

CHAPTER 1: THE CODE

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CHAPTER 1: THE CODE

Sec. 1.101 How Ordinances Designate and Cited: The Ordinances embrace in this and the following chapters shall constitute and be designated, “The Municipal Code of the Village of Deer Creek, Illinois, 2000”, and may be so cited.

Sec. 1.102 Definitions and Rules of Construction: In the interpretation and the construction of this Code, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Village council or the context clearly indicated otherwise or where the subject matter of such Ordinance may be repugnant to such construction:

1. “Village” shall be construed as if the words “of Deer Creek” followed and shall extend to and include its several officers, agents and employees.
2. “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 Sunday or a legal holiday, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.
3. “Village Council” shall mean the Board of Trustees of the Village of Deer Creek, Illinois.
4. “County” shall mean Tazewell County and Woodford County in the State of Illinois.
5. “Delegation of Authority” Whenever a provision appears requiring the head of a department of the Village to do some act or to make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designated otherwise.
6. “Joint authority” Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.
7. “Oath” shall be deemed to include an affirmation; and the word “sworn” shall be construed to include the word “affirmed”.
8. “Occupant or Tenant” when applied to a building or land, means any person who holds a written or an oral lease of, or actually occupies the whole or a part of such building or land, either alone or with others.
9. “Officers” Whenever the title of any village officer is used, it shall be construed as if the words “of the Village of Deer Creek” followed it.
10. “Or, And” “Or” may be read “and” and “and” may be read “or”, if the sense requires it.
11. “Owner” when applied to a building or land, shall include any part owner, joint owner, tenant in common and tenant in partnership of the whole or a part of such building or land.
12. “Person” shall include, mean and be applied to any natural individual, firm, partnership, association, joint stock company, joint adventure public or private corporation or a receiver, executor, trustee, conservator or other representative appointed by order of any court or in any other manner.
13. “Personal property” means and includes every species of property, except real property as defined by this section.
14. “Premises” means such land, lot, parcel, real property, building or place, as the text indicates.
15. “Property” means and includes real and personal property.
16. “Real property” means and includes land, tenements and heridiments and shall embrace all chattels real.
17. “Shall” whenever appearing in this code, shall be considered mandatory and not directory.

18. "Sidewalk" means that portion of a street between curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
19. "Street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic. It shall include any alley, highway, lane, avenue, court, thoroughfare, way, parkway, or boulevard.
20. Words in the present tense include the future. Those importing a singular number may extend and may be applied to several persons or things, and words importing the plural number may include the singular. Those importing the male gender may be applied to the feminine and the neuter.
21. "Year" means a calendar year unless otherwise expressed.

Sec. 1.103 Catchlines and Headings of Sections: The catchlines and headings of 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 or headings, are amended or re-enacted.

Sec. 1.104 Repealing Clause: All general ordinances of the Village passed prior to the passage of this ordinance are hereby repealed except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal. The following ordinances are not hereby repealed: tax levy ordinances, appropriation ordinances, ordinances relating to boundaries and annexations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of Warrants; salary ordinances; ordinances establishing, naming, or vacating streets, alleys or other public places; improvement ordinances relating to elections; and all special ordinances.

Sec. 1.105 Effect of Repeal of Ordinances: a). The repeal of such prior ordinances shall not revive any ordinances in force before or at the time the ordinance repealed took effect. b). The repeal of such prior ordinances shall not effect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, nor waive any right of the Village under any section or provision of ordinances existing at the time of the passage of this Code.

Sec. 1.106 Amendments: Any additions or amendments to this Code, when passed in such form as to indicate the intention of the Village Council to make the same a part of this Code shall be deemed to be incorporated in this Code so that a reference to the Code shall be understood to include them and may be so numbered in accordance with the numbering system of this Code and printed for inclusion therein.

Sec. 1.107 Record and Memorandum of Ordinances: All ordinances passed by the Village Council shall be recorded by the Village Clerk in a proper book with indexes. The original shall be filed in the office of the Village Clerk, and due proof of publication shall be procured by the clerk, and such proof of publication of ordinances shall contain at the foot of the record of each ordinance a memorandum of the date of the passage and publication of such ordinance. The record and memorandum required by the above paragraph, or a certified copy thereof, shall be prima facie evidence of the contents, passage and publication of ordinances.

Sec. 1.108 Proof of Ordinances: a). The contents of all Village ordinances, the date of passage and the date of publication, where required, may be proved by the certificate of the Village Clerk, under the seal of the city. b). Whenever Village ordinances are printed in book or pamphlet form and purport to

be published by authority of the Village Council, such book or pamphlet shall be prima facie evidence of the contents, passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and administrative tribunals.

Sec. 1.109 Ordinances to be Signed: All ordinances passed by the Village Council must be signed by the President unless an ordinance is vetoed.

Sec. 1.110 Tampering with Code: It shall be unlawful for any person, firm or corporation in the Village to change or amend by addition or deletion 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 Village to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in the following section concerning general penalties.

Sec. 1.111 General Penalty:

- A. Whenever in this code or in any ordinance of the Village, any act is prohibited or is made and declared to be unlawful or an offense, 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 therefore, the violation of any such provision of this Code or any ordinance shall be punished by a fine not less than One Hundred Dollars (\$100) and not exceeding Seven hundred fifty Dollars (\$750) for the first violation and for any second or subsequent violation the penalty shall not be less than Two Hundred Fifty Dollars (\$250) and not more than Seven Hundred Fifty Dollars (\$750). Each day any violation of any provision of this Code or of any ordinance shall constitute a separate violation.
- B. In lieu of all or any portion of a fine set by the Circuit Court of Tazewell or Woodford County, pursuant to any Section of the Village Code of the Village of Deer Creek, the Court may require the Defendant to perform some reasonable public service work such as, but not limited to, picking up litter in public parks, public highways or the maintenance of public facilities.
- C. In lieu of the provisions of (A.) of Section 1.111 persons who have received a citation for a violation of the provisions of the Village code hereinafter listed may settle an Ordinance violation charge by paying the amount set forth in this Section. Violation of the following Sections of the Village code may be settled by payment of the following fines:

<u>Section</u>	<u>Fine</u>		
	1 st	2 nd	3 rd
Ch. 2 Disturbing meetings	\$100	\$250	\$500
Ch. 5 Misdemeanors (except Sec. 5.303)	\$100	\$250	\$500
Ch. 5 Sec. 5.303(a)	\$200	\$300	\$500
Ch. 5 Sec. 5.303(b)	\$250	\$400	\$600
Ch. 5 Sec. 5.303(c)	\$300	\$500	\$750
Ch. 6 Parking	\$20	\$50	\$50
Ch. 6 Traffic	\$100	\$250	\$500
Ch. 6 Golf Carts	\$75	\$150	\$300
Ch. 7 Curfew	\$50	\$100	\$200
Ch. 7 Use of Tobacco by Minor	\$50	\$100	\$200
Ch. 7 General Regulations	\$100	\$250	\$500
Ch. 9 Animals	\$100	\$250	\$500

Sec. 1.112 Severability of Parts of Code: Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a Court of competent jurisdiction such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this Code.

Sec. 1.113 Fiscal Year: The fiscal year for the Village of Deer Creek shall commence on the first day of May in each year.

Sec. 1.114 Public Inspection of Village Code: The Village Code for the Village having been prepared and printed in loose-leaf form and having been made conveniently available for public inspection in the office of the Village Clerk, is hereby declared to be published in loose-leaf form, and the Village Clerk is hereby ordered to keep at least three (3) copies hereof available for public inspection in the future in accordance with the IL Rev. Stat. 65 ILCS 5/1-3-2.