

CHAPTER 10: GENERAL PROVISIONS

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§10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Deer Park shall be designated as the Code of Deer Park and may be so cited.

§10.02 AMENDMENTS.

Any additions or amendments to this Code are incorporated in this Code so that a reference to the Deer Park Municipal Code includes such additions and amendments. ('77 Code, § 1.01(b))

§10.03 INTERPRETATION.

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 state law.

§10.04 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

§10.05 CAPTIONS.

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.

§10.06 DEFINITIONS.

General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

- (A) For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF TRUSTEES or **VILLAGE BOARD**. The Board of Trustees of the Village of Deer Park. ('77 Code, § 1.02(b))

CODE, **THIS CODE** or **THIS CODE OF ORDINANCES**. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Lake County, Illinois.

ILLINOIS COMPILED STATUTES. The most recent edition of the Illinois Compiled Statutes.

ILLINOIS MUNICIPAL CODE. Chapter 65, Act 5 of the Illinois Compiled Statutes.

MAY. The act referred to is permissive. **MONTH**. A calendar month.

OATH. 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 **AF-FIRM** and **AFFIRMED**.

OFFICER, **OFFICE**, **EMPLOYEE**, **COMMISSION**, or **DEPARTMENT**. An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

POLICE DEPARTMENT or **CHIEF OF POLICE**. These terms refer to whatever agency the Village has engaged to perform police duties in the Village. ('77 Code, § 1.02(b))

PRECEDING or **FOLLOWING**. Next before or next after, respectively. **SHALL**. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. Includes a mark when the person cannot write. **STATE**. The State of Illinois.

SUBCHAPTER. A division of a chapter, designated in this Code by a heading in the chap-

ter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

VILLAGE, MUNICIPAL CORPORATION, or MUNICIPALITY. The Village of Deer Park, Illinois.

VILLAGE CLERK or CLERK. The Village Clerk of the Village of Deer Park, and similarly, the title of any other officer, board or commission shall mean such officer, board or commission of the Village unless otherwise stated. ('77 Code, § 1.02(b))

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed; equivalent to the words "Year of Our Lord".

§10.07 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

- (A) And or Or. Either conjunction shall include the other as if written "and/or," if the sense requires it.
- (B) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
- (C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
- (D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§10.08 SEVERABILITY.

If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§10.09 REFERENCES TO SECTIONS.

Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided. ('77 Code, §1.06(g))

§10.10 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such 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.

§10.11 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality 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.

§10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions 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 such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions 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 any question exists regarding the nature or extent of such error.

§10.13 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§10.14 REASONABLE TIME.

- (A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.
- (B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§10.15 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this Code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§10.16 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§10.17 EFFECTIVE DATE OF CODE.

This code of ordinances shall take effect ten days after passage and publication in book form under the authority of the Board of Trustees, as provided by law. ('77 Code, §1.09)

§10.18 REPEAL OR MODIFICATION OF ORDINANCE.

- (A) All general ordinances or parts thereof heretofore adopted by the President and Board of Trustees and not included in this Code are repealed, except the following which are hereby continued

in full force and effect:

- (1) Ordinances authorizing contracts or the issue of municipal notes or bonds;
 - (2) Ordinances levying taxes or making special assessments;
 - (3) Ordinances appropriating funds or establishing salaries;
 - (4) Ordinances granting franchises or rights to corporations;
 - (5) Ordinances relating to the establishments, dedication, opening, grade, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
 - (6) Ordinances respecting the annexation of territory to the village, or the conveyance or acceptance of real property or easements in real property;
 - (7) Ordinances authorizing or relating to particular public improvements; and
 - (8) Any special ordinances not in conflict with the provisions of this Code.
- (B) The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed, or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been effected. ('77 Code, §1.03)

§10.19 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

- (A) If the legislative body shall desire to amend any existing chapter or section of this Code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.
- (B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this Code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§10.20 SECTION HISTORIES; STATUTORY REFERENCES.

- (A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10 passed 5-13-60; Amd. Ord. 15 passed 1-1-70; Amd. Ord. 20 passed 1-1-80; Amd. Ord. 25 passed 1-1-85)
- (B)
- (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (ILCS Ch. 65, Act 5, §3-2-1) (Ord. 10 passed 1-17-80; Amd. Ord. 20d passed 1-1-85).
 - (2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§38.04 PUBLIC RECORDS AVAILABLE.

