

**VILLAGE OF DUPO, ILLINOIS**  
**ZONING BOARD OF APPEALS' RULES AND PROCEDURES**

The Zoning Board of Appeals of the Village of Dupo, Illinois (hereinafter "Zoning Board of Appeals") hereby adopts the following Rules and Procedures, pursuant to 40-10-4 of the Zoning Code of the Village of Dupo:

**ARTICLE I**  
**General Provisions**

- 1.1 These Rules and Procedures are supplementary to the provisions of the Zoning Code of the Village of Dupo (40-1-1 *et seq.*) (hereinafter "Zoning Code") as they relate to the rules and procedures of the Zoning Board of Appeals.
- 1.2 All public meetings or hearings of the Zoning Board of Appeals shall be subject to the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*).
- 1.3 Nothing herein shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the zoning ordinance, including the zoning map, which ultimate authority is reserved to the Village Board per the Zoning Code.
- 1.4 The office of the Zoning Board of Appeals shall be located in Village Hall, 107 N. Second Street, Dupo, Illinois.
- 1.5 The duly selected Chairman of the Zoning Board of Appeals ("Chairman") shall supervise the affairs of the Zoning Board of Appeals. He/she will preside at all meetings of the Zoning Board of Appeals and shall provide for the oath to be administered to witnesses in cases before the Zoning Board of Appeals.
- 1.6 The duly selected Vice-Chairman of the Zoning Board of Appeals, in the absence or disability of the Chairman, shall perform all the duties and exercise all powers of the Chairman.
- 1.7 The duly selected Secretary of the Zoning Board of Appeals shall keep minutes of the Zoning Board of Appeals proceedings and examinations, showing the vote of each member on each question, or in the absence or failure to vote, indicating such fact, and shall also keep records of any other official actions of the Zoning Board of Appeals. The Secretary shall carry out all other functions and duties as required under the Zoning Code and that may be assigned to him/her from time to time by the Zoning Board of Appeals.
- 1.8 Except as otherwise prescribed by these Rules and Procedures, the meetings and hearings of the Zoning Board of Appeals may be conducted in accordance with Robert's Rules of Order. If any question arises as to procedure, the ruling of the Chairman shall be final unless reversed by a majority vote of the members of the Zoning Board of Appeals present.

- 1.9 The Village of Dupo, Illinois' attorney is the legal advisor to the Zoning Board of Appeals.

## ARTICLE II Meetings and Hearings

- 2.1 Regular meetings of the Zoning Board of Appeals may be cancelled by the Chairman when there are no cases pending.
- 2.2 Special meetings/hearings may be called by the Chairman at his/her discretion, or upon the request of three (3) or more members of the Zoning Board of Appeals, 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.*).
- 2.3 The Chairman may take such actions as are required to maintain an orderly and civil meeting or hearing.
- 2.4 Any member of the Zoning Board of Appeals who has any meaningful financial or familial interest in a matter before the Zoning Board of Appeals shall not vote thereon and shall remove himself or herself from any involvement during the hearing at which said matter is under consideration.
- 2.5 Proof of lawful notice of hearing shall be introduced into evidence before the Zoning Board of Appeals.
- 2.6 The Village of Dupo, Illinois shall be a party in every proceeding and need not appear.
- 2.7 In addition to the Applicant, any person may appear and participate at the hearing.
- 2.8 Any person participating at the hearing shall identify themselves for the record, either orally or in writing, and indicate if an attorney represents them. Any person participating, other than the "Applicant", shall be referred to in these rules as "Interested Person".
- 2.9 All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony, but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the Zoning Board of Appeals.
- 2.10 The Chairman may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring repetitious, irrelevant, or immaterial testimony. Time limits, if imposed, shall be fair, and equally administered. The Zoning Board of Appeals shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence

shall not be admissible. The Chairman may impose reasonable conditions on the hearing process based on the following factors:

