

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS



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"KEEPER" or "PROPRIETOR." Includes all persons, whether acting by themselves, or as a servant, agent, or employee.

"LAND" or "REAL ESTATE." Includes rights and easements of an incorporeal nature.

"MAY." The act referred to is permissive.

"MONTH." A calendar month. (ILCS Ch. 5, Act 70, § 1.10)

"OATH." Includes affirmation, and "SWEAR" includes affirm. (ILCS Ch. 5, Act 70, § 1.12)

"OWNER." When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of the property.

"PERSON." May extend and be applied to bodies politic and corporate as well as individuals. (ILCS Ch. 5, Act 70, § 1.05)

§ 10.01 TITLE OF CODE.

This codification by and for the Village of Catlin, shall be designated as the "Code of the Village of Catlin, Illinois" and may be so cited.

§ 10.02 DEFINITIONS.

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ANOTHER." When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

"COUNCIL." The legislative authority of the village.

"COUNTY." Vermilion County, Illinois.

"HERETOFORE" or "HEREAFTER." "HERETOFORE" means any time previous to the day on which the ordinance, resolution, or statute takes effect; "HEREAFTER" means at any time after that date. (ILCS Ch. 5, Act 70, § 1.17)

"HIGHWAY," "ROAD," or "STREET." Any road laid out by the authority of the United States, the State of Illinois, or of any town or county of the State of Illinois, and all bridges upon the road. (ILCS Ch. 5, Act 10, § 1.16)

"PERSON UNDER LEGAL DISABILITY." A person 18 years or older who because of mental deterioration or physical incapacity is not fully able to manage his or her person or estate, or is a person with mental illness or is a person with developmental disabilities and who because of his or her mental illness or of gambling, idleness, debauchery or excessive use of intoxicants or drugs, so spends or wastes his or her estate as to expose himself or herself or his or her family to want or suffering. (ILCS Ch. 5, Act 70, § 1.06)

"PERSONAL PROPERTY." Includes all property except real.

"PREMISES." As applied to property, includes land and buildings.

"PROPERTY." Includes real, personal, mixed estates, and interests.

"PUBLIC AUTHORITY." Includes boards of education; the village, county, state, or federal government, its officers or an agency thereof; or any duly authorized public official.

"PUBLIC PLACE." Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

"REAL PROPERTY." Includes lands, tenements, and hereditaments.

"REGISTERED MAIL." Includes certified mail and "CERTIFIED MAIL" includes registered mail.

"SHALL." The act referred to is mandatory.

"SHERIFF," "CORONER," "CLERK," or other words used for an executive or ministerial officer may include any deputy or other person performing the duties of that officer, either generally or in special cases. (ILCS Ch. 5, Act 70, § 1.08)

"SIDEWALK." That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

"STATE." The State of Illinois.

"STREET." Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the village.

"TENANT" or "OCCUPANT." As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

"VILLAGE." The Village of Catlin, Illinois.

"WEEK." Seven consecutive days.

"WHOEVER." Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

"WRITTEN" or "IN WRITING." Includes printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, it shall be in the proper handwriting of that person, or in case he is unable to write, his proper mark; or an electronic signature as defined in ILCS Ch. 5, Act 175, §§ 1-101 et seq. (ILCS Ch. 5, Act 70, § 1.15)

"YEAR." A calendar year unless otherwise expressed; and the word "YEAR" alone is equivalent to the expression "Year of Our Lord." (ILCS Ch. 5, Act 70, § 1.10)

#### § 10.03 RULES OF CONSTRUCTION.

(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed.

(1) The singular shall include the plural, and the plural shall include the singular. (ILCS Ch. 5, Act 70, § 1.03)

(2) Words of one gender shall include the other genders. (ILCS Ch. 5, Act 70, § 1.04)

(3) Words in the present tense shall include the future. (ILCS Ch. 5, Act 70, § 1.02)

(4) "AND" may be read "OR," and "OR" may be read "AND," if the sense requires it.

