

RULES OF PROCEDURE

Zoning Board of Appeals LaSalle County, Illinois

Article I. General Provisions

- Section 1: These rules are supplementary to the provisions of the zoning ordinance of the County of LaSalle as they relate to procedures of the LaSalle County Zoning Board of Appeals. (herein after referred to as “ZBA”)
- Section 2: Nothing herein shall be construed to give or grant to the ZBA the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the LaSalle County Board.
- Section 3: The Office of the ZBA shall be located in the LaSalle County Land Use Department, 119 West Madison Street, Room 107, Ottawa, Illinois 61350.

Article II. Officers and Duties

- Section 1: The Officers shall be a Chairperson, an Acting Chairperson, and a Secretary.
- Section 2: The Chairperson of the County Board shall designate the Chairperson; the ZBA shall elect from amongst its members the Acting Chairperson when the Chairperson is absent.
- Section 3: The Chairperson shall supervise the affairs of the ZBA. The Chairperson shall preside at all meetings of the ZBA, and shall provide for the oath to be administered to all witnesses in cases before the ZBA.
- Section 4: The Acting Chairperson, in the absence or disability of the Chairperson, shall perform all the duties and exercise all the powers of the Chairperson.
- Section 5: The Land Use Director or their selected representative, shall serve as the Secretary of the ZBA, and shall record permanent minutes of the ZBA’s proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the ZBA or keep an electronic recording (audio and/or video) of all hearings; shall file minutes and records in the office of the ZBA, which minutes and records shall be a public record; and shall be the custodian of the files of the ZBA and keep all records. Further, the Secretary shall carry out all other functions and duties as required under the Zoning Code or assigned by the ZBA.

Article III. Meetings and Hearings

- Section 1: Regular meetings/hearings of the ZBA may be cancelled by the Chairperson when there are no cases pending.
- Section 2: Special meetings/ hearings may be called at the Chairperson's discretion, or upon the request of three (3) or more members of the ZBA, provided that 48 hours notice is given to each member and otherwise meets the requirements of the Illinois Open Meetings Act(5 ILCS 120/ 1, et seq.).
- Section 3: The Chairperson may take such actions as are required to maintain an orderly and civil meeting/hearing. Rules of civility and decorum shall be strictly enforced, thus, no public comments that are disruptive, vulgar, harassing, irrelevant or repetitious in nature will be permitted. Persons who breach the rules of civility and decorum may be requested to leave the meeting.
- Section 4: Any member of the ZBA who has any meaningful financial or familial interest in a matter before the ZBA shall not vote thereon and shall refrain from any involvement during the hearing at which said matter is under consideration.
- Section 5: In the event that a petitioner fails to appear:
- A) The Chairperson may entertain a motion from the ZBA to dismiss the case for failure to appear and present evidence in support of the petition. The Chairperson also may entertain a motion to continue the case to the next scheduled meeting.
 - B) In cases which are dismissed, the petitioner will be furnished written notice by the ZBA, through the County Zoning staff.
 - C) The petitioner shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the County Land Use Department for reinstatement. Reinstatement shall be at the discretion of the Chairperson for good cause shown, and payment of any additional publication fees.
 - D) In all cases reinstated in above described manner, the case will be docketed, noticed and republished in the usual manner prescribed for new cases.
- Section 6: At the time of the hearing, the petitioner may appear in their own behalf or be represented by legal counsel or agent.
- Section 7: Any person participating, other than the "Petitioner", shall be referred to in these rules as "Interested Person". Interested persons may be represented by legal counsel or agent. Any person participating at the hearing shall identify themselves for the record, either orally or in writing, and indicate if an attorney/agent represents them.
- Section 8: All persons offering testimony at a public hearing shall testify under oath (in person or by electronic means). An attorney shall be sworn in if offering testimony, but not for questioning witnesses, summarizing testimony of witnesses, or addressing the ZBA.
- Section 9: All persons that intend to submit and present evidence (written materials, documents, photos, etc.) at the hearing shall submit materials at least 24 hours prior to the hearing to

the Land Use Department. A minimum of 10 copies shall be submitted for distribution to the Board. However, the Chairperson shall have the discretion to waive these requirements if it is determined to be in the best interest of the hearing.

Section 10: The Chairperson may impose reasonable limitations on evidence or testimony presented by persons and parties, such as barring repetitious, irrelevant, or immaterial testimony. The ZBA shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chairperson may impose reasonable conditions on the hearing process based on the following factors:

- A) The complexity of the issue.
- B) Whether the witness possesses special expertise.
- C) Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
- D) The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal.
- E) Such other factors appropriate for the hearing.

