

CHAPTER 1

BOOK OF CODES INTRODUCTION

ARTICLE I: GENERAL PROVISIONS

Sec. 1-0. GENERAL - APPLICABILITY.

The provisions of this Book of Codes shall apply to all persons who reside in or visit the Village of Orangeville who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the chapters, articles and sections of this Book of Codes.

Sec. 1-1. GENERAL - PURPOSE.

A. The purpose of this chapter is to establish reasonable, comprehensive, and functional general and specific codes and policies for the Village regarding the construction and content of the Village's Book of Codes.

B. It is intended that these codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's rights and responsibilities, public health, safety, and welfare, while providing the best possible wholesome community environment.

Sec. 1-2. GENERAL - TITLE, ACCEPTANCE, PROPERTY.

A. Upon adoption of this Code by the Village Board of Trustees, the ordinances embraced in the following parts, chapters, articles, divisions, sections, and subsections of this Code shall constitute and be designated as the "Village of Orangeville Municipal Code," or the "Book of Codes," and may be so cited.

B. This Village Code, as hereby presented in printed book format, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, including the ordinances exempt from general repeal in Section 1-14 of this Code.

C. This Book of Codes and its copies shall be and remain the property of the Village of Orangeville. The number of copies to be printed and disbursed to the Village Board shall be nine (9). The Board may post an electronic, read-only, copy on the Village's web site.

Sec. 1-3. GENERAL - RULES OF CONSTRUCTION AND DEFINITION.

A. Whenever any word in any Section of this Village Code importing the plural number is used in describing or referring to any matters, parties, or persons, any single matter, party or

persons shall be deemed to be included, although distributive words may not have been used. When any subject matter, party, or person are referred to in this Village Code by words importing the singular number only, or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be applied to any Section of this Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

B. The word “ordinance” contained in the ordinances of the Village has been changed in the content of this Village Code to “Part,” “Chapter,” “Article,” “Division,” “Section,” and/or “Subsection” or words of like import for organizational and clarification purposes only. Such change to the Village’s ordinances is not meant to amend the passage and effective dates of such original ordinances.

C. In the construction of this Code and all its 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 the context of such section may be unacceptable thereto.

D. All general provisions, terms, phrases and expressions contained in this Code 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 restriction 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.

Sec. 1-4. GENERAL - TERMS AND DEFINITIONS.

The following list shall serve as the “official” list of municipal or corporate terms and their definitions for the Village of Orangeville. When used, they shall have the meanings herein ascribed, unless the context makes such meaning inappropriate thereto:

AGENT. The term “Agent,” when used herein, shall mean a person acting on behalf of another.

ANOTHER. The term “Another,” when used herein, shall mean the owner of property which is the subject of an offense, and shall also mean every other owner of property.

BOARD, BOARD OF TRUSTEES, VILLAGE BOARD. The terms “Board,” “Board of Trustees,” or Village Board,” when used herein, shall mean the Board of Trustees for the Village of Orangeville.

BOOK OF CODES. The term “Book of Codes,” when used herein, shall mean that summary of ordinances which this Board has adopted, and had printed, collated and bound.

CERTIFIED MAIL. The term “Certified Mail,” when used herein, shall mean to use the U.S. Postal System to account for the movement of documents with no monetary value, sending and receiving (chain of custody), between the Village or its agent and a second party.

CODE. The term “Code,” when used herein, shall mean the Municipal Code of Orangeville, and amendments thereto.

COMPUTATION OF TIME. The term “Computation of Time,” when used herein, shall mean that whenever a notice is required to be given or any act to be done in 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 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 Saturday or Sunday or a legal holiday, said act shall be done or proceeding shall be held on the next regular business day. Time shall mean Central Standard Time, except when the State of Illinois is on Daylight Savings Time and then it shall mean Central Daylight Savings Time.

CORPORATE OR VILLAGE LIMITS. The terms “Corporate Limits” or “Village Limits,” when used herein, shall mean the legal boundaries of the Village of Orangeville.

