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AN ORDINANCE AMENDING TITLE 7 OF THE ORLAND PARK VILLAGE CODE TO ADD A NEW CHAPTER 20 RELATIVE TO CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES (COOK COUNTY MINIMUM WAGE ORDINANCE)

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WHEREAS, the Village of Orland Park (“Village”) is a home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, on October 26, 2016, the Cook County Board of Commissioners adopted Ordinance 16-4229, entitled “An Ordinance Creating A Minimum Wage In Cook County,” requiring a minimum wage to be paid by private employers in Cook County; 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

WHEREAS, the Village finds that Cook County Ordinance 16-5768 places an undue and unequal burden on employers within the Village given the current requirements for employers under Federal and State law, and Cook County Ordinance 16-5768 creates and contributes to a burdensome patchwork quilt of regulation 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 Village Code of the Village of Orland Park to clearly define minimum wage regulations that apply to employers located in the Village as being those set forth in State and Federal law.

NOW, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

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

SECTION 2:

Title 7 (Business and License) of the Orland Park Village Code is hereby amended by adding a new Chapter 20, entitled “Conflicts With Certain Home Rule County Ordinances,” which shall read in its entirety as follows:

“CHAPTER 20

CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES

PAYMENT OF MINIMUM HOURLY WAGES:

(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 the payment of minimum hourly wages. Employee eligibility for minimum hourly wages shall 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 minimum hourly wages imposed by any ordinance adopted by the Cook County Board of Commissioners shall apply to any employer located within the Village, the Village hereby opts out of any such ordinance(s) adopted by the Cook County Board of Commissioners, and this Chapter of Title 7 of the Village Code is declared to conflict with any such ordinance(s) adopted by the Cook County Board of Commissioners that imposes additional obligations with regard to minimum hourly wages.

(C) For the purposes of this Chapter, 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 (1) or more employees, or seeking to employ one (1) 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 Chapter, the term “employer” does not mean:

1. The government of the United States or a corporation wholly owned by the government of the United States;
2. An Indian tribe or a corporation wholly owned by an Indian tribe;
3. The government of the State or any agency or department thereof; or
4. Any unit of government.”

SECTION 3:

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4:

Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall neither affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5:

Except as to the Code provision set forth above in this Ordinance, all Chapters and Sections of the Village Code of the Village of Orland Park, as amended, shall remain in full force and effect.

SECTION 6:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.