

**TITLE 1**

**GENERAL PROVISIONS**

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# CHAPTER 1

## OFFICIAL CODE

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### AN ORDINANCE ADOPTING THE VILLAGE CODE

#### BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TISKILWA, ILLINOIS:

##### **1-1-1: ADOPTION:**

The Village Code containing all ordinances of a general nature in effect on the date of the passage of this ordinance, published in book form under the direction of the President and Village Board of Trustees, be and it is hereby adopted as the Village Code of the Village of Tiskilwa.

##### **1-1-2: AMENDMENTS; CODIFICATION:**

Any ordinance amending any provision of this Village Code shall be prepared for insertion in this code by the use of loose leaf type pages. Any such ordinance shall become effective when passed as required by statute.

##### **1-1-3: PUBLIC INSPECTION:**

The Village Clerk is hereby directed to maintain, in up-to-date form, one copy of this Village Code, which shall be available for public inspection, at the Village Hall, during regular business hours.

##### **1-1-4: ALTERATION UNAUTHORIZED:**

It shall be unlawful for any person, firm or corporation to willfully alter, amend or change any provision of any Village Code book to the end that the laws of the Village may be misconstrued.

##### **1-1-5: ORDINANCES REPEALED:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

##### **1-1-6: EXCEPTIONS:**

Unless specifically repealed by an ordinance for that purpose, all annexation ordinances, bond ordinances, tax levy ordinances, vacating ordinances or any other special ordinance heretofore, passed by the President and Village Board of Trustees, shall remain in full force and effect.

**1-1-7: PENALTY:**

Any person, firm or corporation violating Section 4 herein, shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) for each offense.

**1-1-8: OFFICIAL CODIFIER; DUTIES:**

The Bureau Valley Chief, Printers, John Murphy, proprietor of Tiskilwa, Illinois, is hereby designated the official Village codifier. Upon receipt by said codifier of a certified copy of any amendment to this Village Code, the codifier shall prepare said amendment for insertion into all copies of this code.

**1-1-9: INSERTIONS; CLERK:**

The Village Clerk shall maintain a list of all persons possessing or owning a copy of this Village Code and upon receipt of any amendment for insertion shall notify said persons of the availability of the same.

**1-1-10: CODE BOOK; INSERTIONS; COST:**

Copies of the Village Code Book shall be available for sale to the public at a cost to be set by Resolution of the Village Board. Copies of all insertions thereto shall be available for sale to the public at a cost to be determined from time to time by the President and Village Board of Trustees.

**1-1-11: EFFECTIVE DATE:**

This ordinance and the code hereby adopted, shall take effect upon its passage and publication as provided by Statute.

**1-1-12: SEPARABILITY:**

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Presented, passed, and approved on a roll call vote this 14th day of July, 1981.

	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
<b>Board of Trustees:</b>			
Richard I. Fisher	x		
Richard G. Janssen	x		
David L. Miller	x		
Holton A. Rosenquist	x		
Ralph L. Wagner	x		
David A. Wright	x		

**APPROVED:**

Alfred R. Janssen

**ATTEST:**

Marian E. Yepsen  
Village Clerk

**VILLAGE OF TISKILWA  
ILLINOIS  
ORDINANCE NO. 0-1-7-14-81**

## CHAPTER 2

### CONSTRUCTION AND EFFECT OF ORDINANCES

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#### 1-2-1: CONSTRUCTION OF ORDINANCES:

In the construction of the ordinances of the Village the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

**A. GENERAL RULE:** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

**B. GENDER - SINGULAR AND PLURAL:** Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

**C. PERSON:** The word "person" shall extend and be applied to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

**D. TENSES:** The use of any verb in the present tense shall include the future when applicable.

**E. SHALL HAVE BEEN:** The words "shall have been" include past and future cases.

**F. HERETOFORE AND HEREAFTER:** Whenever the word "heretofore" occurs in any ordinance it shall be construed to mean any time previous to the day when such ordinance shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the ordinance containing such word shall take effect.

