

# VILLAGE OF CULLOM ORDINANCES

## CHAPTER 17

### THE CODE

**Section I: (*Title*)** This ordinance shall be known as the “Municipal Code of the Village of Cullom, Illinois of 2014”.

**Section II: (*Construction of Words*)** Whenever any word in any chapter or section of this ordinance importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although the distributive words may not have been used. When any subject matter, party or person is referred to in this ordinance by words importing the singular number only, or the masculine gender, several matters, parties or person and females as well as males and bodies corporate shall be deemed to be included. The words “*person, firm or corporation*” shall be deemed to be included any association or organization of any kind. Words in the present shall include the future. The words “*this ordinance*” whenever used in this case shall be held to mean the entire code, including each and every section thereof. The word “*village*” whenever used in this ordinance shall be held to mean the Village of Cullom, Illinois. The words “*written*” and “*in printing*” may include printing.

**Section III: (*Penalties*)** In all cases where the same offense is made punishable or is created by different clauses or sections of this ordinance the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever in this ordinance a minimum but not a maximum fine or penalty is imposed, the Court may in its discretion fine the offender any sum exceeding the maximum fine or penalty but not exceeding Five Thousand Dollars (\$5,000.00)

Whenever in this ordinance the doing of any act or the omission to do any act constitutes a breach of any section or provision of this ordinance and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such

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breach shall be fined not less than Five Hundred Dollars (\$500.00) and no more than Five Thousand Dollars (\$5,000.00) for each offense.

Any violations of the provisions or sections of this Ordinance shall be prosecuted by either the Village Attorney or the State's Attorney's Office of Livingston County, Illinois.

If legal proceedings are instituted by the Village to collect any unpaid bills or other money due to the Village or to require compliance to any Village ordinances or provisions thereof, the defendants in such lawsuits shall also be liable to the Village for all court costs, expenses, and reasonable attorney's fees incurred with respect to said proceedings.

**Section IV: (*Intent*)** All general provisions, terms, phrases, and expressions contained in this ordinance shall be liberally construed in order that the true intent of the President and Board of Trustees may be fully carried out.

**Section V: (*Reference to Code – Amendments*)** Any addition or amendments to this code, when passed in such form as to indicate the intention of the President and the Board of Trustees to make the same a part of this ordinance shall be deemed to be incorporated in this ordinance so that reference to the Municipal Code of Cullom, Illinois, shall be understood to include them.

**Section VI: (*Penalties*)** 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 that section shall be held to relate to the amended section or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

**Section VIII: (*Recording Amendments*)** It shall be the duty of the Village Clerk to keep at least one copy of the 2014 Municipal Code of Cullom, Illinois, which he or she shall mark in the following manner: Whenever any ordinance which amends or makes an addition to the Code is passed and approved, he or she shall note on the margin on the

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section or sections amended that such amendment has been made, with a reference in the amendment, hereinafter described, where the amendment may be found, and in the case of an addition, he or she shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned book.

The Village Clerk shall also keep a separate book containing every amendment or addition passed to this Code, with a reference on each copy of such amendment or addition as to the place in the record of ordinances where the original ordinance may be found.

The above-mentioned records shall be kept in addition to the record of ordinances, which the Village Clerk is required to keep by statute.

**Section VIII: (*Repealing Clause*)** The Municipal Code of the Village of Cullom, Illinois of 1989, prior Nuisance Ordinance and prior Mobile Home Ordinance are hereby repealed effective upon this Ordinance's effective date, except such as are referred to herein as being in force or are by necessary implication herein reserve from repeal, from which are excluded the following ordinances:

1. Appropriation ordinances
2. Tax levy ordinances
3. Zoning and subdivision ordinances
4. Ordinances relating to boundaries, annexations and dedications
5. Franchise and other ordinances granting special rights to persons and corporations
6. Contract ordinances
7. Ordinances authorizing the execution of a contract or the issuance of warrants
8. Salary ordinances
9. Ordinances establishing, dedicating, naming or vacating streets, alleys or other public places
10. Improvement ordinances
11. Bond ordinances
12. Ordinances relating to elections



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13. Ordinances relating to the transfer or acceptance of real estate by or from the Village
14. Ordinances establishing social security or other governmental obligations
15. Ordinances specifically designating through streets or on-way streets and alleys
16. All special ordinances
17. Any money or finance ordinance

However, it is explicitly ordained that all actions, offenses, governance, etc. taking place prior to this Ordinance's effective date shall be governed by the Municipal Code of the Village of Cullom, Illinois of 1989, prior Nuisance Ordinance and prior Mobile Home Ordinance.

**Section IX: (*Public Utility Ordinances*)** No ordinances relating to railroads or railroad crossing with streets and other public ways, or relating to the conduct, duties, serving or rates of public utilities shall be repealed by the virtue of the passage of this ordinance or by virtue of the preceding section, excepting as the Code may contain provisions for such matters, in which case this ordinance shall be construed as amending such ordinance or ordinances in the respect of such provisions only.

**Section X: (*Pending Suits*)** No new ordinance shall be construed or held to repeal a former ordinance, whether such 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 ordinances take effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated by such provision of a new ordinance, such provision may, by consent of the party affected, be applied to any judgment announced after the new ordinance takes effect.

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This section shall extend to all repeals, either by express words or by 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 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 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 Village under any section or provision of ordinances existing at the time of the passage of this ordinance.

**Section XI: (*Severability Clause*)** If any section, subsection, paragraph, sentence, clause or phrase of this Municipal Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof.

**Section XIII: (*Enacting Clause*)** This ordinance, the same being designated herein as the "Municipal Code of the Village of Cullom, Illinois of 2014" shall take effect in thirty (30) days from and after its passage.

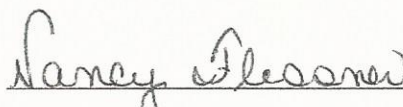
PASSED by the President and the Board of Trustees of the Village of Cullom, Illinois this 26<sup>th</sup> day of August, 2014

APPROVED:



Barbara Hahn, Village President

ATTEST:



Nancy Flessner, Village Clerk