

ARCOLA

MUNICIPAL CODE

CHAPTER 1

GENERAL PROVISIONS

1-1. How Code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated the “Municipal Code, City of Arcola, Illinois,” and may be so cited.

1-2. Rules of construction and definitions. Terms used in this Code, unless otherwise specifically defined in this Code, shall have the meanings prescribed by the Illinois Revised Statutes for the same terms. In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Alderman. The term “Alderman” shall refer to the elected and appointed members of the City Council.

City shall mean City of Arcola, Illinois.

City Council, Council. Whenever the words “Council” or “City Council” are used, they shall be construed to mean the City Council of the City of Arcola.

Code. The words “Code” or “this Code” shall mean the Municipal Code, City of Arcola, Illinois.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time but the day on which such proceeding is to be held shall not be counted.

Corporate authorities. Mayor and City Council.

Corporate or corporate limits of town. The term “corporate limits” or “city limits” shall mean the legal boundaries of the City of Arcola.

County. The words “the county” or “this county” shall mean the County of Douglas in the State of Illinois.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Employee. Any personnel of the city, other than officer to whom an oath of office is administered, are employees including firemen and policemen.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Illinois Municipal Code. Wherever the term “Illinois Municipal Code” is referred to, it shall mean Chapter 24 of the Illinois Revised Statutes.

Illinois Revised Statutes. Wherever the term “Illinois Revised Statutes” is mentioned, it shall refer to the latest publication thereof.

Joint authority. All words giving a joint authority to three or more persons or officer shall be construed as giving such authority to a majority of such persons or officers.

May. The word “may” is permissive.

Mayor shall mean the Mayor of the city.

Month. The word “month” shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officer. An officer of the city is a person so designated by statute or ordinance, to whom an oath of office is administered.

Officers generally. Whenever any officer is referred to by title, such as "Clerk," "Treasurer," "Chief of Police," etc., such reference shall be construed as if followed by the words "of the City of Arcola."

Ordinances. The term "ordinances" shall mean the ordinances of the city and all amendments thereto, including this Code.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" shall mean any natural individual, firm, partnership, corporation, company, association, club, joint venture, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit. As applied to partnerships, the term "person" includes the members of the partnership; as applied to corporations, it includes the officers, agents or employees responsible for the acts referred to.

Personal property includes every species of property except real property, as herein described.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

Shall. The word “shall” is mandatory.

Sidewalk. The word “sidewalk” shall mean any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding terraces.

Signature or subscription includes a mark when the person cannot write.

State. The words “the state” or “this state” shall be construed to mean the State of Illinois.

Street. The word “street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The word “tenant” or “occupant” applied to a building or land, includes any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Terrace. The word “terrace” shall refer to the area lying between the curblineline and the area intended for use by pedestrians.

Township. The words “the township” or “this township” shall mean the Township of Arcola in the State of Illinois.

Written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word “year” shall mean calendar year.

1-3. Catchlines of sections. The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-4. 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, such repealed portions may be excluded from the Code by 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 such subsequent ordinances until such time as this Municipal Code and subsequent ordinances numbered or omitted are readopted as a new Municipal Code by the City Council.

1-5. Unauthorized alteration or tampering with Code. It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

1-6. Effect of repeal of ordinances. When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

The repeal of an ordinance shall not affect any penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

1-7. Certain ordinances not affected by Code. Nothing in this Code or the ordinances adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

(2) Any appropriation ordinance or ordinance providing for the levy of taxes, making special assessments or for an annual budget, or prescribing salaries for city officers and employees;

(3) Any ordinance granting any franchise; or rights to corporations;

(4) Ordinances authorizing or relating to particular public improvements;

(5) Ordinances establishing polling places in ward precincts within the city, the rental fees for such places, and the pay of election judges serving in city elections;

(6) Any other special ordinances not in conflict with the provisions of this Code; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

1-8. Severability of parts of Code. The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1-9. Record of ordinances. (a) All ordinances passed by the City Council shall be deposited in the office of the City Clerk and shall be duly recorded by the City Clerk in the record book or ordinances and appropriately indexed by their titles or subjects.

(b) The City Clerk shall file and carefully preserve the originals of all ordinances deposited in their office. He may correct errors in the numbering of any section of any ordinance, and insert the proper numbers, and correct clerical mistakes.

(c) The City Clerk shall make at the foot of the record of each ordinance recorded a memorandum of the date of its passage, and the date of its publication, when required to be published, which record or memorandum or a certified copy thereof shall be prima facie evidence of the passage and legal publication of such ordinance for all purposes.

