77 Code, § 3.06(a))

§ 31.002 TERMS OF OFFICE; VACANCIES.

Every appointive officer of the Village shall hold office for a term of one year or until his successor, is appointed and qualified unless it is otherwise provided by provision of this code. Employees selected shall serve so long as their services are desired. ('77 Code, § 3.06(b))

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§ 31.003 ASSIGNMENT OF DUTIES.

The President shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer and shall determine disputes or questions relating to the respective powers or duties of officers. ('77 Code, § 3.06(c))

§ 31.004 INSPECTION OF RECORDS.

All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board, at all times, whether or not such records are required to be kept by statute or provision of this code. ('77 Code, § 3.06(d))

§ 31.005 MONEYS RECEIVED.

Every officer of the Village shall at least once every day turn over all moneys received by him in his official capacity to the Village Administrator with a statement which shows the source from which the same was received. ('77 Code, § 3.06(e))

§ 31.006 OATH AND BOND.

(A) Every officer of the Village shall, before entering upon his duties, take the oath required by ILCS Ch. 65, Ch. 5, § 3.1-10-25. ('77 Code, § 3.06(f))

(B) Every officer of the Village shall, if required by the Board, before entering upon the duties of office, give a bond in at least the minimum amount required by ILCS Ch. 65, Act 5, § 3.1-10-30 as may be determined by the Board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position. ('77 Code, § 3.06(g))

§ 31.007 COMPENSATION; SALARIES.

All officers and employees of the Village shall receive such salaries as may be provided from time to time by ordinance. No officer or employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him in the performance of his duties as municipal officer or employee in the absence of a specific ordinance provision to that effect. ('77 Code, § 3.06(h))

§ 31.008 CONSERVATORS OF THE PEACE; POWERS TO MAKE ARRESTS.

The President and Trustees and members of the Police Department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace by the Illinois Compiled Statutes. ('77 Code, § 3.06(I))

§ 31.009 TERMINATION OF OFFICE.

Every officer of the Village, upon the termination of his office, shall deliver to his successor all books and records which may be the property of the Village, and if no successor has been

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appointed within one week after the termination of office, such property shall be delivered either to the Village Clerk or to the Village Treasurer. ('77 Code, § 3.06(j))

VILLAGE PRESIDENT

§ 31.020 ELECTION; TERM OF OFFICE.

The President shall be elected for a term of four years. He shall be President of the Board of Trustees as provided by statute. ('77 Code, § 3.01(a))

§ 31.021 POWERS AND DUTIES.

(A) The President shall be the chief executive officer of the Village and shall perform all such duties as may be required of him by statute or ordinance. He shall have general supervision over all the executive officers of the Village and over all of the employees of the Village. He shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. ('77 Code, § 3.01(b))

(B) The President shall settle any question as to the respective powers or duties of any appointed officer or employee of the Village. He shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty. ('77 Code, § 3.01(c))

§ 31.022 OATH AND BOND.

Before entering upon the duties of his office, the President shall give a surety bond conditioned upon his faithful performance of his duties, in the sum of \$3,000. He shall take the oath of office prescribed by statute and shall receive such compensation as may be set from time to time by the Board of Trustees. ('77 Code, § 3.01(d))

Statutory reference:

Bond, see ILCS Ch. 65, Act 5, § 3.1-10-30

§ 31.023 APPOINTMENT AND REMOVAL OF OFFICERS.

(A) The President shall appoint, by and with the advice and consent of the Board of Trustees, all officers whose appointment is not otherwise provided for by law, and whenever a vacancy occurs in any office, which by law or ordinance he is empowered and required to fill, he shall within 30 days after the happening of such vacancy, communicate to the Board the name of his appointee to such office, and pending the concurrence of the Board in such appointment, he may designate some suitable person to discharge the functions of such office. ('77 Code, § 3.01(e))

(B) The President shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand such removal. He shall report the reasons for such removal to the Board at a meeting to be held not less than five days, nor more than ten days after such removal. If the President shall fail, or refuse to file with the

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Clerk, a statement of the reasons for such removal or if the Board, by a two-thirds vote of all its members authorized by Law to be elected, by “yeas” and “nays,” to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was removed, but he shall give a new bond and take a new oath of office. (‘77 Code, § 3.01(f))

Statutory reference:

Appointed offices in all municipalities, see ILCS Ch. 65, Act 5, § 3.1-30-5

Mayor or president; removal of appointed officers, see ILCS Ch. 65, Act 5, § 3.1-35-10

§ 31.024 OFFICIAL SIGNATURE.

