

CHAPTER 1

CONSTRUCTION AND ADMINISTRATION OF CODE

PART 1
GENERAL PROVISIONS

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SECTION 1-101. TITLE.

Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official "Revised Municipal Code of the Village". The Revised Municipal Code shall be known and cited as the "Swansea Municipal Code", is hereby published by authority of the Village Board, and shall be amended and updated as provided in Section 1-103 under the direction of the Village Attorney, acting for said Village Board. Any reference to the number of any Section contained herein, shall be understood to refer to the position of the same number, its appropriate chapter and part heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Municipal Code by title in any legal document.

SECTION 1-102 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 in Section 1-106.

SECTION -103. AMENDMENTS.

Any ordinance amending this Municipal Code, shall set forth the chapter, part and section number of the section or sections to be amended. This shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Municipal Code. All such amendments or revisions by ordinance shall be immediately codified and said ordinance shall be prepared for insertion in its proper place in each copy of this Municipal Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Municipal Code on at least a semi-annual basis.

SECTION 1-104. CODE ALTERATION.

It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Municipal Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to official instructions when so authorized by the Village Board. The 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 said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of

new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Municipal Code books, while in actual possession of officials and other interested persons shall be, and remain, the property of the Village, and shall be returned to the office of the Clerk upon termination of office or separation of duties.

SECTION 1-105. JURISDICTION.

Unless otherwise provided herein, this Municipal Code applies to acts performed within the corporate limits of the Village. Provisions of this Municipal 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.

SECTION 1-106. REPEAL OF GENERAL ORDINANCES.

All general ordinances of the Village passed prior to the adoption of this Municipal Code are hereby repealed, except such as are referred to herein as being still in force, or are, by necessary implication, herein reserved from repeal [subject to the saving clauses contained in the following section]. The following ordinances are excluded from, and hereby not, 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; and all Special Ordinances.

SECTION 1-107. PUBLIC UTILITY ORDINANCES.

No ordinance relating to railroads or railroad crossings 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 adoption of this Municipal Code or by virtue of the preceding section, excepting as this Municipal Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

SECTION 1-108. COURT PROCEEDINGS.

No new ordinances 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 such former ordinance 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 the proceedings thereafter shall conform to the ordinance in form 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.

This section 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. Nothing contained in this Chapter 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 Municipal 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 Municipal Code.

SECTION 1-109. SEVERABILITY OF PROVISIONS.

Each section, paragraph, sentence, clause and provision of this Municipal Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Municipal Code, nor any part thereof, other than that part affected by such decision.

SECTION 1-110. VILLAGE CLERK'S CERTIFICATE.

The Village Clerk's Certificate shall be substantially in the following form:

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR) ss.

VILLAGE CLERK'S OFFICE
VILLAGE OF SWANSEA)

I, _____, Village Clerk of the Village of Swansea, Illinois, do hereby certify that the following Revised Municipal Code of the Village of Swansea, Illinois, of 1991, published by authority of the Village Trustees, was duly passed by the Village Trustees of the Village of Swansea, Illinois, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed and approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the Village of Swansea, Illinois this _____ day of _____, 20_____.

VILLAGE CLERK
VILLAGE OF SWANSEA, ILLINOIS

SECTION 1-111. CONSTRUCTION OF WORDS.

Whenever any word in any section of this Municipal Code, 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 have been used.

When any subject matter, party or person is referred to in this Municipal 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 deemed to be included; provided that these rules of construction shall not be applied to any section of this Municipal Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

SECTION 1-112. DEFINITIONS.

Whenever the following words or terms are used in this Municipal Code, they shall have the meanings

herein ascribed to them unless the context makes such meaning repugnant thereto:

Agent: The word "agent" as used in this Municipal Code shall mean a person acting on behalf of another.

Board: The word "Board," unless otherwise indicated, shall mean the Village Board of Trustees of the Village of Swansea.

Code: The word "Code" or "this Code" or "this Municipal Code" shall mean the Revised Municipal Code of the Village of Swansea.

Corporate Authorities: The words "corporate authorities" shall mean the Mayor and the Village Board of Trustees.