Section 11: Testimony/evidence shall be presented in the following order:

- A) Petitioner's presentation (Petitioner should address how their request qualifies for the criteria specified in the Zoning Ordinance and meets the findings of fact.)
 - Evidence and testimony is presented by the petitioner
 - ZBA and/or ZBA Attorney may ask questions of each witness after conclusion of witness's testimony
 - County Board members present at the meeting may ask questions of each witness after conclusion of witness's testimony
 - Staff may ask questions of each witness after conclusion of witness's testimony.
 - Any interested person, after identifying themselves for the record, may ask questions of each witness after conclusion of witness's testimony.
 - Re-direct testimony and evidence by the petitioner
 - Repeat above steps for each witness.
- B) Interested Persons/ Case in Chief.
 - Evidence and testimony is presented by any interested person.
 - ZBA and/or ZBA Attorney may ask questions of each witness after conclusion of witness's testimony.
 - County Board members present at the meeting may ask questions of each witness after conclusion of witness's testimony
 - Staff may ask questions of each witness after conclusion of witness's testimony.
 - Petitioner may ask questions of each witness after conclusion of witness's testimony.
 - Re-direct testimony and evidence by interested person
 - Repeat above steps for each witness
- C) Rebuttal Testimony and Evidence by Petitioner.
 - Rebuttal evidence and testimony is presented by petitioner.

- ZBA and/or ZBA Attorney may ask questions of each witness after conclusion of rebuttal testimony by petitioner.
- County Board members present at the meeting may ask questions of each witness after conclusion of rebuttal testimony by petitioner
- Staff may ask questions of each witness after conclusion of rebuttal testimony by petitioner.
- Any interested person may ask questions of each witness after rebuttal testimony by petitioner.
- Re-direct testimony and evidence by petitioner and/or their representative.
- Repeat above steps for each witness

D) Closing Statement/comments by interested persons

Interested persons should be encouraged to raise issues/comment/ or provide information that is new or not previously raised or presented by other speakers.

- 1) Speakers during this portion of any ZBA meeting are limited to five (5) minutes per speaker.
- 2) Each speaker during this period shall be given one (1) opportunity to speak and provide public comment.
- 3) Comments made shall be germane to the current petition considered by the ZBA.
- 4) Any correspondence received by the Office of the ZBA (germane to the current petition) will be read into the record at this time. Each item of correspondence will also be limited to five (5) minutes.

E) Closing statement by petitioner.

In the interest of an orderly and impartial hearing, it is requested that the above procedures A- E be observed. Statements WILL NOT be heard during the times reserved for questions. Interested persons will be given the opportunity to be heard at the proper time. The ZBA Chairperson reserves the right to limit or bar irrelevant and/or repetitive testimony and questioning. A record of the proceedings is required by law; therefore, each person asking questions or giving testimony must give their complete name.

Section 12: Public Voice. For the Public Voice (not public testimony on a specific application) portion of any ZBA meeting, the following rules shall apply:

- A) Speakers during the Public Voice portion of any ZBA meeting are limited to three (3) minutes per speaker.
- B) The total time for the Public Voice portion of any Zoning Board of Appeals meeting shall not exceed thirty (30) minutes for all public comment.
- C) Each speaker during the Public Voice period shall be given one (1) opportunity to speak and provide public comment.
- D) Comments made shall be germane to topics or issues considered by the ZBA.

Section 13: Continuances. A continuance may be granted at the discretion of the ZBA in very limited circumstances, including, but not limited to:

- The length of the hearing and the amount of testimony presented requires that the meeting be continued to another day in order to complete the process.
- The petitioner supplies just cause to the ZBA that the hearing cannot proceed (death in family, illness, defective notice, or such similar situations).
- A request for additional information that cannot be supplied the day of the hearing
- When the ZBA determines there is “good cause” for postponement (i.e. adverse weather conditions, or such similar situations.)

If a continuance is granted, the date, time and location at which the hearing will be continued shall be announced to all individuals present prior to adjourning the meeting. Every effort shall be made to re-convene the hearing within one to two weeks of its originally scheduled date. Petitioners requesting a continuance may be asked to waive any time requirements of the Ordinance or Statute.

Article IV. Remote Attendance ZBA Members

Section 1: Policy Statement. The Illinois Open Meetings Act, 5 ILCS 120/ 1 et seq. (“The Act”), requires that the action of public bodies be taken openly and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. Section 7 of the Act provides that if a quorum of members of a public body is physically present, the public body may allow a member of the body to attend the meeting by means other than physical presence subject to certain requirements and restrictions and to the extent allowed by rules adopted by the public body. See, 5 ILCS 120/ 7. This Article is intended to adopt certain rules and procedures for attendance at meetings/ hearings by video or audio conference by members of the ZBA consistent with Section 7 of the Act. Therefore, it is the policy of the ZBA that the presence of its members at all public meetings/ hearings is highly desirable, however, the provisions for remote attendance at meetings/ hearings as set forth in this Article are intended to provide for the public's good, not necessarily for the convenience or ease of the members of the ZBA. As such, remote attendance should be used sparingly and in strict conformance with the provisions described herein.

