

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS
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12. ELECTIONS

TUSCOLA - GENERAL PROVISIONS

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§ 10.01 SHORT TITLE

(A) All ordinances of a permanent and general nature of the municipality as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the "Tuscola Code of 1981", for which designation "codified ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. ('69 Code, § 1-1)

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "§" followed by the number, such as "§ 10.01."

§ 10.02 INTERPRETATION.

(A) 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 the Illinois Compiled Statutes.

(B) Where a section of this code is followed by a reference to the Illinois Compiled Statutes, such reference indicates that the section is analogous or similar to the cited sections thereof. Footnotes, cross-references, and other comments are by way of explanation only and should not be deemed a part of the text of any section.

(C) All provisions of this code are limited in application to the territorial boundaries of the municipal corporation, except where this code expressly otherwise provides or where the laws of the State of Illinois provide for extraterritorial application.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I, not incompatible, inconsistent, or in conflict with future legislation, shall apply to all city codes, ordinances, resolutions, rules, and regulations.

§ 10.04 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.

§ 10.05 DEFINITIONS.

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AND" or "OR." Either conjunction may include the other, as if written "AND/OR" where the sense requires it or where the intent of the legislation so indicates.

"ANOTHER." When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

"CITY," "TOWN," "VILLAGE," "MUNICIPAL CORPORATION," or "MUNICIPALITY." When used in this code shall denote the Municipality of Tuscola, Illinois, irrespective of its population or legal classification.

"CORPORATE OR CITY LIMITS." The legal boundaries of the City of Tuscola.

"COUNCIL." The legislative authority of the municipality.

"COUNTY." Douglas County, Illinois.

"COUNTY BOARD." The County Board of Douglas County, Illinois. (ILCS Ch. 5, Act 70 § 1.07)

"COURT." Any court of competent jurisdiction and any court of record.

"DECREE." Synonymous with "JUDGMENT." (ILCS Ch. 5, Act 70 § 1.24)

"EXECUTIVE OFFICER." Words used for an executive or ministerial officer may include any deputy or other person performing the duties of such officer, either generally or in special cases. (ILCS Ch. 5, Act 70 § 1.08)

"HIGHWAY" or "STREET." May include any road laid out by authority of the United States, or of this state, or of any town or county of this state, and all bridges thereupon and shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city, and shall include all areas thereof embraced between the property lines and dedicated to the public use and all other public right-of-way streets, roads, or highways over which the city has jurisdiction.

"KEEPER" or "PROPRIETOR." Includes all persons, whether acting by themselves or as a servant, agent, or employee.

"LAW." Ordinances, resolutions, statutes, and acts of every kind by a duly authorized governmental entity.

"MAY." Indicates that the act referred to is permissive.

"MONTH." A calendar month. (ILCS Ch. 5, Act 70 § 1.10)

"MUNICIPALITY" or "CITY." The Municipality of Tuscola, Illinois.

"MUNICIPALITIES." The meaning established in Section 1 of Article VII of the Constitution of the State of Illinois of 1970. (ILCS Ch. 5, Act 70 § 1.27)

"OATH." Includes affirmation and "SWORN" includes affirm. (ILCS Ch. 5, Act 70 § 1.12)

"OCCUPANT." Any person having a possessory or occupancy interest in property or a right to such a possessory or occupancy interest, including a tenant.

"OWNER." When applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or part of such building or land.

"PERSONS." May extend and be applied to associations, clubs, societies, firms partnerships, and bodies politic and corporate as well as individuals.

"PERSONAL PROPERTY." Includes all property except real.

"POLICE OFFICERS." Policemen employed and in the service of the municipality. "POLICE FORCE" shall be construed to include such persons in the employ of a municipality as members of the Department of Police, who are or shall hereafter be appointed and sworn as policemen. (ILCS Ch. 5, Act 70 § 1.20)

"PRECEDING" and "FOLLOWING." Next before and next after, respectively.

"PREMISES." As applied to property, includes land and buildings.

"PROPERTY." Includes real, personal, mixed estates and interests.

"SHALL." Indicates that the act referred to is mandatory.

"WEEK." Seven consecutive days.

"WHOEVER." Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

"WHOLESALE," "WHOLESALE," etc. In all cases where the words "wholesale," "wholesaler," or "wholesale dealer" are used, unless otherwise specifically defined they shall be held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities directly to the consumer.

"WRITTEN" and "IN WRITING." May include printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, it shall be (1) the proper handwriting of such person or, in case he is unable to write, his proper mark, or (2) an electronic signature as defined in the Electronic Commerce Security Act, except as otherwise provided by law. (ILCS Ch. 5, Act 70 § 1.15)

"YEAR." Twelve consecutive months. (ILCS Ch. 5, Act 70 § 1.10)

#### § 10.06 RULES OF CONSTRUCTION.

(A) All general provisions, terms, phrases, and expressions shall be liberally construed in order to carry out the true legislative intent and meaning. (ILCS Ch. 5, Act 70 § 1.01)

(B) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(C) As used in the code, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular. (ILCS Ch. 5, Act 70 § 1.03)

(2) Words of one gender include the other genders. (ILCS Ch. 5, Act 70 § 1.04)

(3) Words in the present tense include the future. (ILCS Ch. 5, Act 70 § 1.02)

(D) Computation of time.