**G. JOINT AUTHORITY:** All words purporting to give a joint authority to three or more Village officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

**H. ACTS BY AGENTS:** When an ordinance requires an act to be done, which, by law, may as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

**I. REASONABLE TIME:** In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

**J. TIME - HOW COMPUTED:** The time within which an act is to be done as provided in any ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by

excluding the first day and including the last, except that if the last day be Sunday it shall be excluded; and when such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded.

**K. WEEK:** The word "week" shall be construed to mean seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week; and all publications heretofore made in accordance with the terms of this subparagraph are hereby validated.

**1-2-2: WHEN THESE RULES OF CONSTRUCTION SHALL NOT APPLY:**

The rules of construction set forth in this ordinance shall not be applied to any ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

**1-2-3: REFERENCE TO TITLES, CHAPTERS, OR SECTIONS, CONFLICTING ORDINANCES:**

In addition to the rules of construction specified in Title 1, Chapter 1, Section 1 (1-1-1), the following rules shall be observed in the construction of these ordinances:

**A.** All references to titles, chapters, or sections are to the titles, chapters and sections of these ordinances unless otherwise specified.

**B.** If the provisions of different sections of these ordinances conflict with or contravene each other, the provisions of each section shall prevail as to all matters and questions growing out of the subject matter of such section.

**C.** If conflicting provisions be found in different sections of the same chapter the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such section.

**1-2-4: ORDINANCE TO TAKE EFFECT WHEN:**

All ordinances passed by the President and Board of Trustees, except when otherwise specifically provided, shall take effect and be in force from and after their passage or publication as required or permitted by law.

**1-2-5: EFFECT OF REPEAL:**

When any ordinance repealing a former ordinance, clause, or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

**1-2-6: PENALTY WHERE NO PENALTY PROVIDED:**

**A.** In any case where there shall be a violation of any Village ordinance for which no penalty is provided, the person violating the same shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense, except as provided in the following subparagraph.

**B.** In any case where any ordinance or section of an ordinance of the Village shall not provide the greater penalty for a second or subsequent conviction for a violation thereof any person violating the same who shall previously have been convicted of a violation thereof shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense, except that where the penalty provided by any such ordinance or section for a first violation thereof shall be larger than the penalty herein provided such larger penalty shall be applicable.

**C.** No violation of any ordinance of the Village shall be or be construed to be a misdemeanor, unless such ordinance specifically so provides, nor shall imprisonment be imposed as a punishment for violation of any ordinance of the Village, except in the case of misdemeanors, specifically designated and further, except in the event of a failure of the defendant to pay the fine imposed by the court, as hereinafter provided; any other provision of the general ordinances of the Village to the contrary notwithstanding.

**D.** In any case where there is a check returned to the Village for insufficient funds or otherwise there shall be assessed to the party delivering said check to the Village a \$20.00 service fee plus an additional charge of whatever the cost to the Village is for the returned check. (Amd. by Ord. No. 0-1-06-3-14)

**1-2-7: IMPRISONMENT UPON FAILURE TO PAY PENALTY IMPOSED FOR VIOLATION OF ORDINANCE:**

**A.** When a fine shall be imposed for the violation of any ordinance of the Village or any section thereof the court may also sentence the defendant to pay the cost of the action.

**B.** Upon conviction for a violation of any ordinance or section of an ordinance of the Village, the defendant shall be afforded, if deemed appropriate and necessary by the court, adequate time in which to pay any fine imposed by the court, in installments if necessary.

1. Any defendant who defaults in the payment of a fine or in any installment may be held in contempt and imprisoned for nonpayment. The court may issue a summons for his appearance or a warrant for his arrest.
2. Unless the defendant shows that his default was not due to his intentional refusal to pay, or not due to a failure on his part to make a good faith effort to pay, the court may order him imprisoned for a term not to exceed 30 days.

Payment of the fine at any time will entitle the defendant to be released, but imprisonment under this Section will not satisfy the payment of the fine.

3. If it appears that the default in the payment of a fine is not intentional under paragraph 2 of this section, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion.
4. A default in the payment of a fine or any installment may be collected by any means authorized for the collection of money judgments rendered in favor of the Village.

