

CHAPTER 01

COMPILATION AND INTERPRETATION

1. **TITLE.** This ordinance shall be known as the "City Code of Decatur."

2. **CONSTRUCTION OF WORDS.** Unless the context requires otherwise, the words and phrases shall have and include the several meanings here given:

"City" - City of Decatur, Illinois.

"Code" - City Code of Decatur and amendments thereto.

"Council" - Council of the City of Decatur.

"Person" - Any firm, corporation or association of any kind, as well as persons of either sex.

"Street" - Any public street or way and any sidewalk or alley or public area in the City of Decatur.

"Seal" - Seal of the City of Decatur.

"Mayor" - The Mayor of the City of Decatur and Local Liquor Control Commissioner, as the case may be.

"Manager" - The City Manager of the City of Decatur.

"In the City" and "Within the City" - All territory over which the City now has or shall hereafter acquire jurisdiction for any lawful purpose.

"Year" - A calendar year unless otherwise expressed.

The words "person, firm or corporation" shall be deemed to include any association or organization of any kind.

The words "This ordinance" wherever used in this Code shall be held and taken to mean the entire Code, including each section thereof.

The words "written" or "in writing" may include printing.

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

Masculine gender shall include feminine gender and vice versa.

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Present tense shall include the future tense.

Reference by number to any Chapter and Section hereof shall be deemed to include the penalty section of said Chapter for violation, if any, and if none, the general penalty section set out in this Chapter.

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 or content may be repugnant thereto.

All general words, provisions, terms and phrases herein contained shall be liberally construed in order that the true intent of the City Council may be carried out. Each section of this Code shall be considered separable. The section captions or headings in this Code are intended for convenience only and are not to be deemed in any manner to modify, explain, enlarge or restrict any of the provisions hereof.

3. **AMENDMENTS.** Any addition or amendment to this Code, when passed in such form as to indicate the intention of the Council to make the same a part of this Code, shall be deemed to be incorporated herein so that a reference to the City Code of Decatur shall be understood to include such amendment or addition.

In case of amendment of any section of this ordinance containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

4. **REVISIONS.** The City Clerk shall prepare and publish revised sheets of each loose leaf page in need of revision by reason of amendment or repeal at intervals not exceeding one

year, upon direction of the Council. Immediately following each revised section shall be given the date of the last amendment of that section.

5. **CLERK'S COPIES.** The Clerk shall keep at least one loose leaf copy of this Code in addition to the record required by law to be kept, and shall keep said loose leaf copy up to date by substituting for the original sheets all revised sheets.

6. **DISTRIBUTION.** All of the printed copies of the Code belonging to the City shall be deposited with the Clerk. The Clerk shall deliver an adequate number of copies thereof to the Legal Department, one copy thereof to the City Manager and the Director of each Department of the City, one copy thereof to each member of the Council, and to such other persons as the Council may direct. The City Manager shall have the power to extend or reciprocate courtesies of other municipalities by presenting to them a copy of this Code at the expense of the City as may seem suitable.

7. **CITATION.** The City Code of Decatur shall be cited by Chapter number and by section number.

8. **REPEALS - EXCLUSIONS.** All general ordinances or parts of general ordinances of the City not included in this Code are hereby expressly repealed, except such ordinances as are referred to therein as being still in force, or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed:

Tax Levy and Abatement Ordinances.

Appropriation Ordinances.

Ordinances Relating to Boundaries, including disconnections and annexations of territory from and to the City.

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Franchise or other ordinances granting special privileges to any person, firm or corporation.

Contract Ordinances and ordinances authorizing the execution of a contract or the issuance of warrants.

Salary and Wage Ordinances.

Ordinances establishing, naming or vacating streets, alleys, easements or public places.

Local Improvement Ordinances, including ordinances establishing special assessment districts.

Ordinances for Bond Issues.

Ordinances relating to elections and precincts.

Ordinances relating to the transfer or acceptance of real estate by or from the City.

Ordinances relating to the transfer or acceptance of personal property by or from the City.

Ordinances relating to Civil Defense, Mutual Aid and Operations.

The Zoning Ordinance and amendments thereto including zonings.

Ordinance Establishing Fire Limits.

Ordinances relating to personnel rules and regulations, but not including the Personnel Ordinance, Ordinance #78-28.

Ordinances, Resolutions and schedules establishing parking meter zones, through streets, one-way streets, loading zones, parking limitations, stop signs, ingress and egress to and from streets and alleys, and yield signs or other traffic and parking regulations.

Ordinances relating to the Motor Fuel Tax and Municipal Retailers Occupation Tax.

Ordinances relating to or granting powers to park districts or sanitary districts.

Ordinances relating to the discharge of sanitary sewage or industrial wastes on public highways or into storm water sewers.

Ordinances relating to awards for suggestions of employees.

Ordinances granting variances and special permits.

Ordinances relating to fiscal policies of the City, including accounting, separation of funds, restrictions on funds, investment of funds and the authorized depositories of the City.

Ordinances relating to settlement of claims against the City.

Right-Of-Way Encroachment Ordinances.

Ordinances relating to the Decatur Housing Authority.

Ordinances authorizing public improvements and approving plans and specifications.

All special ordinances.

Ordinance imposing a Municipal Service Occupation Tax.

Construction ordinances, regulations and specifications.

9. **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 provision for such matters, in which case this ordinance shall be considered as amending such ordinance or ordinances in the respect of such provisions only.

10. **EFFECT OF REPEALS.** Whenever an ordinance or part of this Code shall be repealed or modified by a subsequent ordinance, the ordinance, or part of this Code, or portion thereof repealed or modified shall continue in force until the effective date of such subsequent ordinance following the publication or posting of same when such publication or posting is required by law.

No new ordinance shall be construed or held to repeal a former ordinance or part of this Code, whether such former ordinance or part of this Code 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

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effect, save only that the proceedings thereafter shall conform to the ordinance or portion of this Code 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 City, be 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 any other ordinance.

Nothing contained in this or the two preceding sections shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or 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 City under any section or provision of ordinances existing at the time of passage of this ordinance.

11. **PENALTIES.** Whenever the doing of any act or the omission to do any act or duty is declared to be a breach of any ordinance of the City, or unlawful or is prohibited, and there shall be no fine or penalty prescribed for such breach, any person who shall be convicted of such breach shall be adjudged to pay a fine of not more than Two Hundred Dollars (\$200) for each offense, and whenever a minimum but no maximum fine or penalty is imposed, the Court may, in its discretion, adjudge the offender or offenders to pay any sum of money exceeding the minimum fine or penalty fixed, but not exceeding the sum of Two Hundred Dollars (\$200).

12. **ELECTION BY PROSECUTING OFFICER.** In any case where the same offense is made punishable or is created by different chapters of this Code, or sections or clauses in sections, the Legal Department may elect the section under which to proceed, but no more than one recovery shall be had against the same person for the same offense, provided that revocation of a

license or permit shall not be considered a recovery or penalty so as to bar enforcement in addition to any other penalty imposed.

13. **INVALIDITY.** The validity of any section or chapter hereof shall not in any way affect the validity of any other section or chapter.

14. **REVIVAL.** When any ordinance repealing a former ordinance, clause or provision shall be subsequently repealed, such repeal shall not be construed to revive the former ordinance, clause or provision.