(C) Calendar; computation of time. The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding Saturday, Sunday, or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded. (ILCS Ch. 5, Act 70, § 1.11)

(D) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all such acts when done by an authorized agent.

(E) Joint authority. Words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons. (ILCS Ch. 5, Act 70, § 1.09)

(F) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding that construction, or when the subject matter or context of the law may be repugnant thereto.

#### § 10.04 LIBERAL CONSTRUCTION.

All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the Village Council may be fully carried out. (ILCS Ch. 5, Act 70, § 1.01)

#### § 10.05 CONSTRUCTION OF REVISED ORDINANCES.

The provisions of any ordinance, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment. (ILCS Ch. 5, Act 70, § 2)

#### § 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) No ordinance or part of an ordinance repealed shall be deemed to be revived by the repeal of the repealing act. (ILCS Ch. 5, Act 70, § 3)

(B) The repeal of an ordinance does not affect suits pending or rights existing at the time this chapter takes effect, and as to all corporations, municipal or private, heretofore formed under any act of incorporation, the act of incorporation, and all amendments thereof, shall continue in force to the same extent and with like effect as if the ordinance had not been repealed, nor shall the repeal be taken, construed or held to avoid or impair any grant made or right acquired, or cause of action now existing under any such acts or the amendments thereto, but as to all grants made or rights acquired or causes of action now existing, they shall be continued in full force and effect. All deeds or other instruments of writing affecting real estate, which have been proved or acknowledgement was made, may be recorded, and the same or a certified copy of the record thereof be read in evidence, notwithstanding the repeal of the laws. When any limitation law has been revised and the former limitation law repealed, such repeal shall not be construed so as to stop the running of any statute, but the time shall be construed as if such repeal had not been made. (ILCS Ch. 5, Act 85, § 2)

(C) No new law shall be construed to repeal a former law, whether the former law is expressly repealed or not, as to any offense committed against the former law, or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued, or claim arising under the former law, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising before the new law takes effect, save only that the proceedings thereafter shall conform, so far as practicable, to the laws in force at the time of such proceeding. If any penalty, forfeiture or punishment be mitigated by any provisions of a new law, the provision may, by the consent of the party affected, be applied to any judgment pronounced after the new law takes effect. This section shall extend to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provision upon the same subject or in any other ordinance. (ILCS Ch. 5, Act 70, § 4)

#### § 10.07 CONSTRUCTION OF SECTION REFERENCES.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

#### § 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

#### § 10.09 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections, and subsections, or any part thereof, by subsequent ordinances, the repealed portions may be excluded from the code by the omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are re-adopted as a new code of ordinances by the Village Council.

#### § 10.10 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

#### § 10.11 REFERENCE TO OFFICE.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the village exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain village officer or employee to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.16 LIABILITY OF VILLAGE OFFICERS, EMPLOYEES.

No provision of this code designating the duties of any officer or employee shall be so construed as to made the officer or employee liable for any fine or penalty provided in this code for a failure to perform that duty, unless the intention of the Village Council to impose such a fine or penalty on the officer or employee is specifically and clearly expressed in the section creating the duty.

§ 10.17 ACTS PUNISHABLE UNDER DIFFERENT SECTIONS.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense. The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

§ 10.99 GENERAL PENALTY.

(A) Whoever violates any provision of this code or other ordinance of this village for which another penalty is not specifically provided, shall be fined not more than \$500 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

(B) Any funds required to be expended in connection with the enforcement of any ordinance, rule, or regulation of the village, including, but not limited to, court costs, publication fees, service of process, attorneys' fees, recording fees, charges for services or for use of equipment, may be recovered from the party determined to have violated such ordinance, rule, or regulation, together with interest thereon accruing at the rate of 9% per annum until paid. Failure to pay amounts due as determined above, within three days following written demand, shall authorize village authorities to proceed as provided by law to collect such amounts, including additional attorneys' fees and costs of recovery.  
(Ord. 419, passed 9-26-88)

Statutory reference:

Limitation on penalties, see ILCS Ch. 65, Act 5, § 1-2-1