(1) The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday, Sunday, or a holiday, as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding the Saturday, Sunday, or holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded. (ILCS Ch. 5, Act 70 § 1.11)

(2) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(E) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent. Unless expressly otherwise provided, the designation of a particular officer or employee of the city to perform an act includes the authority for the performance of such act by a duly authorized agent, deputy, or employee.

(F) Joint authority. All words purporting to give joint authority to three or more municipal 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 or inconsistent with state statute or other provisions. (ILCS Ch. 5, Act 70 § 1.09)

(G) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

#### § 10.07 CONSTRUCTION OF REVISED ORDINANCES.

The provisions of any ordinance, so far as consistent with any prior ordinance, shall be construed as a continuation of the prior provisions and not as a new enactment. (ILCS Ch. 5, Act 70 § 2)

#### § 10.08 REPEAL OF REPEALING ACT; RIGHTS SAVED.

(A) No act or part of an act expressly repealed shall be deemed to be revived by the repeal of the repealing act. (ILCS Ch. 5, Act 70 § 3)

(B) Whether the former law is expressly repealed or not, no new law shall be construed to repeal a former law as to any offense committed against the former law, any act done or penalty, forfeiture, or punishment incurred, any right accrued, or claim arising under the former law, except that the proceedings shall, as far as practicable, conform to the law in force at the time of the proceeding. (ILCS Ch. 5, Act 70 § 4)

(C) If any penalty, forfeiture, or punishment is mitigated by any provision of a new law, the provision may, by the consent of the party affected, be applied to any judgment pronounced after the new law takes effect. This provision extends to all repeals, either by express words or by implication, whether the repeal is in the act making any new provision on the same subject or in any other act. (ILCS Ch. 5, Act 70 § 4) ('69 Code, § 1-6)

#### § 10.09 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable. (ILCS Ch. 5, Act 70 § 1.31) ('69 Code, § 1-7)

#### § 10.10 CONSTRUCTION OF SECTION REFERENCES.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code or which is continued by this code.

(C) Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to and as it may be subsequently amended, revised, recodified, or renumbered, unless the subject matter be

changed or materially altered by the amendment or revision. ('69 Code, § 1-3)

§ 10.11 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.12 REFERENCE TO OFFICE.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the 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.

§ 10.13 ERRORS AND OMISSIONS.

If a manifest error be discovered consisting of the misspelling of any word or 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 provision shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.14 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.15 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.16 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body or a certain municipal officer or employee to make additional ordinances or regulations for the purpose of carrying out the intent of said ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification and not inconsistent thereto shall remain in effect and are saved.

§ 10.17 RECORDING OF ORDINANCES.

The municipal clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the corporate authorities. Immediately following each ordinance the municipal clerk shall make a memorandum of the date of the passage and of the publication or posting, where required, of the ordinance.  
(ILCS Ch. 65, Act 5 § 1-2-5)

§ 10.18 RECORDATION AS PRIMA FACIE EVIDENCE.

The record and memorandum required by § 10.17, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinances. (ILCS Ch. 65, Act 5 § 1-2-5)

§ 10.19 PROOF OF ORDINANCES.

(A) The contents of all municipal ordinances, the date of passage, and the date of publication or posting, where required, may be proved by the certificate of the municipal clerk, under the seal of the corporation.

(B) Whenever municipal ordinances are printed in book or pamphlet form, and purport to be published by authority of the corporate authorities, such book or pamphlet shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all court and administrative tribunals.  
(ILCS Ch. 65, Act 5 § 1-2-6)

§ 10.20 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

(A) Any chapter, section, or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Any chapter, section, or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie

evidence of such subsequent ordinances until the legislative body of the municipality shall adopt a new code of ordinances.

(B) The following language should be used by the municipality to amend, add, or repeal a chapter, section, or division:

- (1) Section amended:  
"Section \_\_\_\_\_ of the Tuscola Code of Ordinances is amended to read as follows:..."
- (2) Section added:  
"Section \_\_\_\_\_, which reads as follows, is added to and amends the Tuscola Code of Ordinances:..."
- (3) Section repealed:  
"Section \_\_\_\_\_ of the Tuscola Code of Ordinances, which reads as follows, is repealed:..."

#### § 10.21 CORPORATE SEAL.

There shall be a seal of the city which shall be called the corporate seal, and shall be kept by the City Clerk, and used by him officially as directed by law. This seal shall have engraved upon it the words, "City of Tuscola, Illinois," encircling the word "Seal."

