

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code; acceptance as evidence.

(a) This codification by and for the Village of Minier, Illinois, shall be designated as "Code of Ordinances, Village of Minier, Illinois," and may be so cited. This Code may also be referred to by the short title, "Minier Code."

(b) This Code, as presented in printed form, shall be received without further proof in all courts and in all administrative tribunals of the state as the ordinances of the village of general and permanent effect, except the excluded ordinances enumerated in section 1-11(a). (Code 1981, §§ 24-1, 24-2)

Sec. 1-2. Definitions.

For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Agent. The term "agent" means a person acting on behalf of another.

Board of trustees. The term "board of trustees" means the governing body of the village.

Code or this Code. The term "Code" or "this Code" means the Code of Ordinances, Village of Minier, Illinois, as designated in section 1-1.

Corporate limits or village limits. The term "corporate limits" or "village limits" means the legal boundaries of the village.

County. The term "county" means Tazewell County, Illinois.

Court. The term "court" means any court of competent jurisdiction.

Fiscal year. The term "fiscal year" means the period of time beginning on January 1 of each and every year and ending on the following December 31.

ILCS. The term "ILCS" means the Illinois Compiled Statutes, as amended from time to time.

Ill. Admin. Code. The term "Ill. Admin. Code" means the Illinois Administrative Code as amended from time to time.

May. The term "may" means the act referred to is permissive.

Misdemeanor. The term "misdemeanor" means any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

Month. The term "month" means a calendar month.

Nuisance. The term "nuisance" means anything offensive or obnoxious to the health and welfare of the inhabitants of the village or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

Oath. The term "oath" means and includes affirmation, and the term "swear" includes "affirm."

Occupant. The term "occupant," as applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Offense. The term "offense" means an act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

Operator. The term "operator" means the person who is in charge of any operation, business or profession.

Ordinance. The term "ordinance" means a legislative act of the village board of a general and permanent nature.

Person. The term "person" means any legal person and includes associations, partnerships, corporations, joint ventures, and bodies politic and corporate as well as individuals.

President. The term "president" means the head of the board of trustees of the village.

Public place. The term "public place" means and 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.

Resolution. The term "resolution" means a legislative act of the village board of a special or temporary character.

Shall. The term "shall" means the act referred to is mandatory.

Sidewalk. The term "sidewalk" means the portion of the street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

State. The term "state" means the State of Illinois.

Street. The term "street" means, where the context permits, alleys, lanes, courts, boulevards, squares, and other public thoroughfares.

Tenant. The term "tenant," as applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Village. The term "village" means the Village of Minier, Illinois.

Week. The term "week" means seven consecutive days.

Written or in writing. The term "written" or "in writing" means and 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 35 ILCS 200/1-48 except as otherwise provided by law.

Year. The term "year" means a calendar year, unless otherwise expressed; and the term "year" alone is equivalent to the expression "Year of Our Lord."
(Code 1981, § 26-1)

Sec. 1-3. Rules of construction.

(a) *Applicability.* These rules of construction shall not apply to any provision of this Code which shall contain any express provision excluding that construction, or when the subject matter or context of this Code may be repugnant thereto.

(b) *Agents.* 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.

(c) *Construction of words and phrases.* 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 or judicial definition or otherwise, shall be construed accordingly.

(d) *Continuation of provisions.* The provisions of any ordinance, insofar 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.

(e) *Delegation of authority.* When a provision appears requiring the head of a department or some other village officer to do some act or make certain inspections, 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 make the required inspection unless the terms of the provision or section designate otherwise.

(f) *Illustrations, tables and other graphic representations.* In case of any difference of meaning or implication between the text of any section of this Code and any caption, illustration, or table, the text shall control. No caption, illustration, table or other graphic representation shall be construed to limit the scope or intent of the text of any section of this Code.

(g) *Intent to defraud.* When an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

(h) *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.

(i) *Knowingly.* The term "knowingly" imparts only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

(j) *Liability of employers and agents.* When the provisions of any section of this Code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the person shall be guilty of the offense described and liable to the penalty set forth.

(k) *Liberal construction.* All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the president and village board may be fully carried out.

(l) *Minimum requirements.* In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

(m) *Negligent.* The term "negligent," as well as the terms "neglect," "negligence" and "negligently," imparts a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

(n) *Officers, departments, etc.; designees.* Officers, departments, boards, commissions, committees and employees referred to in this Code shall mean officers, departments, boards, commissions, committees and employees of the village, unless the context clearly indicates otherwise.

(o) *Owner.* The term "owner" applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

(p) *Personal property.* The term "personal property" includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

(q) *References to public offices and officers.* 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. The references shall also include the designee or agent of any such officer or office, unless the law or the context clearly requires otherwise.

(r) *Principals and agents.* 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.

