

ORDINANCE NO. 2017-30

**ORDINANCE ADDING CHAPTER 1 GENERAL PROVISIONS, ARTICLE
II. CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES,
SECTION 1-26 MINIMUM HOURLY WAGES AND PAID SICK LEAVE
TO THE NILES CODE OF ORDINANCES**

Dated: This 23rd day of May, 2017

**Published in Pamphlet Form by Authority
of the
President and Board of Trustees of
the Village of Niles**

ORDINANCE 2017-30

ORDINANCE ADDING CHAPTER 1 GENERAL PROVISIONS, ARTICLE II. CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES, SECTION 1-26 MINIMUM HOURLY WAGES AND PAID SICK LEAVE TO THE NILES CODE OF ORDINANCES

WHEREAS, the Village of Niles, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners adopted an ordinance that requires employers in “Cook County” to provide a minimum number of paid sick days to employees (“*Cook County Paid Sick Leave Ordinance*”); and

WHEREAS, on October 26, 2016, the County of Cook Board of Commissioners adopted an ordinance creating a minimum wage for employers in “Cook County” (“*Cook County Minimum Wage Ordinance*”); and

WHEREAS, the Village finds that Cook County Ordinances 16-5768 and 16-4229 place an undue and unequal burden on employers within the Village given the current requirements for employers under Federal and State law, and Cook County Ordinances 16-5768 and 16-4229 create and contribute to a burdensome set of regulations regarding the wages and benefits of employees that is properly a matter of Statewide concern that is outside the power of Cook County to regulate; and

WHEREAS, pursuant to its authority under Article VII, Section 6(c) of the Illinois Constitution, the Village finds it in the best interest of the Village, Village residents, Village employers, and the public’s health, safety and welfare to amend the Niles Village Code of Ordinances to clearly define the sick leave and minimum wage regulations that apply to employers located in the Village as being those set forth in State and Federal law; and

WHEREAS Article VII, Section 6(c) of the Illinois Constitution provides that if a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

NOW THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Niles:

SECTION 1: The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: Chapter 1 General Provisions of the Niles Village Code is hereby amended by adding Chapter 1 General Provisions, Article II. Conflicts with Certain Home Rule County Ordinances, Section 1-26 Minimum Hourly Wages and Paid Sick Leave to read in its entirety as follows:

CHAPTER 1 GENERAL PROVISIONS

* * *

ARTICLE II. CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES

Sec. 1-26 Minimum Hourly Wages and Paid Sick Leave

- A. Employers located within the Village shall comply with all applicable Federal and/or State laws and regulations as such laws and regulations may exist from time to time with regard to both the payment of minimum hourly wages and paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall also be in compliance with all applicable Federal and/or State laws and regulations as such laws and regulations may exist from time to time.
- B. No additional obligations with regard to paid sick leave, or minimum hourly wages, including, without limitation, any additional obligations by ordinance adopted by the County of Cook Board of Commissioners, shall apply to employers located within the Village, except those required by Federal and/or State laws and regulations as such laws and regulations may exist from time to time.
- C. For the purposes of this Section, the term “employee” means an individual permitted to work by an employer regardless of the number of persons the employer employs, and the term “employer” means any person employing one or more employees, or seeking to employ one or more employees, if the person has its principal place of business within the Village or does business within the Village.
- D. For the purposes of this Section, the term “employer” does not mean:

 - (a) The government of the United States or a corporation wholly owned by the government of the United States;
 - (b) An Indian tribe or a corporation wholly owned by an Indian tribe;
 - (c) The government of the State or any agency or department thereof; or
 - (d) The government of any municipality.”

SECTION 3: That all ordinances, or parts of ordinances in conflict with this Ordinance, are hereby expressly repealed.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is separable, and if any section, paragraph, clause or provision of this Ordinance shall be held unconstitutional or invalid for any reason, the unconstitutionality or invalidity of such section, paragraph, clause or provision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: This Ordinance shall be in full force and effect, after passage, approval and publication as required by law.

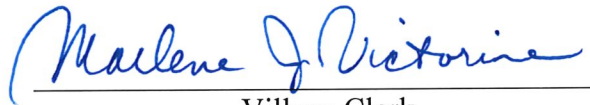
PASSED: This 23rd day of May, 2017
AYES: 4 Alpogianis, LoVerde, McCreery, Strzelecki
NAYS: 2 Jekot, Matyas
ABSENT: 0
ABSTAIN: 0

APPROVED by me this 23rd day of May, 2017.



President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 23rd day of May 2017, and published in pamphlet form as provided by law in the Village of Niles, Illinois.



Village Clerk