(ILCS Ch. 65, Act 5 § 2-2-12) ('69 Code, § 2-1)

#### § 10.22 FISCAL YEAR.

The fiscal year of the city shall begin on the first day of May each year.  
( '69 Code, § 2-3)

#### Statutory reference:

Fiscal year, see ILCS Ch. 65, Act 5 § 1-1-2(5)

#### § 10.23 MUNICIPAL YEAR.

The municipal year of the city shall begin on the first day of May each year.  
( '69 Code, § 2-3)

#### Statutory reference:

Municipal year, see ILCS Ch. 65, Act 5 § 1-1-2(5)

#### § 10.24 OFFICIAL TIME STANDARD.

(A) The central standard time shall be the official time within the city for the transaction of all city business, except that from 2:00 a.m. on the last Sunday in March in each year, official time for the city shall be advanced one hour. At 2:00 a.m. on the last Sunday in October in each year, the official time shall be returned to central standard time by the retarding of one hour.

(B) All legal or official proceedings of the City Council and all official business of the city shall be regulated as to time in accordance with the provisions of this section. Whenever by ordinance, resolution, or action of any municipal officer or body an act must be performed, the act shall be performed in accordance with the official time as prescribed in this section. When the words "daylight saving," or "daylight saving time" or "summer time" are used in any official document or contract, it shall be understood to have reference to the time herein fixed for the period from the last Sunday in April to the last Sunday in October.  
( '69 Code, § 2-4; Am. Ord. 82-0-5, passed 3-22-82)

#### Statutory reference:

Daylight saving time, see ILCS Ch. 5, Act 440 § 1 et seq.

#### § 10.25 CENSUS.

Where permissible the Mayor may designate one or more competent persons to take the census of the population of the city in order to determine the number of inhabitants for any and all purposes wherein the authority or power of the city is based upon the number of inhabitants. The compensation of the persons taking the census shall be determined and fixed by the City Council and paid out of the City Treasury.  
( '69 Code, § 1-12)

#### Statutory reference:

Census, see ILCS Ch. 65, Act 5 § 1-7-1

#### § 10.26 EXTRATERRITORIAL APPLICATION.

Whenever it shall be permissible under state statute or other applicable law, the provisions of this code shall be fully applicable and enforceable outside the corporate limits of the city to the fullest extent permissible by law.  
(Ord. 88-0-29, passed 10-10-88)

#### § 10.98 PARTIES LIABLE FOR VIOLATIONS.

Every person who commits, attempts to commit, conspires to commit, or aids, or abets in the commission of any act declared to be a crime, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this title is likewise guilty of such offense.

#### § 10.99 GENERAL PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offender is guilty of an offense which shall be punished by a fine of

not more than \$500. Each day any violation of any provisions of this code or of any ordinance shall continue shall constitute a separate offense. ('69 Code, § 1-8)

(B) No provision of this code designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty, unless the intention of the Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

Statutory reference:

Limitations on penalties, see ILCS  
Ch. 65, Act 5 § 1-2-1  
Authority to imprison for certian  
ordinance violations, see ILCS  
Ch. 65, Act 5 § 1-2-1.1

## Section

- 11.01 City boundaries
- 11.02 City wards

§ 11.01 CITY BOUNDARIES.

The boundaries of the city shall be as set out on the official zoning map of the city. This map shall be on file in the office of the City Clerk and shall be open to public inspection during regular business hours. The boundaries of the city shall include all territory duly annexed to the city from time to time.  
( '69 Code, § 1-13)

Cross-reference:

Fire limits, see § 91.02

§ 11.02 CITY WARDS.

The city is divided into four wards, whose limits and boundaries shall be as follows:

(A) Ward One. All that portion of the city which lies north of the Baltimore and Ohio Railroad Tracks and east of Niles Avenue shall constitute the first ward of the city.

(B) Ward Two. All that portion of the city lying north of the Baltimore and Ohio Railroad Tracks and west of Niles Avenue shall constitute the second ward of the city.

(C) Ward Three. All that portion of the city lying south of the Baltimore and Ohio Railroad Tracks and east of Niles Avenue shall constitute the third ward of the city.

(D) Ward Four. All that portion of the city lying south of the Baltimore and Ohio Railroad Tracks and west of Niles Avenue shall constitute the fourth ward of the city.  
( '69 Code, § 7-2)

Statutory reference:

Division into wards, see ILCS Ch. 65,  
Act 5 § 5-2-4



## Section

## 12.01 Elections

§ 12.01 ELECTIONS.

(A) Elections for city officials shall be held as provided by statute, and at the time prescribed by statute.

(B) The manner of conducting elections and the voting thereat, the keeping of the poll lists and the canvassing of the votes by the judges thereof shall be the same, as nearly as may be, as provided under the general election laws of the state.  
( '69 Code, §§ 7-1, 7-3)

Statutory reference:

Municipal elections, see ILCS Ch. 65,  
Act 5 § 6-3-1 et seq.