1-10. Publication of ordinances. (a) The City Clerk shall cause every ordinance of the City Council making any appropriation or imposing any fine, penalty or forfeiture to be printed in book or pamphlet form, published by authority of the Council, or to be published at least once in some newspaper printed and published in the city, within ten days after the passage thereof, and it shall be his duty to see that the same is correctly printed and published.

(b) The revised ordinances of the city, when published in book or pamphlet form by authority of the Council, shall be deposited in the office of the City Clerk. He shall deliver one copy thereof to each officer of the city and to such other persons as the Mayor or Council may direct.

1-11. Effective date of ordinances. All ordinances of the City Council required to be published shall take effect ten days after publication, unless otherwise therein provided. All other ordinances, resolutions and orders shall take effect and be in force from and after their passage unless otherwise therein provided.

1-12. Jurisdiction. This Code applies to acts performed within the city limits of the city and to those acts performed outside the city limits and up to the limits prescribed by law in those instances, where the law confers power on the city to regulate such acts outside the city limits.

1-13. General penalty for violation of Code; continuing violations. Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, punished by a fine of not more than \$500. Each day any violation of any provisions of this Code or of any ordinance shall continue shall constitute a separate offense.

1-14. Responsibility for violations. Every person concerned in the commission of any act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids or abets in its commission may be prosecuted and on conviction is punishable as if he had directly committed the act.

1-15. Ordinance Violations—Alternative to Appearing in Court for Certain Offenses. The City Council may establish by resolution a minimum fine for the violation of certain specified sections of the “Municipal Code, City of Arcola, Illinois, “adopted June 2, 1980, as amended, which a person accused of a violation of one or more of the specified sections of the Municipal Code may pay directly to the office of the City Clerk of the City of Arcola in full settlement and compromise of the claim against him or her without appearing in court provided that the person accused follows the procedures set forth in this section and provided that the City, its police officers, or its attorney have not determined that a court proceeding is necessary to seek a remedy beyond a monetary fine.

(a) The person charged with a violation of a section or sections of the Municipal Code for which the City Council has previously set a minimum fine by resolution, shall be given a copy of the complaint with a notice to appear or summons commanding them to appear in court at the place and time indicated on the notice to appear or summons along with instructions regarding appearance or repayment which instructions shall include a list of ordinance violations payable directly to the City Clerk’s office without the required appearance in court.

(b) If a person charged with one of the specified sections of the Municipal Code for which the City Council has previously established a minimum fine wishes to settle and compromise this claim against him or her by paying the minimum fine directly to the City Clerk's office at 114 North Locust, Arcola, Illinois, he or she must mail or deliver payment to the City Clerk's office in full for the required minimum fine within fourteen days of the date that the complaint was served on him or her. If this payment is made to the City Clerk's office within the fourteen days and if the person charged signs a waiver of trial in the form attached to the instructions regarding appearance or payment and submits this signed waiver of trial form with the payment, then this shall constitute a full and final settlement of the claim against the person and the complaint will not be filed with the court and the person will not be required to appear in court. If the payment is made by mail, it must be received by the City Clerk's office within fourteen days of the date that the complaint was served on him or her. Payment must be made by cash, cashier's check, certified check, or money order. No personal checks and no partial payments will be accepted.

(c) In the event that the City, its police officers, or the City attorney determine that an ordinance violation necessitates a court proceeding is necessary to seek a remedy beyond a monetary fine, the notice to appear or summons shall indicate that despite any other notations or the notice to appear or summons appearance in court is required on the specified date. Even if payment is mailed or accepted by the Clerk's office, a court appearance shall not be excused in such an instance. Any payment made in such an instance shall constitute a credit towards any monetary fine or penalty assessed in such a court proceeding and any excess payment will be returned by the City.

(d) If full payment of the minimum fine for the specified offense or offenses is not actually received by the City Clerk's office within fourteen days of the date that the complaint was served on him or her, that person must appear in court at the time and place stated on the notice to appear or summons unless specifically excused by the Chief of Police or City attorney.

(Ordinance 10-C-7, amended October 18, 2010)

1-16. Service of Notices. Unless otherwise specifically stated otherwise in this Code, whenever a notice must be served upon an individual, individuals, or an entity, a notice shall be deemed to have been served and received if served by one of the following methods of service:

(1) Depositing the notice in U. S. mail, prepaid first class postage regardless of whether the addressee accepts or refuses delivery; or

- (2) Personal service; or
- (3) Posting of notice upon property where the matter pertains to a particular piece of real property; or
- (4) Posting of notice upon a vehicle where the matter pertains to a vehicle.
(Ordinance 11-C-10, amended August 16, 2011)