

## CHAPTER 1

### GENERAL PROVISIONS

**Section 1-101. Adoption of Code; Effective Date; Repealer.** This code is hereby adopted and enacted as and for the Municipal Code of Oakwood Hills, and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed and approved on or before December 13, 1993.

All provisions of this code shall be in full force and effect from and after June 1, 1994, and all ordinances of a general nature and permanent nature (but excluding ordinances approving annexation agreements, annexing territory, zoning property, appropriation and levy ordinances, and building ordinances) enacted prior to December 31, 1993 are repealed from and after the effective date hereof, provided that such repeal shall not be construed to reverse any ordinance, or part thereof, that has been repealed by a subsequent ordinance. All ordinances enacted subsequent to December 31, 1993 are adopted and made part of this code.

#### **Section 1-102. Code References.**

##### **A. Citation.**

This code shall be known as the "Municipal Code of Oakwood Hills" and it shall be sufficient to refer to said code as the "Municipal Code" in any prosecution of a violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Municipal Code of Oakwood Hills. Further, reference may be had to the chapters, sections, and subsections of the Municipal Code of Oakwood Hills and such references shall apply to that numbered chapter, section or subsection as it appears in the code.

##### **B. Reference Applies to all Amendments.**

Whenever a reference is made to this code as the Municipal Code of Oakwood Hills or to portion thereof, or to any ordinance of the Village of Oakwood Hills, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter, made.

##### **C. Chapter and Section Headings.**

Chapter and section headings contained in the Municipal Code of Oakwood Hills shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter or section hereof.

**D. Reference to Specific Ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

**Section 1-103. Effect of Code on Past or Pending Actions and Obligations.** Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance of the Village shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior or the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

**Section 1-104. Rules of Construction and Definitions.** In the construction of the Code and of all ordinances, the rules and definitions set out in this Section shall be observed, unless such construction would be inconsistent with the manifest intent of the Village Board. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain an express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

**Generally.** All general provisions, terms, phrases and expressions contained in the Code shall be liberally construed in order that the true intent and meaning of the Village Board may be fully carried out.

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

**Clerk.** Clerk shall mean the Village Clerk of the Village of Oakwood Hills, Illinois.

**Code.** Code shall mean the Municipal Code of the Village of Oakwood Hills, Illinois.

**Computation of Time.** Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be held shall not be counted.

**Corporate or Village Limits.** The term "corporate limits" or "Village limits" shall mean the legal boundaries of the Village of Oakwood Hills.

**County.** The words "the County" or "this County" shall mean the County of McHenry in the State of Illinois.

**Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other Village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate, and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.

**Gender.** A word importing the masculine gender only shall also extend and be applied to the female gender and to firms, partnerships and corporations.

**ILCS** shall mean Illinois Compiled Statutes.

**Joint Authority.** All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**Mayor** shall mean the President of the Village of Oakwood Hills.

**Month.** The word "month" shall mean a calendar month.

**Municipal Code** shall mean Municipal Code of Oakwood Hills.

**Non-Technical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**Oakwood Hills** means the Village of Oakwood Hills, Illinois.

**Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

**Officers Generally.** Whenever any officer is referred to by title, such as "Clerk", "Chief of Police", etc., such reference shall be construed as if followed by the words "of the Village of Oakwood Hills, Illinois".

**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, or tenant by the entirety, of the whole or of part of such building or land.

**Person.** The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

**Personal Property** includes every species of property except real property, as herein described.

**President** shall mean the President of the Village of Oakwood Hills.

**Property.** The word "property" shall include real and personal property.

**Real property** shall include lands, tenements and, hereditaments.

**Shall, may.** The word "shall" is mandatory. The word "may" is permissive.

**State.** The words "the State" or "this State" shall be construed to mean the State of Illinois.

**Street.** The word "street" shall be construed to embrace streets, avenues, boulevards, roads, and all other public ways in the Village, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

**Tenant or Occupant.** The words "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

**Trustees** shall mean members of the Board of Trustees of the Village of Oakwood Hills, Illinois.

**Village** shall mean the Village of Oakwood Hills, Illinois.

**Village Board, Board.** Whenever the words "Board" or "Village Board" are used, they shall be construed to mean the Board of Trustees of the Village of Oakwood Hills, Illinois.

**"Written," or "in writing"** shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**Year.** The word "year" shall mean calendar year.