(s) *Provisions not subject to rules of construction.* These rules of construction shall not apply to any provision of this Code which shall contain any express provision excluding that construction, or when the subject matter or context of this Code may be repugnant thereto.

(t) *Publication edition or version.* When in this Code a compilation of law or other publication is referred to, including this Code, or is adopted by reference, the citation shall be deemed to refer to the most current edition or version of such publication, as amended, unless this Code specifically otherwise provides.

(u) *Singular and plural; gender; tense and certain conjunctions.* 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.

- (2) Words of gender include all genders.
- (3) Words in the present tense shall include the future.
- (4) The term "and" may be read "or," and the term "or" may be read "and," if the context requires.

(v) *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 the 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.

(w) *Willfully.* The term "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

(Code 1981, §§ 24-4—24-6)

Sec. 1-4. Reference to other sections.

If 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 and the context clearly indicates that the reference to the section as amended or revised was not intended.

Sec. 1-5. Catchlines of sections; other headings; references and notes.

(a) The catchlines of the subsections and sections, and the headings of chapters, articles and divisions of this Code are intended as mere catchwords to indicate the contents of the subsection, section, chapter, article or division, and shall not be deemed or taken to be a substantive part of such subsections, sections, chapters, articles or divisions, nor, unless expressly so provided, shall they be so deemed when any of such subsections, sections, chapters, articles or divisions, including the catchlines or other headings, are amended or reenacted.

(b) Cross references, editor's notes and history notes are by way of explanation only and shall not be deemed a part of the text of any section.

Sec. 1-6. Effect of reenactment, amendment or repeal.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(b) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in subsection (c) of this section:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;

- (2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;
 - (3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or
 - (4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.
- (c) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of an ordinance or a section of this Code, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

Sec. 1-7. Conflicting provisions.

If the provisions of different codes, chapters, or sections of this Code 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.

Sec. 1-8. Amendments to Code.

An ordinance amending this Code shall set forth the title, article and section number of the section to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Code within 30 days from the date of its final passage. (Code 1981, § 24-3)

Sec. 1-9. Severability.

If any provisions of a section of this Code or the application thereof to any person or circumstance is held invalid, the invalidity shall 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.

Sec. 1-10. Errors and omissions.

If a manifest error is discovered consisting of the misspelling of any word, the omission of any word necessary to express the intention of the provisions affected, the use of a word to which no meaning can be attached, or the use of a word when another word was clearly intended to express the intent, the spelling shall be corrected, and the word supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall

have the same effect as though the correct word was 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.

Sec. 1-11. Ordinances repealed; public utility ordinances.

(a) All general ordinances of the village passed prior to the adoption of this Code are repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in subsection (b) of this section), from which are excluded the following ordinances which are not repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; 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; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the village; and all special ordinances.

(b) No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, services or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of subsection (a) of this section, excepting as this Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.
(Code 1981, §§ 25-1, 25-2)

Sec. 1-12. Repeal of ordinances relating to court proceedings.

(a) No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

(b) This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

(c) Nothing contained in this section or section 1-11 shall be construed as abating any action now pending under or by virtue of any general ordinance of the village herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this section

or section 1-11 be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the village under any ordinance or provision thereof in force at the time of the adoption of this Code.

(Code 1981, § 25-3)

Sec. 1-13. Other ordinances saved.

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

Sec. 1-14. Official time.

The official time for the village shall be as set by federal law.

Sec. 1-15. Village seal.

The seal of the village shall be a circular disc with the words "Village of Minier, Illinois," in the outer circle, and in the inner circle, "Corporate Seal."

(Code 1981, § 7-7-1)

Sec. 1-16. Fiscal year.

The fiscal year for the village shall begin on May 1 of each year and end on April 30 of the following year.

(Code 1981, § 7-7-2)

Sec. 1-17. Technical codes.

Unless otherwise specifically provided herein, when technical codes are incorporated herein by reference, any subsequent amendments or revisions to the technical codes shall automatically become a part of this Code and shall be made available for public inspection by the village. To the extent of any conflict between the technical provisions of this Code and any technical codes adopted by reference, the most restrictive provision shall prevail.

Sec. 1-18. Liability of officers.

No provision of any ordinance designating the duties of any officer or employee shall be construed so as to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the president and board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the ordinance creating the duty.

Sec. 1-19. Penalties and other remedies for violation.

(a) *Generally.* When in any village ordinance any act is prohibited or is made or declared to be unlawful or an offense, or when in this Code the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not less than \$25.00 nor more than \$750.00. Any person in default of payment of any fine or costs imposed may be committed by the court to the county jail until the fine, penalty and costs are fully paid.

