

ORDINANCE NO. 16-16

**AN ORDINANCE TO ADOPT THE CODE OF THE VILLAGE OF COAL CITY,
INCLUDING AMENDMENTS OR REVISIONS THERETO**

WHEREAS, . . .

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Grundy and Will Counties, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Chapter 10 Amendment. Chapter 10, Article I, of the Village Code is adopted to read as follows:

ARTICLE I
General Provisions

§ 10-1. Adoption of Code; titles.

- A. All ordinances of a permanent and general nature of the Village as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the "Coal City Code of 2016, for which designation "code," "code of ordinances" or "codified ordinances" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the Code.
- B. All references to codes, titles, chapters, and sections are to such components of the Code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "§" followed by the number, such as "§ 10-1." Headings and captions used in this Code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10-2. Definitions.

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

AND; OR — "And" may be read "or," and "or" may be read "and," if the sense requires it.

ANOTHER — When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

BOARD — The Board of Trustees of the Village of Coal City, Illinois, and the legislative authority of the Village.

COUNTY — Grundy County, Illinois.

ELECTORS — Persons qualified to vote for elective officers at municipal elections. (ILCS Ch. 65, Act 5, § 1-1-2)

HIGHWAY, ROAD, or STREET — May include any road laid out by authority of the United States, or

TENANT or OCCUPANT — As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

THIS CODE or THIS CODE OF ORDINANCES — The Village Code hereby adopted, and as hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

TRUSTEE — The Trustees of the Village.

VILLAGE, MUNICIPALITY, or MUNICIPAL CORPORATION — The Village of Coal City, Illinois.

WEEK — Seven consecutive days.

WHOEVER — Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

WHOLESALE or WHOLESALE DEALER — Unless otherwise specifically defined, they shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale, as distinguished from a "retail dealer" who sells in smaller quantities direct to the consumer.

WRITTEN or IN WRITING — May include 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 (1) the proper handwriting of such person or, in case he is unable to write, his proper mark, or (2) an electronic signature as defined in the Electronic Commerce Security Act (5 ILCS 175/1-101 et seq.), except as otherwise provided by law. (ILCS Ch. 5, Act 70, § 1-15)

YEAR — A calendar year unless otherwise expressed, and the word "year" alone, is equivalent to the expression "year of our Lord." (ILCS Ch. 5, Act 70, § 1-10)

§ 10-3. Rules of construction.

- A. Statutory rules apply. Unless otherwise provided herein or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of the Illinois Compiled Statutes.
- B. Tense; gender; general terms. As used in the Code, unless the context otherwise requires:
 - (1) The singular includes the plural, and the plural includes the singular.
 - (2) Words of one gender include the other gender.
 - (3) Words in the present tense include the future.
 - (4) A general term following specific enumeration of terms is not limited to the class enumerated unless expressly so limited.
- C. References; history. Where a section of this code is followed by a reference to state statutes, such reference indicates that the section is analogous or similar to such state statutes section. Footnotes, cross-references, and other comments are by way of explanation only and should not be deemed a part of the text of any section. Historical references following a section show the ordinance number where applicable, and the date of passage, along with any amendments to the section.
- D. Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

- E. Joint authority. All words purporting to give joint authority to three or more Village officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with state statute or other provisions. (ILCS Ch. 5, Act 70, § 1-9)
- F. Exceptions. The rules of construction shall not apply to any law which shall contain express provision excluding such construction or when the subject matter or context of such law may be repugnant thereto.
- G. 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 this 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. (ILCS Ch. 5, Act 70, § 1-11)
- H. Continuation. 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. (ILCS Ch. 5, Act 70, § 2)

§ 10-4. Interpretation.

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

§ 10-5. Applicability to future legislation.

All of the provisions of Title I not incompatible with future legislation shall apply to ordinances hereafter adopted, amending or supplementing this Code unless otherwise specifically provided.

§ 10-6. Severability.

If any provisions of a section of this Code of Ordinances 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.

§ 10-7. Reference to other sections.

- A. Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.
- B. References in this Code to action taken or authorized under designated sections of this Code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this Code.
- C. Whenever 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.

§ 10-8. Officers and employees.

- A. Whenever reference is made in this Code to a Village officer or employee by title only, this shall be construed as though followed by the words "of the Village of Coal City" and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated.
- B. No provision of this Code designating the duties of any officer or employee shall be construed to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform the duty, unless the intention of the Village Board to impose a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
- C. Reference to a public office or officer shall be deemed to apply to any office or officer exercising the powers, duties, or functions or change in the official title of the functionary.

§ 10-9. Conflicting provisions.

If the provisions of different codes, chapters, or sections of the Codified Ordinances 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.

§ 10-10. Errors and omissions.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provision affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, such spelling shall be corrected, and such word or words supplied, omitted, or substituted as will conform with the manifest intention. The provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if there is any question regarding the nature or extent of the error.

§ 10-11. Revivor; effect of 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.
 - (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, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

§ 10-12. 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, the repealed portions may be excluded from the Code by the 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 subsequent ordinances until this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the Village.

§ 10-13. Ordinances repealed.

This Code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code of Ordinances.

§ 10-14. Ordinances unaffected.

All ordinances of a temporary or special nature (including, but not limited to, tax levy ordinances; budget 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), as well as any other ordinances pertaining to subjects not enumerated and embraced in this Code of Ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10-15. Ordinances saved from repeal.

Whenever 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.

§ 10-16. Technical codes.

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become a part of this Code and shall be made available for public inspection by the Village. Further, 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.

§ 10-17. Historical and statutory references.

- A. As histories for the Code sections, the specific number and passage date of the original ordinance, and any amending ordinances are listed following the text of the Code article, section or subsection

being amended. Example: [Amended 5-13-1960 by Ord. No. 60-10; 1-1-1970 by Ord. No. 70-1; 1-1-1980 by Ord. No. 80-1; 1-1-1985 by Ord. No. 85-1]

- B. An "ILCS" cite included in the text indicates that the text of the section reads either verbatim or substantially the same as the statute. Example: (ILCS Ch. 65, Act 5, § 3.1-2-1).

Section 3. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Coal City prior to the effective date of this ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 27 day of July, 2016, at Coal City, Grundy and Will Counties, Illinois.

AYES: 5

NAYS: 0

ABSENT: 1

ABSTAIN: 0

VILLAGE OF COAL CITY



Terry Halliday, President

ATTEST:



Pamela M. Noffsinger, Village Clerk