

Chapter 24 - The Code

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Article 1 - Title Interpretation

- 2401 **Title.** Upon the adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Spring Grove. This Village Code of ordinances shall be known and cited as the *SPRING GROVE MUNICIPAL CODE*, and it is hereby published by authority of the Board of Trustees and shall be kept up to date by the Village Clerk. Any references to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Municipal Code.
- 2402 **Construction of Words.** Whenever any word in any section of this ordinance importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used. When any subject matter, party or person is referred to in this ordinance 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 deemed to be included. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words "This Ordinance" whenever used in this code shall be held and be taken to mean the entire code, including each and every section thereof. The word "Village" whenever used in this ordinance shall be held and taken to mean the Village of Spring Grove. The words "written" and "in writing" may include printing. Provided that these rules of construction shall not be applied to any section of this ordinance which contains any express provision excluding such construction or where the subject matter or content of such section may be repugnant thereto.
- 2403 **Acceptance.** This Municipal Code, as hereby presented in printed form, 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, except the excluded ordinances enumerated elsewhere in this Chapter.
- 2404 **Penalties and Collections of Fines and Penalties.** In all cases where the same offense is made punishable or is created by different clauses or sections of this ordinance the prosecuting officer 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.

Whenever in this ordinance the doing of any act or the omission to do an act constitutes a breach of any section or provision of this ordinance, and if no fine or penalty is declared for such breach, or a minimum fine or penalty is fixed but no maximum fine or penalty, any person who shall be found in violation of any part of this ordinance shall be fined not more than \$750.00 for each offense, and each day on which each offense occurs shall be deemed a separate and distinct offense. In the event *the Municipal Code of the Illinois Compiled Statutes* or any other State Statute provides for a penalty for an ordinance violation of greater than \$750.00 then the applicable *State Statute* shall apply.

Interest at the rate of eighteen (18%) shall be applied to the unpaid portion of any fee or fine imposed under the terms and provisions of the Village Code of the Village of Spring Grove.

Whenever any fine, charge, penalty or payment is due pursuant to any provision in this Code and is not paid after the village sends, mails or otherwise delivers notice (unless a different period is stated elsewhere in this Code) to the person responsible for such fine, charge, penalty or payment (the "Responsible Person"), the village may transfer such fine, charge, penalty or payment to a collection agency or attorney of the village's choosing pursuant to 65 ILCS 5/1-2-1. Any such collection agency or attorney shall, for purposes of collection of such fine, charge, penalty or payment, be deemed an agent of the village. All costs incurred by the village for the collection of any fines, charges, penalties or payments transferred to any such collection agency or attorney shall be assessed against the Responsible Person as an additional fine, charge, penalty or payment, subject to any applicable statutory limits. (*Revised Ord. 2014-33*)

2405 **Officers and Employees.** Whenever reference is made in this ordinance to a Village officer or employee by title only, this shall be construed as though followed by the words "of the Village of Spring Grove" and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated.

No provision of this ordinance 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 ordinance for a failure to perform such duty, unless the intention of the Board of Trustees to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

2406 **Intent.** All general provisions, terms, phrases, and expressions contained in this ordinance shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out.

Article 2 - Amendments

2407 **Reference to Code.** Any additions or amendments to this code, when passed in such form as to indicate the intention of the Board of Trustees to make the same a part of this ordinance shall be deemed to be incorporated in this ordinance so that a reference to the Municipal Code of Spring Grove shall be understood to include them.

2408 **Penalties.** In case of amendment of any section of this ordinance containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

2409 **Amendments.** It shall be the duty of the Village Clerk to keep at least one copy of the Municipal Code in the Municipal Centre. The Village Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody an official copy of this Municipal Code shall make every effort to maintain this Code in an up to date and efficient manner, and shall see to the immediate insertion of new or replacement pages when such are delivered to such person(s). Said Municipal Code books shall always remain the property of the Village and shall be returned to the office of the Village Clerk when directed to do so by order of the Village Board.

It is unlawful for any person to alter, change, replace or deface in any way any section or any page of the Municipal Code in such a manner that the meaning of any phrase or order may be changed or omitted.

The Municipal Code shall be kept in addition to the record of ordinances which the Village Clerk is required to keep by statute.

Article 3 - Printing

2410

Authorization. This amended code shall be published in book or pamphlet form and such shall constitute publication in compliance with the *Illinois Compiled Statutes*.

Article 4 - Repealing Clause

2411 **Repeal of General Ordinances.** All general ordinances of the Village as previously codified prior to passage of this Municipal Code are hereby repealed, except such as are expressly excepted from repeal herein, and except such as are referred to herein as being still in force or are by necessary implication herein reversed from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed: Tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise and other ordinances granting special rights to persons or corporations; contact 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 or real estate by or from the Village; and all special ordinances.

2412 **Public Utility Ordinances.** No ordinances relating to railroads or railroad crossing with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the passage of this ordinance or by virtue of the preceding section, excepting as this code may contain provisions for such matters, in which case, this ordinance shall be considered as amending such ordinance or ordinances in the respect of such provisions only.

2413 **Pending Suits.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or the 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 the proceedings thereafter shall conform as far as practicable, to the ordinance in force at the time of such proceeding. If any new penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may, by consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or by implication, whether the repeal is in the ordinance making any new provisions upon the same subject or any other ordinance.

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the village, herein repealed; or as discontinuing, abating or 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 section or provision of ordinances existing at the time of the passage of this ordinance.

2414 **Time of Taking Effect.** This codification ordinance, the same being herein designated as the SPRING GROVE MUNICIPAL CODE, shall take effect and be in force from and after its passage and publication as provided by statute.

2415 **Severability Clause.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Municipal Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.