The President shall sign all Village warrants, commissions, permits and licenses granted by authority of the Board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature. (‘77 Code, § 3.01(g))

§ 31.025 POWERS OF PEACE OFFICER.

The President may exercise within the Village limits the powers conferred upon sheriffs by law to suppress disorder and keep the peace. (‘77 Code, § 3.01(h))

Statutory reference:

Conservators of the peace; service of warrants, see ILCS 65, Act 5, § 3.1-15-25

§ 31.026 PRESIDENT PRO-TEM.

During the temporary absence or disability of the President, the Board of Trustees shall elect one of its number to act as President Pro-Tem, who during the absence or disability of the President shall perform the duties of the office. (‘77 Code, § 3.01(I))

Statutory reference:

Mayor or president pro tem; temporary chairman, see ILCS Ch. 65, Act 5, Sec. 3.1-35-35

§ 31.027 COMPENSATION.

The President shall receive compensation as determined by the Board of Trustees for the performance of the duties of President. (‘77 Code, § 3.01(j))

VILLAGE CLERK

§ 31.040 APPOINTMENT AND TERM.

The President shall appoint, with the advice and consent of the Board of Trustees, a qualified Village Clerk. Such appointment shall be valid unless and until the Village Clerk resigns or is removed from office, provided that after April 30, 2007, the term of the Village Clerk cannot

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exceed that of the Village President. When a new Village President takes office, he shall either reappoint the existing Village Clerk or may appoint a new Village Clerk to that position.

(‘77 Code, § 3.02(a))

(Am. Ord. 04-18, passed 4-19-04)

§ 31.041 OATH AND BOND.

The Clerk, before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall execute a bond to the Village in the penal sum of \$3,000 or such amount as may be fixed by resolution, with sureties as shall be approved by the President and Board of Trustees, conditioned for the faithful performance of the duties of his office, and the payment of all moneys that may be received by him, according to law and ordinance. The bond shall be filed with the Village Treasurer. (‘77 Code, § 3.02(b))

§ 31.042 OFFICE.

The Clerk shall keep his office at such place as the Board of Trustees may direct. The office shall be open at such reasonable hours as the Clerk may set pursuant to directions of the President. (‘77 Code, § 3.02(c))

§ 31.043 POWERS AND DUTIES.

(A) *Minutes, notices.* The Clerk shall attend all meetings of the Board of Trustees, the Planning Commission, and the Zoning Board of Appeals, and shall keep in a suitable book a full and faithful record of its proceedings. He shall issue and cause to be served upon all trustees notices of all special meetings of the Board, also notices to the members of the different committees of the Board, and to all other persons whose attendance may be required before any such committee when so directed by the chairperson thereof. (‘77 Code, § 3.02(d))

(B) *Preparation of documents.* The Clerk or Village Administrator, as the case may be, shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of the Village and shall attest the same with the corporate seal, and he shall in like manner attest all deeds for the sale or transfer of real estate owned by the Village and all bonds issued by the Village. (‘77 Code, § 3.02(h))

(C) *Other duties.* In addition to the duties set forth in this section, the Clerk shall perform all other duties pertaining to his office as are and may be imposed upon him by law or resolution of the Board of Trustees. (‘77 Code, § 3.02(l))

Statutory reference:

Recordation; records as prima facie evidence, see ILCS Ch. 65, Act 5, § 1-2-5

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§ 31.044 ABSENCE OR DISABILITY; CLERK PRO-TEM.

In the event of temporary absence or disability of the Village Clerk, the President shall appoint a Village Clerk Pro-Tem by and with the consent of the majority of the Board of Trustees. ('77 Code, § 3.02(m))

§ 31.045 COMPENSATION.

The Village Clerk shall receive suitable compensation as determined by the Board of Trustees for the performance of the duties of Village Clerk. ('77 Code, § 3.02(n))

VILLAGE TREASURER

§ 31.055 OFFICE CREATED.

There is hereby created the office of Treasurer of the Village. ('77 Code, § 3.03(a))

§ 31.056 APPOINTMENT AND COMPENSATION.

(A) The President shall appoint, by and with the advice and consent of the Board of Trustees, a qualified Village Treasurer. The Village Treasurer need not reside in the Village. Such appointment shall be valid unless and until the Village Treasurer resigns or is removed from such office, provided that the term of the Village Treasurer cannot exceed that of the Village President. When a new Village President takes office, he shall either reappoint the existing Village Treasurer or can appoint a new Village Treasurer to that position.