County: The word "County", unless otherwise indicated, shall mean the County of St. Clair.

Employees: The word "employees" shall mean the following: Whenever reference is made in this Municipal Code to a Village employee by title only, it shall be construed as though followed by the words, "of the Village."

Fees: The word "fee" as used in this Municipal Code shall mean a sum of money charged by the Village for carrying on of a business, profession or occupation.

Fiscal Year: The "fiscal year" for the Village shall begin on May 1st of each year and end on April 30th of the following year.

Knowingly: The word "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Municipal Code. It does not require any knowledge of the unlawfulness of such act or omission.

Legal Holiday: The words "legal holiday" shall mean the holidays as authorized and recognized by the Village Board.

License: The word "license" as used in this Municipal Code shall mean the permission granted for the carrying on of a regulated business, profession, occupation, or activity.

Mayor: The word "Mayor" as used in this Municipal Code shall mean the Village President or President of the Village Board of Trustees.

Misdemeanor: The word "misdemeanor" as used in this Municipal Code shall mean any offense deemed a violation of the provisions of this Code, which is a lesser offense than a felony as defined by State Law.

Negligent: The word "negligent" as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of

the act or omission as a prudent man ordinarily bestows in acting in his own concern.

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.

Occupant: The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

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

Officers: Whenever reference is made in this Municipal Code to a Village officer by title only, it shall be construed as though followed by the words "of the Village".

Official Time: Central Standard Time shall be the official time for the transaction of the Village business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this paragraph.

Operator: The word "operator" as used in this Municipal Code shall mean the person who is in charge of any operation, business or profession.

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 a part of such building or land.

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, trustee, receiver or other representative appointed by the court. Whenever the word "Person" is used in any section of this Municipal Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

Personal Property: The term "personal property" shall include 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.

Retailer: The word "retailer" as used in this Municipal Code, otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

State: The word "State", unless otherwise indicated, shall mean the State of Illinois.

Street: The word "street" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

Tenant: The word "tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Village: The word "Village" shall mean the Village of Swansea, Illinois.

Wholesaler: The words "wholesaler" and "wholesale dealer" as used in this Municipal Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, article, or things in quantity to persons who purchase for the purpose of resale.

Willfully: The word "willfully", when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire an advantage.

Written and In Writing: The terms "written" and "in writing" may include printing or 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 required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

SECTION 1-113. HEADINGS.

The headings or catch lines of the several sections of this Municipal Code are intended as mere headings or catchwords to indicate the content of a section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, unless expressly so provided, nor shall they be so deemed when any of such sections, including the headings or catch lines, are amended or re-enacted.

SECTION 1-114. IMPOSITION OF PENALTY.

Any person convicted of a violation of any section of this Municipal Code shall be fined a minimum of Twenty-five Dollars (\$25.00) and a sum not to exceed Five Hundred Dollars (\$500.00) for any one (1) offense.

Any minor or person designated a juvenile by this State convicted of a violation of any section of this Municipal Code shall be fined a minimum of Twenty-five Dollars (\$25.00) and a sum not to exceed Five Hundred Dollars (\$500.00) for any one (1) offense, but may not be confined, except by provisions of the Juvenile Court

Act of the State of Illinois.

SECTION 1-115. REVOCATION OF LICENSE.

When a person is convicted of a violation of any section of this Municipal Code, any license previously issued to him by the Village may be revoked by the court or by the Village Board.

SECTION 1-116. APPLICATION OF PENALTY.

- (A) The penalty provided in this Chapter shall be applicable to every section of this Municipal Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Municipal Code where any duty is prescribed or obligation imposed, or where any act, which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Municipal Code.
- (B) In all cases where the same offense is made punishable or is created by different clauses or sections of this Municipal Code, the prosecuting officer may elect under which to proceed; but not more than one (1) 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.
- (C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Municipal Code, and there is no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during, or on which, a breach or violation occurs or continues.

SECTION 1-117. LIABILITY OF OFFICERS.

The failure of any officer or employee to perform any official duty imposed by this Municipal Code shall not subject such officer or employee to the penalty imposed for violation of this Municipal Code, unless a penalty is specifically provided for.

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