

GENERAL PROVISIONS

.01 FAIRBURY MUNICIPAL CODE OF 1982.

- (a) Title. This code of ordinances may be known and cited as the Fairbury Municipal Code of 1982.
- (b) Amendments. Any additions or amendments to this code are incorporated in this code so that a reference to the Fairbury Municipal Code of 1982 includes such additions and amendments.
- (c) Numbering of chapters and sections. Each section number of this code shall consist of two component parts separated by a period; the figure before the period referring to the chapter number, and the figure after the period referring to the section within the chapter.
- (d) Numbering additions. The decimal system shall be used for all additions and amendments to this code. When a chapter or section is added, the new chapter or section shall be given a decimal character.

.02 DEFINITIONS.

- (a) Terms used in this code, unless specifically defined in this code, have the meanings prescribed by the Illinois Revised Statutes for the same terms.
- (b) Terms used in this code have the following meanings:

City: City of Fairbury, Illinois

County: Livingston County

State: State of Illinois

Council or City Council: The Mayor and City council of the City of Fairbury.

City Clerk: The City Clerk of the City of Fairbury and similarly any reference to any officer, council or commission means such officer, council or commission of the City of Fairbury unless otherwise stated.

Mayor: Mayor of the City of Fairbury; and the President of the City Council of the City of Fairbury.

Person: Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Illinois Revised Statutes: The Illinois Revised Statutes (1982 State Bar Association Edition), and when later editions are published the latest publication thereof.

Illinois Municipal Code: Chapter 24 of the Illinois Revised Statutes.

This Code: Fairbury Municipal Code of 1982.

.03 REPEAL OF ORDINANCES.

- (a) All general ordinances or parts thereof hereto fore adopted by the Mayor and City Council and not included in this code are repealed, except the following which are hereby continued in full force and effect.

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 related to the establishment, dedication, opening, grading, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the city, or the conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvements;
8. Ordinance relating to zoning, subdivisions and building codes;
9. Ordinances related to traffic control signs or devices;
10. Any other 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.

.04 ORDINANCES REPEALED NOT REENACTED.

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validated already effected thereby.

.05 JURISDICTION.

Unless otherwise provided in this code, this code applies to acts performed within the corporate limits of the City. 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 City to regulate such particular acts outside the corporate limits.

.06 PENALTIES.

- (a) Standard penalty. Unless another penalty is specifically provided by this code for violation of any particular provision, section or chapter, any person violated any provision of this code shall be considered guilty of a Class C Misdemeanor as provided in Illinois Revised Statutes, and penalized accordingly.
- (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 City, 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.
- (c) Each day of violation. Each act or violation and each day upon which a violation occurs or continues constitutes a separate offense.
- (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.
- (e) Reference 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.
- (f) Failure of officers to perform duties. The failure of an officer or employee of the City 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.
- (g) Charges for returned checks. Any person who issues a check or other draft which is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in this account, or because the drawer does not have sufficient credit with the drawee, shall be liable to the City of Fairbury for a service charge of \$10.00 for each such check issued to the City of Fairbury, which service charge shall be in addition to the amount of

such check. If it is necessary for the City to institute legal proceedings to enforce payment of any such check, the City Attorney shall seek to collect, in addition to the amount of such check and said \$10.00 service charge, all costs, expenses, damages, interest, and attorneys' fees that are authorized to be collected in any such action under the Statutes of the State of Illinois. (1986-1)

.07 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.

.08 SEVERABILITY OF PROVISIONS.

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

.09 EFFECTIVE DATE.

This code of ordinances shall take effect 10 days after passage and publication under the authority of the Mayor and City Council, as provided by law.

.10 COPIES ON FILE.

Copies of this code shall be kept available at the City Clerk's office for public inspection at all reasonable hours.

.11 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.