('77 Code, § 3.03(b))

(Am. Ord. 03-3, passed 1-20-03)

(B) The Treasurer shall receive compensation as determined by the Board of Trustees for the performance of the duties of Treasurer.

§ 31.057 OATH AND BOND.

The Treasurer, before entering upon the duties of the office, shall take the oath prescribed by law, and shall execute a surety bond to the Village, in a penal sum required by statute. ('77 Code, § 3.03(c))

Statutory reference:

Bond, see ILCS Ch. 65, Act 5, § 3.1-10-30

§ 31.058 POWERS AND DUTIES.

(A) The Treasurer shall receive all moneys belonging to the Village corporation and shall pay all warrants signed by the President and countersigned by the Clerk. He shall keep a separate account of each fund or appropriation, and all the debits and credits belonging thereto. He shall give

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to every person paying money into the treasury a receipt therefor specifying the date of payment and upon what account paid, and shall file copies of such receipts with the records of the Treasurer's office with the Clerk at the time of making monthly reports of such office. ('77 Code, § 3.03(d))

(B) The Treasurer shall keep an accurate register of all warrants redeemed and paid, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid, and shall cancel all warrants as soon as redeemed. ('77 Code, § 3.03(e))

(C) *Accounts.* The Treasurer and the Village Administrator shall keep a double entry set of books for the various funds of the Village. He shall, at the end of each month, prepare a statement or report showing receipts and disbursements of the various funds held by the Treasurer, and shall also report expenditures and balances of appropriations as set up in appropriate ordinances. Such reports shall be presented at the first meeting in each month. At the end of the fiscal year an annual report shall be prepared and presented showing each fund in detail relative to receipts and disbursements for the year in such manner as to be self-explanatory to the Board of Trustees. ('77 Code, § 3.02(j))

(D) Submit to the Village Board, on or before April 15 of each year, a budget, including information as to all anticipated revenues of the Village and a detailed list of the anticipated expenditures for the current fiscal year.

(E) Prepare and submit to the Village Board as of the end of the fiscal year, a complete report on the finances and the administrative activities of the Village for the preceding year.

(F) Present to the Board each month, a statement showing the exact financial condition of the Village as of the end of the preceding month and showing amounts appropriated, amounts expended, and unexpended balances in the several items of appropriation.

(G) The Treasurer shall have the following monthly duties:

- (1) Prepare and make bank deposits (two to seven times per month).
- (2) Deposit social security and Medicare taxes to the Federal Bank for the Internal Revenue service.
- (3) Verify all bank statements (5).
- (4) Complete various studies as requested by the President and/or Board of Trustees.
- (5) Issue checks for prepayment of all expenditures of the Village.
- (6) Present to the Board of Trustees a statement showing the exact financial condition of the Village as of the end of the preceding month and showing amounts appropriated, amount expended, and unexpended balances in the several items of appropriation.

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(H) The Treasurer shall prepare Form 941 for the Internal Revenue Service on a quarterly basis.

(I) The Treasurer shall complete the following annual reports and shall forward copies to the Internal Revenue Service, the President, the Village Administrator, the Clerk and the Treasurer.

(1) Form W2 - Wage and tax statements.

(2) Form W3 - Transmittal of wage and tax statements.

(3) Form 1096 - Annual summary and transmittal of U.S. Internal Revenue Service.

(4) Form 1099 - Miscellaneous.

(J) The Treasurer shall prepare and analyze all yearly reports to be submitted to the auditor.

(K) The Treasurer shall perform all necessary duties with respect to the Village archives, including maintaining and destroying all documents as per the retention list from the State of Illinois.

(L) The Treasurer shall perform other duties as requested by the President and/or the Board of Trustees.

VILLAGE ADMINISTRATOR

§ 31.070 CREATION OF OFFICE.

There is hereby created the office of Village Administrator of the Village of Deer Park, Lake and Cook County, Illinois. ('77 Code, § 3.035(a)) (Ord. 79-2, passed 2-24-79)

§ 31.071 APPOINTMENT; TERM; REMOVAL.

(A) The Village Administrator shall be appointed by the President and Board of Trustees for an indefinite term. He shall be chosen on the basis of his executive and administrative qualifications with special reference to his actual experience and his knowledge of accepted practice in respect to the duties of his office hereinafter set forth. Neither the Village President nor any of the Village Trustees shall receive such appointment during the term for which he shall have been elected or within one year after the expiration of his term.

(B) The Village Administrator shall remain in office so long as he performs his duties to the satisfaction of the President and the Board of Trustees.

