

## **CHAPTER 1. GENERAL PROVISIONS**

1.01 Title: Upon adoption by the Board of Trustees this Code is declared to be and shall hereafter constitute the official Code of the Village of Pesotum. The ordinances embraced in this and the following chapters and sections shall be designated “The Code of the Village of Pesotum, 1980” and may be so cited. The Code may also be referred to herein as the “Village Code” or the “Code.”

1.02 Territorial Application: The Provisions of the Code shall be effective within the territorial limits of the Village of Pesotum, as constituted at the date the Code becomes effective, or thereafter. The provisions of the Code shall also be effective as to any territory outside the Village over which the Village has jurisdiction or control or over which the Village in the future obtains jurisdiction or control by virtue of any Constitution, statute or ordinance.

1.03 Publication of Code and Effective Date: This Code shall be published in pamphlet form upon adoption, and shall be effective ten days after the date of such publication, as provided by law.

1.04 Construction of the Code. All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed.

\_\_\_\_\_ : The following grammatical rules shall apply to the Code unless the clear meaning of the Code indicates otherwise:

- A. Gender: The masculine gender includes the feminine and neuter genders.
- B. Singular and Plural: The singular number includes the plural and the plural number includes the singular.
- C. Tenses: Words used in the present tense include the past and future tenses and words used in the past and future tenses include the present tense.
- D. Words and Phrases: Words and phrases not specifically defined shall be construed according to the context and the common usage of the language.

1.04.03      Conflicting Provisions:

- A.      If the provisions of different chapters, section or subsection of this Code conflict with or contravene each other, the provisions of each chapter, section or subsection shall prevail as to all matters and questions growing out of the subject matter of that chapter, section or subsection.
- B.      If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that chapter.
- C.      Where any conflict exists between a chapter, section or subsection of this Code and any chapter or section of the State Statutes, the latter shall prevail.

1.04.04      Definitions: Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto.

- A.      Board: The word “Board”, unless otherwise indicated, shall mean the Board of Trustees of the Village of Pesotum.
- B.      Clerk: The word “Clerk” shall mean the Village Clerk.
- C.      Code: The word “Code” shall mean the Code of the Village of Pesotum, 1980, and amendments thereto.
- D.      County: The word “County” shall mean Champaign County, Illinois.
- E.      Fiscal Year: The words “Fiscal Year” shall mean the fiscal year of the Village of Pesotum which shall begin on the first day of the month of May of each year.
- F.      May: The word “may” is permissive and discretionary.
- G.      Municipal Year: The words “Municipal Year” shall mean the municipal year of the Village of Pesotum which shall begin on the first day of the month of May of each year.

H. Must: The word “must” is mandatory.

I. Nuisance: The word “nuisance” 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.

J. Oath: The word “oath” shall mean any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.

K. Offense: The word “offense” shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of the Code.

L. Officers: Whenever reference is made in the Code to a Village Officer by title only, this shall be construed as through followed by the words “of the Village of Pesotum.”

N. Owner: The word “owner” applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of part of such building or land.

O. Person: The word “person” shall mean any natural individual, firm, trust, partnership, association or corporation in his or its own capacity or as administrator, conservator, executor, receiver, trustee, or other representative appointed by the Court. Whenever the word “person” is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

P. Personal Property: The words “personal property” shall include 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.

Q. Property: The word “property” shall include real and personal property.

- R. Real Property: The words “real property” shall include land together with all things attached thereto.
- S. Shall: The word “shall” is mandatory.
- T. State: The word “State” shall mean the State of Illinois.
- U. Statutes: The word “statutes” shall mean the statutes of the State of Illinois.
- V. Village: The word “Village” shall mean the Village of Pesotum, County of Champaign, State of Illinois.
- W. Week: The word “week” shall mean seven (7) days.
- X. Written: The word “written” shall mean any representation or words, letters, or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.
- Y. Year: The word “year” shall mean a calendar year.

1.04.06 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 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 provision shall have the same effect as though the correct words were contained in the text as originally published.

1.04.06 Application to Future Ordinances: All of the provisions of this chapter shall apply to all ordinances hereafter adopted amending or supplementing this Code, unless otherwise specifically provided or unless incompatible with the terms of the future ordinance.

1.05 Repeal of Prior Ordinances: All general ordinances of the Village of Pesotum passed prior to the adoption of this Village Code are hereby repealed, except such as are herein referred to as being still in force or are by necessary implication herein reserved from repeal. However, the following ordinances are not hereby repealed:

- A. Tax levy ordinances;
- B. Appropriation ordinances;
- C. Ordinances relating to boundaries or annexations;
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations;

- E. Contract ordinances and ordinances authorizing the execution of contracts;
- F. Salary and compensation ordinances;
- G. Ordinances establishing, naming or vacating streets, alleys or other public places;
- H. Improvement ordinances;
- I. Transfer or acceptance of real estate by or from the Village;
- J. Special ordinances.

1.05.01 Railroads and Public Utilities: No ordinance relating to railroads or railroad crossings with streets or other public ways, or relating to the conduct, duties, services, or rates of any public utility shall be repealed by virtue of the adoption of this Village Code or by virtue of the preceding section excepting as this Village Code may contain provisions for such matters. In such a case, the Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1.05.02 Repeal Shall not Revive any Ordinances: The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

1.06 Savings Clause: If any chapter, section, or subsection of this Code is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any Court of competent jurisdiction, the unconstitutionality or invalidity of that chapter, section or subsection shall not affect the validity of any other chapter, section or subsection of this Code.