- i. The complexity of the issue.
  - ii. Whether the witness possesses special expertise.
  - iii. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
  - iv. The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal.
  - v. Such other factors appropriate for the hearing.
- 2.11 The Chairman shall rule on all questions relating to procedural matters, the admissibility of evidence or the propriety of arguments or statements which may be overruled by a majority of the Board. In so ruling, there need not be strict adherence to the rules of evidence recognized in judicial proceedings.
- 2.12 The order of presentation of evidence at a public hearing shall generally be as follows, but may be modified at the discretion of the Chairman:
- i. Identification of Applicant and Interested Persons;
  - ii. Submittal of Proof of Notice;
  - iii. Testimony and other evidence by Applicant;
  - iv. Board of Appeals examination of Applicant's witnesses and other evidence;
  - v. Cross-examination of Applicant's witnesses and other evidence by Interested Persons;
  - vi. Testimony and other evidence by Interested Persons;
  - vii. Board of Appeals examination of Interested Persons' witnesses and other evidence;
  - viii. Cross-examination by Applicant of Interested Persons' witnesses and other evidence;
  - ix. In some cases, re-examination may be allowed;
  - x. Report by Zoning Administrator, if any;
  - xi. Summary/Closing by Applicant;
  - xii. Summary/Closing by Interested Persons; and
  - xiii. Rebuttal/Closing by Applicant.
- 2.13 At the conclusion of an evidentiary portion of the public hearing, the Zoning Board of Appeals, among other actions, may move to deliberate its decision on the evidence presented, or continue the hearing to a date, time, and location certain.
- 2.14. The Zoning Board of Appeals shall render its decision or advisory report pursuant to and in accordance with the relevant provisions of the Zoning Code.
- 2.15 A continuance of a matter may be granted at the discretion of the Chairman, or for good cause shown, in any case and to any party or entity as follows:

- a. New Cases: For cases that are appearing for the first time on the agenda, continuances may be granted based on exceptional circumstances. No additional notice of the continued date shall be required.
- b. Continued Cases: All cases which have previously appeared on the agenda of the Zoning Board of Appeals constitute continued cases unless otherwise stated. Requests for further continuance will be considered upon application therefore by the party or his/her/its/their representative at the time the case is called, and upon showing:
  - i. That the party will be unable to proceed with his/her/its/their evidence at this hearing due to no fault of the party and proceeding with the hearing will unduly prejudice the party.

2.16 In the event an Applicant fails to appear when his/her/its/their application is set for hearing:

- a. The Chairman may entertain a motion from the Zoning Board of Appeals to dismiss the case for want of prosecution. In the absence of a motion by the Board, the Chairman shall rule, or he/she may continue the matter at his/her discretion.
- b. In cases which are dismissed for want of prosecution, the Applicant will be furnished written notice by the Zoning Board of Appeals.
- c. The Applicant will have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, the Applicant must file a written request with the Zoning Board of Appeals for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and if reinstated, the Applicant will pay any and all additional fees, including but not limited to additional publication fees.

2.17 For the Public Comment (not public testimony on a specific application) portion of any Zoning Board of Appeals meeting, the following rules shall apply:

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

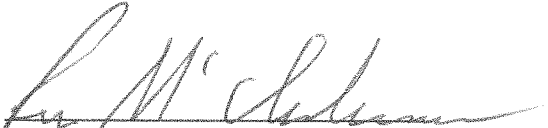
**ARTICLE III**  
**Special Provisions**

- 3.1 For health and safety purposes the Chairman may temporarily impose, at his/her sole discretion, additional reasonable conditions, rules or procedures on meetings or hearings to protect the health and safety of the members of the Zoning Board of Appeals, staff, applicants, and members of the public attending any Zoning Board of Appeals meeting or hearing. Such additional reasonable conditions, rules or procedures may temporarily restrict, suspend, or limit any of the Rules and Procedures set forth in Articles I and II herein, when deemed reasonably necessary by the Chairman in the interest of health and safety. Any such additional health and safety conditions, rules or procedures imposed by the Chairman will be published promptly by the Village Clerk on Village's website and posted in an appropriate place(s) in the Village of Dupo, Illinois.
- 3.1.1 Any such additional reasonable conditions, rules or procedures imposed by the Chairman pursuant to Section 3.1 are not considered permanent amendments to these Rules and Procedures, and thus, do not require a vote of a majority of the Zoning Board of Appeals. Any additional reasonable condition, rule or procedure imposed under Section 3.1 is temporary, and cannot be effective longer than three (3) months from its/their date of imposition by the Chairman, unless ratified and extended for such longer period of time at a duly noticed public meeting of the Zoning Board of Appeals by a majority of the members present.

**ARTICLE IV**  
**Amendments**

- 4.1 These Rules and Procedures of the Zoning Board of Appeals of the Village of Dupo, Illinois may be amended by a majority vote of the members of the Zoning Board of Appeals present at any duly noticed public meeting of the Zoning Board of Appeals.
- 4.2 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 PROCEDURES ARE HEREBY ADOPTED BY THE ZONING BOARD OF APPEALS OF THE VILLAGE OF DUPO, ILLINOIS ON THIS 19<sup>th</sup> DAY OF MAY 2020.

  
Ron McClenahan, Chairman