(C) The Village Administrator may be removed by the Village Board by a majority vote of the entire Board at any time. The Administrator may request a written statement of the reasons

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for removal, which the Village Board shall furnish to the administrator within 20 days after the filing of such request. During this period, the administrator may be suspended from office with or without pay. The action of the Village Board in removing the administrator shall be final.

(‘77 Code, § 3.035(b)) (Ord. 79-2, passed 2-24-79)

§ 31.072 COMPENSATION.

The Village Administrator shall receive such compensation as shall be fixed from time to time by the Village President and the Board of Trustees. (‘77 Code, § 3.035(c)) (Ord. 79-2, passed 2-24-79)

§ 31.073 OATH AND BOND.

Before taking office, the Village Administrator shall take and subscribe to the oath prescribed in ILCS Ch. 65, Act 5, § 5-3-9, which oath shall be filed in the Village Office, and the Village shall furnish a fidelity bond in the amount of \$12,000 conditioned upon the faithful performance of his duties, with an insurance corporation satisfactory to the corporate authorities and licensed to do business in the state as surety. Such bond shall be filed with the Village Clerk after being approved by the President and Board of Trustees, and the premium on the bond shall be paid by the Village. (‘77 Code, § 3.035(d)) (Ord. 79-2, passed 2-24-79)

§ 31.074 POWERS AND DUTIES.

(A) The Village Administrator shall supervise and coordinate the work of all departments of the Village that have been heretofore created by the President and the Board of Trustees and are in effect on the passage date of this subchapter, or that may hereafter be created by the President and the Board of Trustees. He shall be the Chief Administrative Officer of the Village and to that end shall have the power and shall be required to:

(1) Be responsible to the President and Board of Trustees of the Village for the proper administration of all the affairs and ordinances of the Village.

(2) Appoint and discharge, subject to Board approval, and supervise all Village employees, and all such employees shall perform their duties subject to his direction, except as otherwise required by statute. Board members and the President shall deal through the Village Administrator and no Board member shall give orders to any subordinates of the Village Administrator, either publicly or privately. No Board member or President shall direct subordinate’s appointment or removal.

(3) Attend all meetings of the Village Board unless excused therefrom by the Board, except when his removal is under consideration. The Administrator shall have the privilege of taking part in the discussion of all matters coming before the Board. He shall be entitled to notice of all meetings, regular and special of the Board.

(4) Be responsible for preparing the agenda for all regular and special meetings of the Board.

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(5) Submit to the Village Board, on or before April 15 of each year, a budget, including information as to all anticipated revenues of the Village and a detailed list of the anticipated expenditures for the current fiscal year.

(6) Prepare and submit to the Village Board as of the end of the fiscal year, a complete report on the finances and the administrative activities of the Village for the preceding year.

(7) Act ex-officio as both Village Collector and Village Treasurer and shall exercise and perform all duties and be subject to all the requirements and obligations appertaining to such officers.

(8) Keep the Board informed of the conditions and needs of the Village and recommend to the Board for adoption any such measures as he may deem necessary or expedient in the operation of the Village.

(9) Purchase of materials, supplies, and equipment authorized by the Board and for which funds are provided in the annual budget appropriation, provided, that for a purchase of more than \$10,000, the Village Administrator shall follow the Purchasing Procedures set out in Chapter 32.

(Ord. 01-17, passed 4-23-01)

(10) Keep a current inventory of all real and personal property of the Village and the location of such property. He shall be responsible for the care and custody, or supervise the preparation and care of, all records of the Village except as otherwise required by law.

(11) Make investigations into the affairs of the Village. Investigate all complaints in relation to all matters concerning the administration of the government of the Village, and see that all franchises, permits, and privileges granted by the Village are faithfully observed.

(12) Be the keeper and custodian of the corporate seal of the Village. He shall carefully preserve in his office all books, records, papers, maps and effects of every description belonging to the Village or pertaining to his office, and not in actual use and possession of other Village officers. Upon the expiration of his official term he shall deliver all such records, books, papers and effects to his successor in office. ('77 Code, § 3.02(e))

(13) Record and properly index in a book kept for that purpose, all ordinances passed by the Board, within five days after passage and approval by the President, and at the foot of each ordinance so recorded, he shall make a memorandum showing dates of passage. ('77 Code, § 3.02(f))

(14) Devote his full time to the performance of his duties and not engage in any other employment without the consent of the Board.