**1-2-8: ORDINANCES REPEALED:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**1-2-9: SEPARABILITY:**

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(Ord. No. 0-2-7-14-81)

## CHAPTER 3

### DEFINITIONS

Definitions ..... Section: 1-3-1

#### 1-3-1: DEFINITIONS:

Whenever used in this code, the following words or terms shall have the meaning herein given unless the context clearly indicates otherwise.

**AGENT:** Any person acting on behalf of another.

**BOARD OF TRUSTEES; TRUSTEE:** The Village Board of Trustees or Trustee of the Village of Tiskilwa.

**CODE:** The Village Code of Tiskilwa, Illinois and all amendments thereto.

**COUNTY:** The County of Bureau.

**EMPLOYEE:** Any employee of the Village, whether so designated or referred to by title only.

**FEE:** The charge imposed by the Village for the issuance of any permit or license.

**KNOWINGLY; KNOWLEDGE OF:** A person knows, or acts knowingly or with knowledge of the nature or attendant circumstances of his conduct, described by any section of this code and defining a violation thereof, when he is consciously aware that his conduct is of such nature or that such circumstances exist.

**LICENSE:** Any permit granted by the Village authorizing the operation of a business, occupation or profession.

**MISDEMEANOR:** Any violation of this code specifically designated by any Chapter, Division, or Section of this code as such.

**NEGLIGENCE:** A person is negligent or acts negligently, when he fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by any provision of this code defining an offense or violation, and such failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

**NUISANCE:** That which annoys or disturbs another person or renders the use of his property uncomfortable or intolerable; that which is deleterious or in any manner injurious to the health or welfare of inhabitants of the Village.

**OCCUPANT:** Any person who occupies all or any part of a building, structure or real estate.

**OFFENSE:** Any act or conduct or failure to act designated by any Chapter, Division, or Section of this code as a violation thereof.

**OFFICERS:** Any officer, whether elected or appointed, of the Village of Tiskilwa.

**OPERATOR:** Any person in charge of the operation of a business, occupation or profession including the owner thereof.

**OWNER:** Any person vested with the ownership, control or title to property, a business or profession or the proprietor thereof.

**PERSON:** Any person, firm, partnership, corporation or other association.

**PERSONAL PROPERTY:** Anything that is the subject of ownership excluding real estate.

**RETAILER:** Any person who sells or offers for sale any article or merchandise direct to a consumer or user.

**STREET:** The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

**TENANT:** Any person who occupies all or any part of any building, structure or real estate by any kind of right or title.

**TRAFFIC:** Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street or highway for purposes of travel.

**TRAILER:** Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**TRUCK TRACTOR:** Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**URBAN DISTRICT:** The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than two hundred (200) feet for a distance of a quarter (1/4) of a mile or more.

**VEHICLE:** Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway or street, except devices moved by human power.

**WILLFUL; WILLFULLY:** When used to describe intent denotes that which is intentional, knowing or voluntary as distinguished from accidental.

**SHALL:** The word shall is always mandatory and never directory.

**VILLAGE:** Village is the Village of Tiskilwa.

**BOARD OF TRUSTEES:** Board of Trustees is the Board of Trustees of the Village of Tiskilwa.

**CLERK:** Clerk is the Clerk of the Village of Tiskilwa.

**PRESIDENT:** President is the President of the Village of Tiskilwa.

(Ord. No. 0-3-7-14-81)



## CHAPTER 4

### GENERAL PENALTY

	Section:
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Application .....	1-4-2
License; Revocation .....	1-4-3
Ordinances Repealed .....	1-4-4
Separability .....	1-4-5

#### **1-4-1: PENALTY; SEPARATE OFFENSES:**

Any person, firm or corporation convicted of a violation of any provision or section of the Village Code shall be fined not more than Five Hundred (\$500.00) Dollars for each offense.

When so designated by any provision or section of the Village Code, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### **1-4-2: APPLICATION:**

The General Penalty herein established shall apply to any provision of the Village Code wherein no penalty is specified.

#### **1-4-3: LICENSE; REVOCATION:**

Where any provision or section of the Village Code provides for the revocation of any license or permit issued by the Village, such revocation shall not be deemed exclusive but the General Penalty may be applied in addition thereto.

#### **1-4-4: ORDINANCES REPEALED:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### **1-4-5: SEPARABILITY:**

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(Ord. No. 0-3-7-14-81)