

ORDINANCE NO. 11-2017

AN ORDINANCE AMENDING CHAPTER 11, LICENSES,
TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS,
BY ADDING ARTICLE XVIII, INVALIDITY OF CONFLICTING
ORDINANCES, TO THE EVERGREEN PARK MUNICIPAL CODE

JAMES J. SEXTON
Mayor

MARY KEANE
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MARK T. PHELAN
Trustees

CATHERINE T. APARO
Village Clerk

VINCENT CAINKAR
Village Attorney

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WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners adopted an ordinance requiring employers located within incorporated and unincorporated areas of Cook County to provide for the availability, accrual and use of paid sick leave by employees (the *Cook County Paid Sick Leave Ordinance*);

WHEREAS, on October 26, 2016, the County of Cook Board of Commissioners adopted an ordinance requiring employers within incorporated and unincorporated areas of Cook County to pay certain minimum hourly wages to employees (the *Cook County Minimum Wage Ordinance*);

WHEREAS, the Mayor and Board of Trustees of the Village of Evergreen Park find that the Cook County Paid Sick Leave Ordinance and the Cook County Minimum Wage Ordinance will have adverse economic consequences and unduly burden employers within the Village of Evergreen Park; and

WHEREAS, the Mayor and Board of Trustees of the Village of Evergreen Park hereby find and declare it to be in its best interests to supersede and preempt the Cook County Paid Sick Leave Ordinance and Cook County Minimum Wage Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

Section 1

The recitals set forth above are incorporated herein by reference the same as if they were set forth herein verbatim and they are adopted as the findings of the Mayor and Board of Trustees.

Section 2

That Chapter 11, Licenses, Taxation and Miscellaneous Business Regulations, of the Evergreen Park Municipal Code be amended by adding Article XVIII, Invalidity of Conflicting Ordinances, to the Evergreen Park Municipal Code, as follows:

CHAPTER 11

LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE XVIII. INVALIDITY OF CONFLICTING ORDINANCES

SECTION

- 11-520: Definitions
11-521: Wage and Sick Leave Laws

Sec. 11-520. Definitions. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Employee means any individual person permitted and/or hired to work by an employer regardless of the number of hours worked and of the number of persons the employer employs.

Employer means any individual, partnership, association, firm, corporation, limited liability company, business trust, or any person or group of persons employing or seeking to employ one or more employees in, or having its principal place of business in, the Village of Evergreen Park. The term employer does not mean or include: (i) the government of the United States or a corporation wholly owned by the government of the United States; (ii) an Indian tribe or a corporation wholly owned by an Indian tribe; (iii) the government of the State or any agency or department thereof; or (iv) units of local government.

Federal and State Law means any and all applicable statutes and/or regulations of the United States and State of Illinois, as amended from time to time.

Sec. 11-521. Wage and Sick Leave Laws.

(a) Employers shall comply with all Federal and State Laws governing the rate, eligibility, applicability, accrual, use or payment of/for sick leave and minimum wage.

(b) No employers shall have, or be obligated to adhere to, any additional or greater obligations with respect to sick leave or minimum wage than as required or established by Federal and State Law.

(c) Any additional obligation with respect to sick leave or minimum wages imposed by law (including Cook County ordinances), other than Federal and State Law, upon any employer is hereby declared to be, and shall be deemed to be, in conflict with this section, and superseded and preempted hereby, and shall have no force, effect, or applicability to such employer.

(d) Nothing in this section shall be deemed or interpreted as affecting or preventing an employer from imposing upon itself any additional or greater obligation with respect to sick leave or minimum wage voluntarily or by contract.

Section 3

This ordinance was passed pursuant to the home rule powers of the Village of Evergreen Park.

Section 4

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 5

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 6

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of Evergreen Park.

Section 7

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 17th day of April, 2017.

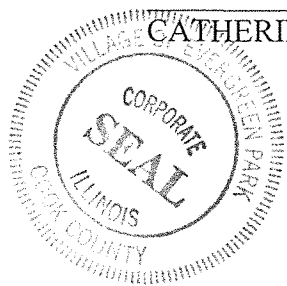
Catherine T. Aparo

CATHERINE T. APARO, Village Clerk

APPROVED by me the 17th day of April, 2017.

James J. Sexton

JAMES J. SEXTON, Mayor



I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 17th day of April, 2017.

Catherine T. Aparo

CATHERINE T. APARO, Village Clerk