COUNTY. The terms “County” or “this County,” when used herein, shall mean the County of Stephenson in the State of Illinois.

COUNTY BOARD. The term “County Board,” when used herein, shall mean the County Board of Stephenson County, Illinois.

COURT. The term “Court,” when used herein, shall mean any court of competent jurisdiction.

DECREE. The term “Decree,” when used herein, shall be synonymous with JUDGMENT (ILCS Ch. 5, Act 70, Section 1.24).

DELEGATION OF AUTHORITY. The term “Delegation of Authority,” when used herein, shall mean 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 provisions or section specify otherwise.

ELECTORS. The term “Electors,” when used herein, shall mean persons qualified to vote for elective officers at municipal elections (ILCS Ch. 65, Act 5, Section 1-1-2).

EMPLOYEE(S). The term "Employees," when used herein, shall mean a person in a position not created by ordinance in which the person works generally at the will of the corporate authorities or other persons designated by the corporate authorities.

EXECUTIVE OFFICER. The term "Executive Officer," when used herein, shall mean an executive or ministerial officer and may include any deputy or other duly authorized person performing the duties of such officer, either generally or in special cases (ILCS Ch. 5, Act 70, Section 1.08).

EXEMPT. The term "Exempt," when used herein, shall mean executive, administrative, professional or outside sales employees not covered by the wage and overtime provisions of the Fair Labor Standards Act (FLSA) because those employees meet certain criteria regarding job duties and responsibilities and because they are compensated on a salary basis.

FEE. The term "Fee," when used herein, shall mean a sum of money charged by the Village for the carrying on of a business, profession, or occupation.

GENDER. The term "Gender," when used herein, shall mean a word imparting the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations, as well as to males.

HEREAFTER. The term "Hereafter," when used herein, shall mean at any time after that date on which an ordinance, resolution, or statute takes effect (ILCS Ch. 5, Act 70, Section 1.17).

HERETOFORE. The term "Heretofore," when used herein, shall mean any time previous to the day on which an ordinance, resolution, or statute takes effect (ILCS Ch. 5, Act 70, Section 1.17).

HIGHWAY, ROAD, STREET. The terms "Highway," "Road," or "Street," when used herein, shall mean any road laid out by authority of the United States, or this State, or of any town or county of this State, and all bridges thereupon (ILCS Ch. 5, Act 70, Section 1.16).

ILCS. The term "ILCS," when used herein, shall mean Illinois Compiled Statutes, 1992, as heretofore and hereafter amended.

JOINT AUTHORITY. The term "Joint Authority," when used herein, shall mean giving 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.

KEEPER OR PROPRIETOR. The term "Keeper or Proprietor," when used herein, shall mean all persons, whether acting by themselves, or as a servant, agent, or employee.

LAND or REAL ESTATE. The term "Land or Real Estate," when used herein, shall mean rights and easements of any incorporeal nature.

LICENSE. The term "License," when used herein, shall mean the permission granted for the carrying on of a business, profession, or occupation.

MAY. The term "May," when used herein, shall mean the act referred to is permissive, not required.

MAYOR. The term "Mayor," when used herein, shall mean the President of the Village.

MISDEMEANOR. The term "Misdemeanor," when used herein, shall mean any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

MONTH. The term "Month," when used herein, shall mean a calendar month.

MUNICIPAL CODE. The term "Municipal Code," when used herein, shall mean the Illinois Municipal Code, ILCS Ch. 65, Act 5.

NON-EXEMPT. The term "Non-exempt," when used herein, shall mean employee covered by the minimum wage and overtime provisions of FLSA.

NONTECHNICAL and TECHNICAL WORDS. The term "Nontechnical Words," when used herein, shall mean words and phrases shall be construed according to common and approved usage of the language, but the term "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.

NUISANCE. The term "Nuisance," when used herein, shall mean 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.

