

Title I: General Provisions

CHAPTER 10: GENERAL PROVISIONS

Section

10.01	Title of Code
10.02	Amendments
10.03	Interpretation
10.04	Application to Future Ordinances
10.05	Captions
10.06	Definitions
10.07	Rules of Interpretation
10.08	Severability
10.09	References to Sections
10.10	Reference to Other Sections
10.11	Reference to Offices
10.12	Errors and Omissions
10.13	Official Time
10.14	Reasonable Time
10.15	Ordinances Unaffected
10.16	Effective Date of Ordinances
10.17	Effective Date of Code
10.18	Repeal or Modification of Ordinance
10.19	Ordinances Which Amend or Supplement Code
10.20	Section Histories; Statutory References
10.21	Jurisdiction
10.22	Revocation of License
10.23	Failure of Officers to Perform Duties
10.24	Responsibility for Acts
10.99	General penalty

§ 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))

Chapter 10: General Provisions

§ 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.

(A) 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.

(B) 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 **AFFIRM** and **AFFIRMED**.

Title I: General Provisions

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 chapter 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.**

Chapter 10: General Provisions

§ 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.

Title I: General Provisions

§ 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:

Chapter 10: General Provisions

- (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; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

Title I: General Provisions

(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; Am. Ord. 20, 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)

Chapter 10: General Provisions

§ 10.99 GENERAL PENALTY.

(A) *Standard 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 upon conviction be subject to a fine of not less than \$5 nor more than \$500, and the costs of prosecution, including but not limited to the Village's 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.

(‘77 Code, § 1.06(a), (e))

(Ord. 01-22, passed 4-23-01)

(B) *Commitment.* The person upon whom any fine or penalty is imposed for violation of any provision of this code or any ordinance of the Village, upon order of the court before whom the conviction is had, may be committed to the county jail as provided by law, or to any other place provided by ordinance for the incarceration of offenders until the fine, penalty, and costs are fully paid. No imprisonment, however, shall exceed six months for any one offense. (‘77 Code, § 1.06(b))

(C) *Incarceration, bailable offense.* Any person incarcerated on a charge of violating a bailable provision of this code or any ordinance, who does not supply bail and against whom a fine is levied upon conviction of such offense, shall be allowed a credit of \$2 for each day so incarcerated prior to conviction, but such credit shall not exceed the amount of the fine levied. (‘77 Code, § 1.06(c))

(D) *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. (‘77 Code, § 1.06(f))

Statutory reference:

Ordinances and rules; fines or penalties; limitations on punishment, see ILCS Ch. 65, Act 5, § 1-2-1

Incarceration, for violation of bailable ordinance; credit, see ILCS Ch. 65, Act 5, § 1-2-12

(E) *Schedule of fines for violations of certain ordinances.* The Village Board may adopt a schedule of fines for violations of certain ordinances. The Village Board may revise the schedule periodically by adopting an updated schedule, with such revised schedule to become effective as of January 1 of the following year. If the Village Board of Trustees does not adopt a new schedule of fines in any given year, the then existing fine schedule will continue in full force and effect.

Title I: General Provisions

FINE SCHEDULE

(Adopted pursuant to Section 10.99(E) of the Municipal Code)

<u>Section</u>	<u>Violation</u>	<u>Fine</u>	<u>Fine if paid after 15 Days</u>	<u>Fine if paid after 30 days</u>
ANIMALS				
91.23	Animals at Large	\$25	\$35	\$50
91.22	Animals on Park Property	\$25	\$35	\$50
91.05	Dangerous, Vicious or Prohibited Animals	\$25	\$35	\$50
91.25	Vicious Dogs/Domestic Animals	\$25	\$35	\$50
91.27	Noisy Animals, Nuisance Barking	\$25	\$35	\$50
91.24	Animal Waste Disposal	\$25	\$35	\$50
91.08	Illegal Hunting	\$25	\$35	\$50
91.28	Restrictions on Number of Animals – no more than 4 animals total	\$25	\$35	\$50
BURNING				
50.03	Burning of Garbage or Refuse	\$25	\$35	\$50
50.03	Violation of Burning Restrictions – 10AM-6PM, Apr. 15-May 15 and Oct. 15-Nov. 15 – Weekends Only	\$25	\$35	\$50
50.03	Unattended Open Burning	\$25	\$35	\$50
92.02	Burning on Street or Public Place	\$25	\$35	\$50
92.01	Possession of Fireworks	\$25	\$35	\$50
NUISANCES				
93.02	Public Nuisances	\$25	\$35	\$50

Chapter 10: General Provisions

93.35	Public Nuisances [loud music or noise]	\$25	\$35	\$50
93.36	Public Nuisances [construction noise]	\$25	\$35	\$50
93.03	Public Nuisances [health]	\$25	\$35	\$50
93.05	Public Nuisances [safety and peace]	\$25	\$35	\$50
136.02	Public Nuisances [accumulation of litter/debris]	\$25	\$35	\$50
94.06	Littering on Public or Private Property	\$25	\$35	\$50
94.06	Littering or Deposition Debris on Street or Roadway	\$25	\$35	\$50
136.03	Littering or Deposition Debris from Motor Vehicle	\$25	\$35	\$50
50.04	Dumping on Private or Public Property	\$25	\$35	\$50
92.42	Unauthorized Removal of Recyclables Excessive Burglar Alarms Sign Ordinance Violations	\$25	\$35	\$50
137.01	Discharge of Firearm	\$25	\$35	\$50
113.02	Illegal Solicitation/Door-to-Door Sales	\$25	\$35	\$50
MINORS				
132.02	Curfew – 11PM Weeknights; Midnight Weekends	\$25	\$35	\$50
112.04(A)	Possession/Consumption of Alcohol by a Minor	\$50	\$65	\$100
VEHICLES				
90.01	Unlawful Abandonment	\$25	\$35	\$50
90.02	Abandoned, Wrecked or Unattended Vehicle	\$25	\$35	\$50
90.10	Inoperable or Nuisance Vehicle	\$25	\$35	\$50
71.01	Illegal Parking – on Street	\$25	\$35	\$50
71.03(a)	Illegal Parking – Handicapped Zone	\$100	\$140	\$200

(Am. Ord. 03-17, passed 10-20-03)