

---

---

**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

---

---

**ORDINANCE NO. 2017 - O – 003**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
VILLAGE OF BURNHAM BY ESTABLISHING A NEW CHAPTER 103  
“CONFLICTS WITH CERTAIN HOME RULE ORDINANCES OF COOK  
COUNTY” OF THE CODE OF ORDINANCES OF THE VILLAGE OF  
BURNHAM, COOK COUNTY, STATE OF ILLINOIS**

**WHEREAS**, the Village of Burnham, Cook County, Illinois has elected by referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

**WHEREAS**, the County of Cook Board of Commissioners adopted an Ordinance, (Ordinance 16-4229) 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**, the County of Cook Board of Commissioners adopted an Ordinance (Ordinance 16-5768) providing that employers in Cook County pay minimum hourly wages which are in excess of those mandated under State and Federal law (Cook County Minimum Wage Ordinance); and

**WHEREAS**, the Village Board of the Village of Burnham (“Village”) finds that the aforesaid Cook County Ordinances would place an undue burden on employers within the Village, given the current rights of employees available under Federal and State 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, and a municipality whose ordinance conflicts with a home rule county's ordinance does not have to be a home rule unit for its own ordinance to prevail under Article VII, Section 6(c) of the Illinois constitution; and

**WHEREAS**, the Corporate Authorities of the Village of Burnham have deemed it necessary, essential and in the best interests of the residents of the Village of Burnham to amend the Village of Burnham Code of Ordinances to clearly define the sick leave regulations and the minimum hourly wage requirements that apply to employers located in the Village; and

**BE IT ORDAINED**, by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

**Section 1.** **THAT**, the Corporate Authorities of the Village hereby find that all the recitals contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section; and

**Section 2.** **THAT**, the Code of Ordinances of the Village of Burnham Code of Ordinances is Hereby amended by the addition of a new chapter 103 entitled "Conflicts with Certain Home Rule Ordinances of Cook County", which new chapter shall read as follows:

#### CHAPTER 103

#### CONFLICTS WITH CERTAIN HOME RULE ORDINANCES OF COOK COUNTY

#### SECTION 103.1: CONFLICTS WITH CERTAIN HOME RULE ORDINANCES OF COOK COUNTY:

- 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 and 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.

SECTION 103.2 DEFINITIONS:

- A. For the purposes of this Chapter, the term "employee" means any individual person permitted and/or hired to work by an employer regardless of the number of persons the employer employs, and the term "employer" means any person, firm or corporation employing one or more employees, or seeking to employ one or more employees, if the employer has its principal place of business within the Village or does business within the Village.
- B. For purposes of this Chapter, 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; or
  - iii. The government of the State or any agency or department thereof.
- C. For purposes of this Chapter, the term "Village" shall refer to the Village of Burnham Cook County, Illinois.

**Section 3.** THAT, The Village Board of Trustees intends that this Ordinance will be made part of the Village Code and that sections of this Ordinance can be renumbered or re-lettered and the word "Ordinance" can be changed to "Section", "Article", "Chapter", or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors can be corrected with the authorization of the Village Attorney, or his or her designee.

**Section 4.** THAT, all parts of the Village of Burnham Code of Ordinances in conflict with the terms or provisions of this Ordinance shall be and the same are hereby amended or repealed to the extent of such conflict, and said Village Code and all other existing ordinances shall otherwise remain in full force and effect.

**Section 5.** THAT, this Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for an offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

**Section 6.** THAT, if any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance. The Board of Trustees of the Village of Burnham hereby declares that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases be declared unconstitutional, invalid or ineffective.

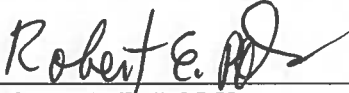
**Section 7. THAT**, this Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**Section 8. THAT**, this Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

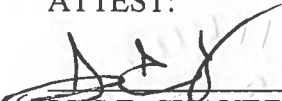
**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 13th day of June, 2017.

**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	_____	_____	___x___	_____
Trustee Denise Bonner	___x___	_____	_____	_____
Trustee Graciela Garcia	___x___	_____	_____	_____
Trustee Brenda Greer	_____	_____	_____	___x___
Trustee Carmella Richardson	___x___	_____	_____	_____
Trustee Travis Claybrooks	___x___	_____	_____	_____

  
 \_\_\_\_\_  
 ROBERT E. POLK  
 Village President (Mayor)

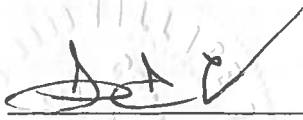
ATTEST:

  
 \_\_\_\_\_  
 LUS E. CHAVEZ  
 Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on 21st day of June, 2017.

ATTEST:

  
 \_\_\_\_\_  
 LUS E. CHAVEZ, VILLAGE CLERK  
 (SEAL)