(15) Receive all moneys due to the Village, except tax, special improvement assessments and motor fuel tax refunds, which are paid direct to the Treasurer. ('77 Code, §

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3.02(k))

(16) Perform such other duties as may be required of him by the Village Board or the President not inconsistent with the Village ordinances or the law.

(‘77 Code, § 3.035(e))

(Ord. 79-2, passed 2-24-79)

(17) Maintain a Village Office in the Village Hall. The office shall be open at such reasonable hours as the Village Administrator may set pursuant to the directions of the President.

(Ord. 99-11, passed 4-19-99)

(18) Answer telephone calls during the general hours of operation of the Village Office.

(19) Process building permit applications by dispensing forms, receiving the submissions from builders, referring the applications to the Building Inspector and/or Health Officer and issuing the permit or request for revisions.

(20) Process incoming and outgoing Village correspondence and notices.

(21) Maintain the principal Village files.

(22) Coordinate routine maintenance matters.

(23) Distribute notices regarding violation of Village Ordinances.

(24) Prepare Planning Commission and Zoning Board of Appeals agenda packages.

(25) Attend Village Plan Commission and Zoning Board of Appeals meeting, taking minutes of the meetings in the absence of the Village Clerk.

(B) The Village Administrator shall, without delay, upon the adjournment of each meeting of the Board, deliver to the several committees of the Board, and to the officers of the city, all petitions, communications, reports, resolutions, orders, claims and other papers referred to those committees or officers by the Board. He shall also, without delay, deliver to the President all ordinances or resolutions in his charge, which are required to be approved or otherwise acted upon by the President. (‘77 Code, § 3.02(g))

(C) The Village Administrator shall, by and with the advice and consent of the Board, purchase all necessary office and election supplies. (‘77 Code, § 3.02(I))

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Cross-reference:

Purchasing procedures, see Chapter 32

Statutory reference:

Municipal manager; appointment; powers and duties, see ILCS Ch. 65, Act 5, § 5-3-7(5)

VILLAGE ATTORNEY

§ 31.085 ATTORNEY ON RETAINER.

A Village Attorney shall be retained and employed by the President, by and with the advice and consent of the Board of Trustees. (‘77 Code, § 3.04(a))

§ 31.086 POWERS AND DUTIES.

The Village Attorney shall serve as legal advisor to the Village President, Board of Trustees and Village Clerk on matters pertaining to their duties and Village interests, shall represent the Village in litigation except where the Board of Trustees directs otherwise, shall draft all contracts, ordinances or other documents needed by the Village, and shall render such other legal services as may be required by the President and Board of Trustees. (‘77 Code, § 3.04(b))

§ 31.087 COMPENSATION.

The Village Attorney shall receive compensation for his services as shall be determined from time to time by the Board of Trustees. (‘77 Code, § 3.04(c))

VILLAGE ENGINEER

§ 31.100 ENGINEER ON RETAINER.

The Village may retain the services of an engineer as a consultant from time to time as determined by the Board of Trustees, who may be described as Village Engineer. (‘77 Code, § 3.05(a))

§ 31.101 POWERS AND DUTIES.

(A) The Village Engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the Village. (‘77 Code, § 3.05(b))

(B) The Village Engineer shall advise the President and Board of Trustees, and other Village officials, on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto such other duties as from time to time may be imposed upon him by the President and the Board of Trustees. He shall, from time to time, as required by the President and Board of Trustees, make reports regarding public improvements,

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repairs of streets, and other public works, and shall make suggestions to the President and Board of Trustees regarding the same as shall, in his judgment, seem best and proper. ('77 Code, § 3.05(c))

VILLAGE HEALTH OFFICER

§ 31.110 VILLAGE HEALTH OFFICER.

The Village may retain the services of a health officer or engineer as a consultant from time to time as determined by the Board of Trustees, who may be described as the Village Health Officer.

(Ord. passed 8-17-97)

§ 31.101 POWERS AND DUTIES.

(A) The Village Health Officer shall keep accurate records and files regarding applications and site plans for the issuance of septic permits within the Village.

(B) The Village Health Officer shall advise the President and Board of Trustees, and other Village officials, on all matters concerning sewage disposal, septic systems and related matters of public health.

(C) The Village Health Officer shall be responsible for reviewing all septic permit applications and site plans, performing all inspections necessary to determine compliance with the rules and regulations of the Village Sewage Disposal Ordinance set forth in Section 51 of the Code notifying property owners and occupants of any and all violations thereof, and issuing certificates of compliance for private septic systems as required for the issuance of occupancy permits.

(Ord. passed 8-17-97)