NUMBER. The term "Number," when used herein, shall mean 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 term "Oath," when used herein, 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 the equivalent to the words "affirm" and "affirmed."

OCCUPANT. The term "Occupant," when used herein, shall mean any person who occupies the whole or any part of such building or land, whether alone or with others.

OFFENSE. The term "Offense," when used herein, shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICER(S). The term "Officer(s)," when used herein, shall mean a position specifically created by municipal ordinance in which a person serves in office for a specific time, takes an oath or affirmation, and has supervisory and discretionary authority. Whenever reference is made in this Code to a Village Officer by title only, this shall be construed as though followed by the words "of the Village of Orangeville."

OPERATOR. The term "Operator," when used herein, shall mean the person who is in charge of any operation, business, or profession.

ORDINANCE. The term "Ordinance," when used herein, shall mean that legal document created by the Village Board which expresses the Board's desire to add, delete or amend a specific statute in the Board's Book of Codes.

OWNER. The term "Owner," when used herein, as applied to a building or land, shall mean any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON. The term "Person," when used herein, shall mean any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY. The term "Personal Property," when used herein, shall mean 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.

POLICE FORCE. The term "Police Force," when used herein, shall mean such persons in the employ of the Village as members of the Department of Police, who are or shall hereafter be appointed and sworn as police officers.

POLICE OFFICERS. The term "Police Officers," when used herein, shall mean police officers employed and in the service of the Village of Orangeville.

PRECEDING, FOLLOWING. The term "Preceding" and "Following," when used herein, shall mean next before and next after, respectively.

PREMISES. The term "Premises," as applied to property, shall mean land and buildings.

PROPERTY. The term "Property," when used herein, shall mean real and personal property.

PUBLIC AUTHORITY. The term "Public Authority," when used herein, shall mean school districts; units of legal government; the Village, County, State, or Federal governments,

officers, and agencies thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. The term "Public Place," when used herein, shall mean any street, sidewalk, park, cemetery, school yard, body of water or watercourse not on private property; public conveyance; or any other place for the sale of merchandise, public accommodation, or amusement.

REAL PROPERTY. The term "Real Property," when used herein, shall mean lands, tenements and hereditaments.

REGISTERED MAIL. The term "Registered Mail," when used herein, shall mean to use the U.S. Postal System to account for the movement of an item of actual monetary value, sending and receiving (chain of custody), between the Village or its agent and a second party.

RETAILER. The term "Retailer," when used herein, shall mean to relate to the sale of goods, merchandise, articles or things in less than wholesale quantities direct to the consumer.

SECTION. The term "Section," when used herein, shall mean that portion of a chapter of this Code which is numbered and titled.

SHALL. The term "Shall," when used herein, shall mean mandatory or required.

SIDEWALK. The term "Sidewalk," when used herein, shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

SIGNAGE OR SUBSCRIPTION. The term "Signage or Subscription," when used herein, shall mean a mark when the person cannot write.

SPECIAL DISTRICTS. The term "Special Districts," when used herein, shall mean the meaning ascribed in Article VII of the Constitution of the State of Illinois of 1970.

STATE. The term "State," when used herein, shall mean the State of Illinois.

STATUTE. The term "Statute," when used herein, shall mean a specific code or law contained within the Village's Book of Codes.

STREET. The term "Street," when used herein, shall mean alleys, lanes, courts, boulevards, public squares, and sidewalks.

SUBCHAPTER. The term "Subchapter," when used herein, shall mean a portion of a chapter with its subheading to which all of the sections beneath the subheading apply.

TAX INCREMENT FINANCING (TIF). The term "Tax Increment Financing," when used herein, shall mean a State Act giving local governments a financing tool to capture increments of tax revenues resulting from new investment or development, either in new projects or an investment in remodeling or expanding existing buildings and facilities.

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

THIS CODE OR THIS CODE OF ORDINANCES. The term "This Code or This Code of Ordinances," when used herein, shall mean the Village Code hereby adopted, and as hereafter modified by amendment, revision, and by the adoption of new titles, chapters, or section.