The Village shall make available to any person for inspection or

copying all public records as provided in the state Freedom of Information Act. (Ord. 10 passed 1-1-80) Statutory reference: Freedom of Information Act, see ILCS Ch. 5, Act 140, §§1 *et seq.*

- (C) If a section of this Code is derived from the previous code of ordinances of the city published in 1977 and subsequently amended, the 1977 code section number shall be indicated in the history by “(‘77 Code, §__.)”

§10.21 JURISDICTION.

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Village to regulate such particular acts outside the corporate limits. (‘77 Code, §1.05)

§10.22 REVOCATION OF LICENSE.

The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any penalty being enforced. (‘77 Code, §1.06(d))

§10.23 FAILURE OF OFFICERS TO PERFORM DUTIES.

The failure of an officer or employee of the Village to perform an official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty. (‘77 Code, §1.06(h))

§10.24 RESPONSIBILITY FOR ACTS.

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act. (‘77 Code, §1.07)

§10.25 GENERAL LATE PAYMENT FEE(S).

Except as otherwise provided in this Code, in the event that any invoice issued by the Village Treasurer or by any other employee or officer of the Village, or by one of their respective designees, for any amount due and payable to the Village pursuant to this Code remains unpaid by the due date provided in this Code, if any, and/or remains unpaid thirty (30) days after the date that such invoice was sent by the Village to the person(s) obligated to pay same, then in such event(s), the person(s) obligated to pay same shall also be obligated to and shall immediately pay, in addition to the original invoice, a late payment fee of thirty dollars (\$30.00). In the event any such invoice remains unpaid thirty (30) days after a second invoice or notice thereof was sent by the Village to the person(s) obligated to pay such invoice, the person(s) obligated to pay such invoice shall also be obligated to and shall immediately pay, in addition to the original invoice, a late payment fee of sixty dollars (\$60.00). In the event any such invoice and/or any related late payment fee(s) remain unpaid for ninety (90) days after the date that payment for such invoice was due, the Village may refer collection of said invoice and all unpaid amounts to a collection agency engaged by the Village for such purposes.

§10.99 GENERAL PENALTY.

- (A) General Penalty. Unless another penalty is specifically provided by this Code for violation of any

particular provision, section, or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall be fined not less than \$100.00 nor more than \$750.00, and shall be responsible for the Village's cost of prosecution, including but not limited to the Village's attorney fees, court costs and other costs and expenses incurred by the Village related thereto. Each act of violation and each day upon which a violation occurs constitutes a separate offense.

- (B) Applicability. The penalty provided by this Section applies to the amendment of any section of this Code or a code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.
- (C) Notwithstanding anything contained in this Code to the contrary, any court of competent jurisdiction shall be authorized to enter an order of supervision or conditional discharge as provided by the Illinois Unified Code of Corrections, 730 Illinois Compiled Statutes 5/1-1-1, *et seq.* for any violation of any provision of this Code, or any other ordinance of the Village.
- (D) Settlement of Certain Ordinance Violations. A person accused of a first offense relative to violation of certain provisions of this Code may settle and compromise the Village's cause of action (i.e., claim) against him or her by paying to the Village fifty dollars (\$50.00) per offense if paid to the Village within fifteen (15) days after the citation is issued, unless otherwise stated in this Chapter. Upon receipt of the payment, the Lake County Sheriff's Office is authorized to forbear from initiating a prosecution of the alleged offense(s) involved. The Village Board may from time to time approve and adopt by motion or resolution a list of certain offenses which may be so settled. Any offense not so settled by prepayment within the time specified shall be subject to the minimum fine(s) as set forth in Section 10.99(A) above.
- (E) Remedial Hearing Date May Be Required. Notwithstanding any provisions of this Code to the contrary by which the pre-hearing settlement of a citation or notice to appear or a notice of violation ("initial charging document") is authorized, any enforcement officer or agent of the Village may provide on the initial charging document that the appearance of the defendant at an administrative hearing or in court shall be required if such enforcement officer or agent of the Village reasonably believes, based upon one or more prior offenses of the same or similar nature or other circumstances, that the defendant's appearance is necessary and should be required to assure that the defendant thereafter takes appropriate remedial measures to comply with the applicable provisions of this Code or of any other applicable ordinance(s) of the Village.

(Ord. 2012-06 passed 03/19/12; Amd. Ord. 15-02 passed 3/16/15, 12-22 passed 9/17/12)

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