## Chapter 1   GENERAL PROVISIONS

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Sec. 1-1.   How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of the Village of Arthur, Illinois."

(Code 2003, § 1-1-1)

**State Law reference—** Revision of ordinances, 65 ILCS 5/1-2-3.

Sec. 1-2.   Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

*Board of trustees.* The term "board of trustees" means the board of trustees of the village. The board of trustees consists of the village president and the trustees.

*Code.* The term "Code" means the "Code of Ordinances of the Village of Arthur, Illinois," as designated in section 1-1.

*Computation of time.* The time within which any act provided by ordinance is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

*Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either … or," the conjunction shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable:

(1)  The term "and" indicates that all the connected terms, conditions, provisions or events apply.

(2)  The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3)  The term "either … or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

*County.* The term "county" means Douglas County, Illinois, Moultrie County, Illinois or both such counties.

*Delegation of authority.* Whenever a provision appears requiring the head of a village department or village officer to do some act or 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 specifically provide otherwise.

*Gender.* Words of one gender include all other genders.

*ILCS.* The abbreviation "ILCS" refers to the Illinois Compiled Statutes, as amended. Any reference to an act by short title is a reference to such act, as amended.

*Interpretation.* 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 the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

*May.* The term "may" is to be construed as being permissive and not mandatory.

*May not.* The term "may not" has a prohibitory effect.

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

*Must.* The term "must" is to be construed as being mandatory.

*Number.* The singular includes the plural and the plural includes the singular.

*Oath.* The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

*Officers, departments, etc.* References to officers, departments, boards, commissions or employees are to village officers, village departments, village boards, village commissions and village employees.

*Owner.* The term "owner," applied to a building or land, includes 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" includes, means and is 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 orders of any court or in any other manner. Whenever the term "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the term "person," subject to state law, includes the partners or members thereof, and such term as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said section.

*Personal property.* The term "personal property" includes every species of property except real property.

*Premises.* The term "premises" means place.

*Shall.* The term "shall" is mandatory.

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

*Street.* The term "street" includes any alley, highway, lane, avenue, court, thoroughfare, way, parkway or boulevard.

*Tense.* The present tense includes the past and future tenses. The future tense includes the present tense.

*Village.* The term "village" means the Village of Arthur, Douglas and Moultrie Counties, Illinois.

*Week.* The term "week" means a period of seven consecutive days.

*Written.* The term "written" includes any form of words, letters, symbols or figures.

*Year.* The term "year" means 12 consecutive months.

(Code 2003, § 1-3-2)

**State Law reference—** Definitions and rules of construction applicable to statutes, 5 ILCS 70/1.01 et seq.

Sec. 1-3.   Catchlines of sections; history notes; references.

(a)  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 the title 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.

(b)  The history or source notes appearing in parentheses after a section in this Code have no legal effect and only indicate legislative history. Editor's notes and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c)  Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(Code 2003, § 1-3-3)

Sec. 1-4.   Effect of repeal of ordinances.

(a)  Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive the ordinance originally repealed or impair the effect of any savings provision in it.

(b)  The repeal of an ordinance shall not affect any punishment or 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.

Sec. 1-5.   Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence or paragraph 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.

Sec. 1-6.   Amendments to Code.

(a)  All ordinances adopted subsequent to this Code that 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 in this Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b)  Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) \_\_\_\_\_\_\_\_\_\_\_\_ of the Code of Ordinances of the Village of Arthur, Illinois, is hereby amended to read as follows:…."

(c)  If a new section, subdivision, division, article or chapter is to be added to this Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) \_\_\_\_\_\_\_\_\_\_\_\_ of the Code of Ordinances of the Village of Arthur, Illinois, is hereby created to read as follows:…."

(d)  All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

(Code 2003, § 1-1-3)

Sec. 1-7.   Supplementation of Code.

(a)  Supplements to this Code shall be prepared and printed whenever authorized or directed by the village. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in this Code. The pages of the supplement shall be so numbered that they will fit properly into this Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, this Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b)  In preparing a supplement to this Code, all portions of this Code that have been repealed shall be excluded from this Code by the omission thereof from reprinted pages.

(c)  When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1)  Arrange the material into appropriate organizational units;

(2)  Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in this Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in this Code;

(3)  Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to this Code;

(4)  Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections;

(5)  Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections \_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_ " (inserting section numbers to indicate the sections of this Code that embody the substantive sections of the ordinance incorporated in this Code); and

(6)  Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in this Code.

Sec. 1-8.   Altering Code.

It shall be unlawful for any person 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 village to be misrepresented thereby.

(Code 2003, § 1-1-5)

Sec. 1-9.   General penalty; continuing violations.

(a)  In this section, the term "violation of this Code" means any of the following:

(1)  Doing an act that is prohibited or made or declared unlawful, an offense, or a violation by ordinance or by rule or regulation authorized by ordinance;

(2)  Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; and

(3)  Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense or a violation by ordinance or by rule or regulation authorized by ordinance.

(b)  In this section, the term "violation of this Code" does not include the failure of a village officer or village employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c)  Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by one or any combination of the following:

(1)  A fine of not less than $50.00 and not more $750.00.

(2)  A requirement that the defendant complete an education program, except that a holder of a valid commercial driver's license who commits a vehicle weight or size restriction violation shall not be required to complete an education program under this section.

(3)  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.

(d)  Except as otherwise provided by law or ordinance:

(1)  With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(2)  As to other violations, each violation constitutes a separate offense.

(e)  The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(f)  Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief.

(g)  The imposition of a penalty does not prevent injunctive relief or civil or quasijudicial enforcement.

(Code 2003, §§ 1-4-1, 1-4-2)

**State Law reference—** Penalty for ordinance violations, 65 ILCS 5/1-2-1, 5/1-2-1.1.

Sec. 1-10.   Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation adopted by the village relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-11.   Code does not affect prior offenses or rights.

(a)  Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b)  The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any ordinance on the effective date of this Code.

(Code 2003, § 1-2-3)

Sec. 1-12.   Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance enumerated below that is not codified in this Code:

(1)  Annexing property into the village or describing the corporate limits;

(2)  De-annexing property or excluding property from the village;

(3)  Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness;

(4)  Authorizing or approving any contract, deed, or agreement;

(5)  Making or approving any appropriation or budget;

(6)  Providing for salaries of employees or other employee benefits or job descriptions for employee positions;

(7)  Granting any right or franchise;

(8)  Pertaining to a specific election;

(9)  Establishing a prevailing wage;

(10)  Adopting or amending the comprehensive plan;

(11)  Levying or imposing any special assessment or local improvement;

(12)  Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street;

(13)  Establishing the grade of any street or sidewalk;

(14)  Dedicating, accepting or vacating any plat or subdivision;

(15)  Levying or imposing or otherwise related to taxes;

(16)  Rezoning property;

(17)  That is temporary, although general in effect;

(18)  That is special, although permanent in effect; and

(19)  The purpose of which has been accomplished.

(Code 2003, §§ 1-2-1, 1-2-2)