(b) *Applicability.* The penalty provided in this section and section 1-20 shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

(c) *Administrative settlement.* Notwithstanding the foregoing, when a village official is authorized to charge a person or arrest a person without a warrant for a violation of this Code, the village official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance advise the person that he has violated a specific ordinance, request him to make payment as set forth herein as settlement of the violation claim, and inform him that upon failure to so settle a complaint will be filed in the court, charging him with the violation. Pursuant to the citation, a person accused of the violation may settle the violation in the manner provided in section 1-20.

(d) *Failure to timely pay settlement; additional penalty and enforcement.* If the person to whom the citation is issued fails to settle and pay the violation claim within ten days of issuance of the citation, a second notice shall be issued. If payment of the prescribed amount plus \$10.00 is not made within 15 days of issuance of the second notice, a final notice shall be issued. If a final notice is issued, the settlement payment shall be \$500.00, which settlement payment shall be due within 30 days of issuance of the final notice. If payment of the final settlement amount is not made within the 30-day period, then the president or his designee is authorized to cause a notice to appear to be served upon the alleged violator and the president or his designee is authorized to file a complaint and to prosecute the complaint in the appropriate court.

(e) *Public service work.* The penalty imposed upon conviction of a violation of any section of this Code may include, or consist of, a requirement that the defendant perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.

(f) *License revocation.* When a person is convicted of a violation of any section of this Code, any license previously issued to him by the village may be revoked by the court or by the board of trustees.

(g) *Other remedies.* In addition to the penalties provided in subsections (a) through (f) of this section, and in addition to all other specific penalties provided for particular ordinance violations throughout this Code, the village may seek to impose the following penalties:

- (1) Restitution in an amount sufficient to restore any losses to the victims of the violation.
 - (2) An order requiring the violator to take such specific action as may be necessary to reasonably remedy or abate the circumstances or conditions constituting the violation.
 - (3) An order authorizing the village to take such specific action as may be necessary to reasonably remedy or abate the circumstances or conditions constituting the violation, and to charge all costs thereof to the violator.
- (Code 1981, §§ 23-1—23-3, 23-5; Ord. No. 691, 2-1-2000; Ord. No. 721, 3-2-2004)

Sec. 1-20. Violations eligible for settlement; procedure; settlement schedule.

(a) Unless otherwise specifically provided in this Code, any person accused of a violation listed in the following schedule may settle and compromise the claim by paying to the village the sum listed in the schedule:

<i>Offense</i>	<i>Fine</i>
Prohibited acts in parks/autos/animals/hours of operation	\$75.00
Moving/disturbing barricades	\$75.00
Storing RVs or trailers on village property or public way	\$75.00
Barbed/electric fences prohibited	\$75.00
Mailbox restrictions	\$75.00
Restrictions on trees and shrubs (removing/injuring/planting/dangerous)	\$75.00
Restrictions on water and sewer usage	\$75.00
Operation of bicycle in the business district	\$75.00
Operation of recreational vehicles/skateboards/rollerblades, scooters, etc.	\$75.00
Unattended running vehicle	\$75.00
Parking restrictions	\$75.00
Unnecessary noise from vehicle	\$75.00
Dealers in intoxicating liquors/open alcohol in public/possession by minors	\$75.00
Peddlers, solicitors, and transient merchants/permits required	\$75.00
Restrictions on animals	\$75.00
Confinement of dangerous or diseased animals	\$75.00
Restrictions on garbage and refuse	\$75.00
Accumulation of garbage/nuisances/debris	\$75.00
Spitting on sidewalk prohibited	\$75.00
Dense smoke prohibited	\$75.00

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<i>Offense</i>	<i>Fine</i>
Burning garbage prohibited/hours of burning	\$75.00
Abandoned and inoperative motor vehicles	\$75.00
Curfew violations	\$75.00
Fireworks restrictions, dynamite, nitroglycerine, gunpowder	\$75.00
Height of grass and weeds	\$75.00
Discharge of firearms or air guns	\$75.00
Unused or abandoned refrigerators	\$75.00
Sale or possession of drug paraphernalia	\$75.00
Possession of tobacco by a minor	\$75.00
Zoning violations	\$75.00

(b) The ticket or citation issued under this section shall be a courtesy in lieu of arrest. If the accused does not settle the claim, a complaint or notice to appear may be issued for that violation and the accused will be subject to penalties otherwise applicable.

(c) Persons wishing to settle and compromise an offense shall pay the required amount on or before the date specified in the notice of violation, which date will be 15 days from the date on which the notice of violation is given. The payment can be made either by mailing a check or money order, together with the violator's copy of the ticket to the clerk or by paying the same in person at the village hall during regular business hours. Checks or money orders should be made payable to the village.

(d) The members of the police department are authorized to refrain from instituting a prosecution for the alleged offense upon payment of the amount established in subsection (a) of this section.

(Code 1981, § 23-4; Ord. No. 721, 3-2-2004; Ord. No. 745, 11-21-2006)