UNITS OF LOCAL GOVERNMENT. The term "Units of Local Government," when used herein, shall mean the definitions established in Section 1 of Article VII of the Constitution of the State of Illinois of 1970.

VILLAGE. The term "Village," when used herein, shall mean the Village of Orangeville.

VILLAGE PRESIDENT. The term "Village President," when used herein, shall mean the President of the Village of Orangeville.

WEEK. The term "Week," when used herein, shall mean seven consecutive days.

WHOEVER. The term "Whoever," when used herein, shall mean all persons, natural and artificial; partners; principals; agents; and employees; and all officials, public or private.

WHOLESALE, WHOLESALER, ETC. The term "Wholesale or Wholesaler," when used herein, 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.

WRITTEN or IN WRITING. The term "Written or In Writing," when used herein, shall include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

YEAR. The term "Year," when used herein, shall mean a calendar year, unless specified as a "fiscal year."

Sec. 1-5. GENERAL - SEVERABILITY.

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

Sec. 1-6 through 1-10. RESERVED.

ARTICLE II: SPECIFIC PROVISIONS

Sec. 1-11. SPECIFIC - 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 sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-12. SPECIFIC - AMENDMENTS TO CODE.

A. 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 chapter, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by annotation of repeal on change sheets or 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 or ordinances and subsequent ordinances numbered or omitted are re-adopted as a new Code by the Board of Trustees.

B. Amendments to the Village's Book of Codes shall be annotated on a change sheet located in the front of each copy of said book, and inserted into same books at the appropriate location within thirty (30) days of the date of adoption by the Board. The office of the Village Clerk shall be responsible for maintaining both the nine (9) copies of the Village's Book of Codes and the electronic copy posted on the Village's web site when an amendment is in need of posting.

Sec. 1-13. SPECIFIC - UNAUTHORIZED ALTERATION OR TAMPERING WITH CODE.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portions 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. 1-14. SPECIFIC - EFFECT OF REPEAL OF ORDINANCES.

A. Upon adoption of this Book of Codes, all general ordinances of the Village passed prior to the adoption are hereby repealed, except such as are included in this Village Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following subsections), and excluding the following ordinances which are not hereby 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 to include Tax Increment Financing Districts; and all special ordinances.

B. No Village Ordinance relating to state or county highways or their crossings with any Village streets and other public ways in the Village, or relating to the conduct, duties, service or rates of public utilities within the Village shall be replaced by virtue of the adoption of this Village Code or by virtue of the preceding subsection, excepting as this Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

C. Regarding court proceedings, when any Village Ordinance repealing a former Village Ordinance, clause, or provision, whether such former ordinance, clause, or provision is expressly repealed or not, as to any offense committed against such former ordinance, clause, or provision, 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 proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be 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.

D. This subsection 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.

E. Nothing contained in this Section 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 chapter 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.

Sec. 1-15. SPECIFIC - 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. 1-16 through 1-98. RESERVED.

ARTICLE III: PENALTIES.

Sec. 1-99. PENALTY - AS INDICATED BY ARTICLE.

All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication. The following penalties are applicable by article as stated:

A. Whenever in this Code or in any Section of this Code an 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 of ordinances the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Code or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Code or any ordinance of the Code continues, consecutive or not, each day shall constitute a separate offense. Regardless of the number of total days of violation, any person's fine shall not exceed three-thousand-dollars (\$3,000.00).

B. The penalty provided in this Chapter shall be applicable to every other Chapter of this Village Code the same as though it were a part of each and every separate Section. Any person convicted of a violation of any Chapter of this Village Code where any duty is prescribed or obligation imposed, or where any action is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

C. In all cases where the same offense is made punishable or is created by different clauses or Sections of this Village Code, the prosecuting attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

D. Whenever the doing of any act or the omission to do any act constitutes a breach of any

Section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Article shall apply.