Section 2: Qualifications for electronic attendance. A member of the ZBA is qualified to attend a meeting/hearing of the ZBA electronically only if the member is physically prevented from attending the meeting/ hearing by:

- A) Personal illness or disability;
- B) Employment purposes or the business of the public body; or
- C) A family or other emergency;

Section 3: Special rules for meetings/ hearings involving electronic attendance. A meeting/ hearing of the ZBA at which any member has been authorized to attend electronically must be conducted in accordance with the following special rules, in addition to any other applicable rules and procedures of the ZBA:

- A) Roll call and quorum. A quorum of the ZBA must be physically present at the meeting/ hearing. Following the call of the roll, the Chairperson or presiding officer shall identify each member who is attending the meeting/ hearing electronically.
- B) Identification and recognition of electronic attendees. Any member attending electronically must identify himself or herself each time the member wishes to speak and must be recognized by the Chairperson or presiding officer prior to addressing matters before the ZBA.
- C) Access to meeting/hearing. The speech of a member attending electronically shall be amplified in such a manner that it shall be generally audible to members of the ZBA and the public who are physically present at the meeting/ hearing. Also, any video image of a member attending electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the ZBA and the public who are physically present at the meeting/hearing. In addition, the votes of any member of the ZBA attending electronically shall be generally audible at the location where such meeting/hearing is being held and expressly acknowledged by the Chairperson or presiding officer.
- D) Minutes. The minutes of each meeting/hearing of the ZBA shall identify which of the members of the ZBA were physically present and, if applicable, which members of the ZBA attended electronically.

Section 4: Effect of electronic attendance. A member attending a meeting/ hearing of the ZBA electronically shall be considered present at the meeting/ hearing. The member is allowed to participate in the hearing, but not vote on any matter before the ZBA.

Section 5: Emergency and disaster situations. In the event of a bona fide disaster, as defined in the Illinois Emergency Management Agency Act (20 ILCS 3305/ 1 et seq.) (IEMAA), these remote attendance rules shall not apply to restrict the conduct of public business by the ZBA, provided such public business is conducted in accordance with Subsection 10(j) of the IEMAA.

Article V. Remote Attendance Petitioner or Interested Party

Section 1: While the ZBA encourages in person attendance of meetings, a petitioner or interested party (including expert testimony) is qualified to attend a meeting/hearing of the ZBA electronically if approved to do so by the ZBA Chairperson.

- A) The petitioner or interested party shall contact the LaSalle County Land Use Department (815-434-8666 or landuse@lasallemountyil.gov) at least 2 hours prior to the meeting to request to attend remotely.

Section 2: Identification and recognition of electronic attendees. Any petitioner or interested party attending electronically must identify himself or herself each time they wish to speak and must be recognized by the Chairperson or presiding officer prior to addressing matters before the ZBA.

Section 3: The speech of the petitioner/interested party attending electronically shall be amplified in such a manner that it shall be generally audible to members of the ZBA and the public who are physically present at the meeting/ hearing. Also, any video image of the petitioner/interested party electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the ZBA and the public who are physically present at the meeting/hearing.

Article VI. Special Provisions

Section 1: In the event of a bona fide disaster, as defined in the IEMAA (20 ILCS 3305/ 1 et seq.), or if a local state of emergency or disaster is declared by the LaSalle County Board Chairperson or other LaSalle County agency the Chairperson of the ZBA may temporarily impose, at their sole discretion, additional reasonable conditions, rules or procedures on meetings/ hearings to protect the health and safety of the members of the ZBA, staff, applicants, and members of the public attending any ZBA meeting/ hearing. Such additional reasonable conditions, rules or procedures may temporarily restrict, suspend, or limit any of the Rules and Procedures, when deemed reasonably necessary by the Chairperson in the interest of health and safety. Any such additional health and safety conditions, rules or procedures imposed by the Chairperson will be published promptly by Director on the LaSalle County website and posted in an appropriate place (s) in the LaSalle County Government Complex.

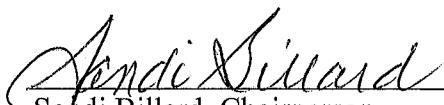
A) Any such additional reasonable conditions, rules or procedures imposed by the Chairperson pursuant to this section are not considered permanent amendments to these Rules and Procedures, and thus, do not require a vote of a majority of the ZBA. Any additional reasonable condition, rule or procedure imposed under this section is temporary, and cannot be effective longer than three (3) months from its/their date of imposition by the Chairperson, unless ratified and extended for such longer period of time at a duly noticed public meeting of the ZBA by a majority of the members present.

Article VII. Amendment of Rules

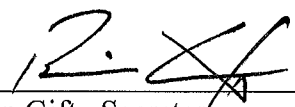
Section 1: These rules may be amended by an affirmative majority vote of all members of the ZBA.

Section 2: The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

The foregoing rules and regulations are hereby adopted by the Zoning Board of Appeals of LaSalle County, Illinois on December 21, 2022.


Sandi Billard, Chairperson

Attest:


Brian Gift, Secretary