

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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, Village of Fox River Grove, Illinois," and may be so cited.

State law reference-Revision and codification of ordinances, 65 ILCS 5/1-2-3 et seq.

Sec. 1-2. Rules of construction and definitions.

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 Board of Trustees. 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 of 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 Board of Trustees may be fully carried out.

In the interpretation and application of any provision 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.

Board, Board of Trustees, Village Board. Whenever the words "Board," "Board of Trustees" or "Village Board" are used, they shall be construed to mean the Board of Trustees of the Village of Fox River Grove.

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. Where the day on which an act is to be done or a proceeding held falls on a Sunday or a legal holiday, said act shall be done or proceeding held on the next regular business day. Time shall mean Central Standard Time, except when the State of Illinois is on daylight saving time and then it shall mean Central Daylight Saving Time.

Corporate or Village limits. The term "corporate limits" or "Village limits" shall mean the legal

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boundaries of the Village of Fox River Grove.

County. The words "the county" or "this county" shall mean the County of McHenry and/or the County of Lake in the State of Illinois. (94-10, Sec. 1, 3-17-94)

Delegation of authority. Whenever a provision appears requiring the head of a department or some other Village 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.

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.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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."

Officers generally. Whenever any officer is referred to by title, such as "Village Clerk," "Chief of Police," "President," etc., such reference shall be construed as if followed by the words "of the Village of Fox River Grove."

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 word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

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.

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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 curblin and the adjacent property line, intended for the use of pedestrians.

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 Village, 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, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings 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.

Village shall mean the Village of Fox River Grove, Illinois.

Wholesale, wholesaler, etc. In all cases where the words "wholesale," "wholesaler," or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

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 a calendar year.

State law reference--Similar rules of statutory construction, 5 ILCS 70/0.01 et seq.

Sec. 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.

Sec. 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 Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the Board of Trustees.

Sec. 1-5. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the Village 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.

Sec. 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 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. 1-7. 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.

Sec. 1-8. General penalty for violation of Code; continuing violations.

- (a) Whenever in this Code or in any ordinance of the Village, any act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Code, or whenever in such Code or in any Village ordinance the doing of any act is required, the failure to do any act is declared to be unlawful or a misdemeanor or a violation of this Code, where no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall

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be punished by a fine of not less than seventy five dollars (\$75.00) nor more than five hundred dollars (\$500.00) for each offense. Each date a violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty from being enforced. Ord. No. 96-13, Sec. 1, 3-21-96)

- (b) In addition to the penalty provided in Subsection 1-8(a) above, or any penalty specifically provided in this Code or any ordinance of the Village, the Village may institute an action or proceeding for temporary or permanent injunctive relief, restraining order, or other equitable relief against any person violating this Code or any ordinance of the Village, to correct such violation. In the event such action is instituted and an injunction, restraining order or other equitable relief is issued, the person whose conduct is enjoined, restrained or otherwise prohibited, shall be liable to the Village for the Village's attorneys' fees and other costs incurred in obtaining such relief. (Ord. No. 07-30, Sec. 2, 9-20-07)

Cross reference-Settlement and compromise of certain offenses, Sec. 13-96 et seq.

State law reference-Limitation on penalties, 65 ILCS 5/1-2-1

Sec. 1-9. Officers, employees not liable to fine for failure to perform duties.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the Village Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty or unless a penalty or fine is prescribed by state law.

Sec. 1-10. Unpaid, past due fees, charges and fines.

- (a) If a fee, charge, fine or other monetary payment due to the Village is not paid on or before its due date, the amount of the fee, charge, fine or other monetary payment shall be increased at the rate of 1.5% of the amount past due for each month or part thereof which elapses between the date the payment was due and the date payment is made to the Village. The provisions of this paragraph (a) shall not be applicable if any other provision of this Code or any other applicable ordinance provides for a penalty or surcharge or for interest to accrue as a result of the failure to make timely payment of the fee, charge, fine or other monetary payment.
- (b) If a fee, charge or other monetary payment is owed to the Village in connection with an application for a building permit, subdivision approval or a zoning variation or other modification of the requirements of the Village's Zoning Ordinance, the payment of the amount due shall be a joint and several obligation of the applicant and the owner of the property for which the building permit, zoning modification or subdivision approval is requested.
- (c) In addition to any other remedy or right provided for in this Code or available under any other applicable ordinance or law, the Village may withhold the issuance of any permit, authorization

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or approval provided for under this Code or under the Zoning Ordinance of the Village to any person who is more than thirty (30) days delinquent in the payment of any fee, service charge, water and sewer bill or other monetary payment of any kind which is owed to the Village until such time as the entire amount owed is paid to the Village. (Ord. No. 91-26, Sec. 1, 7-17-91)