

Chapter 1

GENERAL PROVISIONS

Article I. Title Definitions and Interpretations

Sec. 1. TITLE

The Ordinance embraced in this and the following chapters, articles, and sections shall constitute and be designated as "The Municipal Code of the Village of Downs, Illinois - 1995" and shall be so cited with revisions as noted.

Sec. 2. DEFINITIONS

In the interpretation and construction of this Code, the following definitions and rules of construction shall be observed, unless they are clearly inconsistent with the manifest intent of the Village Board of Trustees or the context clearly requires otherwise.

- a. **Village.** The word "Village" or the words "the Village" mean the Village of Downs in McLean County, State of Illinois, except as otherwise provided.
- b. **Village Board.** The words "Village Board" or "the Village Board" or "Board of Trustees" or "The Board of Trustees" shall mean the Village Board of Trustees of the Village of Downs, Illinois.
- c. **In the Village.** The words "in the Village" or "within the Village" mean and includes all territory over which the Village now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.
- d. **Occupant or tenant.** The words "occupant" or "tenant" applied to a building or land mean any person who holds a written or oral lease of or actually occupies the whole or part of such building or land, either alone or with others.
- e. **Owner.** The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of the whole or a part of such building or land.
- f. **Person.** The word "person" means any individual, partnership, corporation, joint stock association or any city, county or state or any subdivision thereof; and includes any trustees, receiver, assignee, or personal representative thereof.
- g. **Property.** The word "property" shall include real and personal property.
- h. **Real Property.** The words "real property" shall include lands, tenements, and hereditaments and shall embrace all chattels real.
- i. **Personal Property.** The words "personal property" includes every species of property except real property as defined herein.

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Sec. 3. INTERPRETATION

These rules of construction shall not be applied to any Section of this Ordinance which contains any express provisions excluding such construction or where the subject matter of such Section may be contrary thereto.

- a. Words in the present tense include the future.
- b. 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 singular matter, party or person shall be deemed to be included.
- c. The words "this Ordinance," whenever used in this Code, shall be held and taken to mean the entire Code, including each Section thereof.
- d. Whenever in this Code or in any future Ordinance of the Village, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision shall be punished by a fine of not less than ten (\$10.00) dollars not exceeding one thousand (\$1,000.00) dollars. Each day any violation of any provision shall continue shall constitute a separate offense.
- e. All general provisions, terms, phrases, and expressions contained in this Ordinance shall be liberally construed in order that the true intent of the Village Board of Trustees may be carried out.

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Article II. Amendments

Sec. 1. REFERENCE

Any additions to this Code, when passed in a form as to indicate the intention of the Village Board 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 Downs shall be understood to incorporate said Ordinances.

Sec. 2. RECORDING

It shall be the duty of the Village Clerk to keep at least one copy of the Municipal Code of the Village of Downs - 1995 which shall be marked in the following manner:

- a. Whenever an Ordinance which amends or makes an addition to the Code is approved, the Village Clerk shall note on the margin of the Section amended that said amendment has been made with a reference (Ordinance number) to the location in the amendment book where the amendment may be found.
- b. The Village Clerk shall also keep a separate book, known as the amendment book, containing every amendment passed with a reference on each copy citing the Ordinance number and the Chapter, Article, and Section that has been amended.
- c. The Municipal Code of the Village of Downs - 1995 shall be updated at least once every 12 months. The Code shall be kept in loose-leaf notebook form and the update shall be accomplished by reprinting those pages affected by code amendments. The updated Code shall be posted on the Village website.
- d. The above-mentioned records shall be kept in addition to the record of ordinances which the Village Clerk is required to keep according to State law.

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Article III. Printing

Sec. 1. AUTHORIZATION

This Ordinance shall be printed and published as required by State law.

Sec. 2. DISTRIBUTION

All of the printed copies of this Code shall be deposited with the Village Clerk and kept at the Village Hall. The Clerk shall make a current copy of this Code available on the Village website. Hard copies, upon request, shall be distributed to other interested parties, and the Village may impose a reasonable price commensurate with the cost of printing thereof.

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Article IV. Repealing Clause

Sec. 1. REPEAL OF GENERAL ORDINANCES

All general ordinances of the Village passed by the President and the Village Board of Trustees prior to the passage of this Ordinance are hereby repealed, except as follows:

- a. Tax levy and appropriation ordinances;
- b. Ordinances relating to the Village boundaries or annexations;
- c. Franchise and other Ordinances granting special rights to persons or corporations;
- d. Contract Ordinances and Ordinances authorizing the execution of a contract or the issuance of warrants;
- e. Salary Ordinances;
- f. Ordinances establishing, naming or vacating streets, alleys, or other public places;
- g. Improvement or bond Ordinances;
- h. Ordinances relating to elections;
- i. Ordinances relating to the transfer, sale or purchase of property; and
- j. All special Ordinances.

Sec. 2. PUBLIC UTILITY ORDINANCES

No ordinances 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 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.

Sec. 3. 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 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 claims arising before the new Ordinance takes effect, save only that the proceedings thereafter shall conform to the Ordinances in force at the time of such proceedings, as far as practicable. If any 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 announced after the new

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Ordinance takes effect.

- a. The 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 any other Ordinance.
- b. 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 a 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 Section or provision of Ordinances existing at the time of the passage of this Ordinance.

Sec. 4. PARTIAL INVALIDITY

Should any Chapter, Article, Section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other portion of this Code, since the same would have been enacted by the Village Board of Trustees without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, Section, Article, or Chapter.

Adopted: **November 2, 1995 via Ordinance 1995-06**

Modified: **March 1, 2018 via Ordinance 2018-06**