**Section 1-105. Catchlines of Sections.** The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

**Section 1-106. Ordinance Numbering System.** All ordinances passed subsequent to the adoption of this code shall be assigned an ordinance number by the Clerk consisting of three hyphenated numbers. The first number shall consist of the last two digits of the calendar year in which the ordinance was passed. The second number shall identify the month in which the ordinance was passed by the number of the month of that year. The last number shall identify the number of ordinances, including the subject ordinance, which was passed

during that month. (Illustration: the third ordinance passed in October, 1993 would be assigned the following ordinance number, to-wit: 93-10-3).

**Section 1-107. Unauthorized Alteration the Code.** It shall be unlawful for any person in the Village to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby.

**Section 1-108. Effect of Repeal of Ordinances.** When any ordinance repealing a former ordinance or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance or provision unless it shall be therein so expressly provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

**Section 1-109. Severability of Parts of Code.** The sections, paragraphs, sentences, and phrases of this Code are severable, and if any phrase, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionally, invalidity or unenforceability shall not affect any of the remaining phrases, sentences, paragraphs and sections of this Code.

**Section 1-110. General Penalty for Violations of Code.** Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful or a misdemeanor, 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 or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punished by a fine not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

**Section 1-111. Register of Ordinances.** All ordinances which have been adopted shall be kept by the Clerk in a permanent Register of Ordinances in numerical sequence by ordinance number. Said Register of Ordinances shall contain a current Table of Contents listing each ordinance by ordinance number in numerical sequence and opposite thereto specifying the section of the Code which it amends or affects

**Section 1-112. Distribution of Code.** All of the printed copies of this Code belonging to the Village shall be deposited with the Village Clerk who shall deliver one (1) copy thereof to the Village President, each member of the Board, police officers, Village Attorney, and to such other persons as the Board may direct.

**Section 1-113. Charge for the Code.** A reasonable charge to defer the cost of printing and handling may be made to any person who shall desire copies of this Code, not entitled to a copy under Section 1-112, and such sums shall be collected by the Village Clerk.

**Section 1-114. Payment of Village Fees and Debts by Use of Voluntary Option for an Automated Credit Card Transaction and Payment of a Convenience and Administrative Fee. (Amended by Ordinance No.19-09-01)** The Village may offer the option for residents and non-residents' bills or debts owed to the Village to be paid for by use of an automated credit card transaction. This method of payment shall always be a voluntary option and no one will be required to pay their bill or debt by credit card, which also may include the payment of a convenience and/or administrative fee as may be set from time to time by the Village Board. A person has the choice of using any of the other methods available for payment of fees or debts owed to the Village that do not charge a convenience and/or administrative fee.

**Section 1-115. Voluntary Settlement Regarding Ordinances. (Amended by Ordinance No.19-09-01)** Any of the following described offenses arising under the Municipal Code of the Village of Oakwood Hills, Illinois, as amended, may be settled and compromised by the offender within the time hereinafter specified, by payment to the Village of Oakwood Hills, Illinois, the sum of money herein set forth opposite such offense in the **Section 1-116 Table of Fees**.

**Section 1-116 Table of Fees (Amended by Ordinance No.19-09-01)**

<u>Offense</u>	<u>Municipal Code</u>	<u>Penalty if paid date on ticket before “due” date and on or before “final.”</u>	<u>Penalty if paid after “final due date on ticket notice”</u>
<b>Animals</b>			
Dogs running at large	Section 4-101	\$50.00	\$75.00
Noisy animals	Section 4-209	\$50.00	\$75.00
<b>Beaches and Lakes</b>			
Motor vehicles in park	Section 5-103	\$100.00	\$120.00
Animals on beaches	Section 5-107	\$50.00	\$75.00
Motors on lake	Section 5-108	\$100.00	\$120.00
Motorized vehicles on lake	Section 5-111	\$100.00	\$120.00
Boat / Floatation device	Section 5-115	\$50.00	\$75.00
Use and launch regulation	Section 5-201(C)	\$50.00	\$75.00
Fishing regulations	Section 5-112	\$50.00	\$75.00
Fish limit / size requirements	Section 5-112 (B)	\$50.00	\$75.00
<b>Health and Sanitation</b>			
Garbage/Refuse	Section 9-101 to 9-104	\$50.00	\$75.00
Open burning	Section 9-303	\$50.00	\$75.00
<b>Road Weight Restrictions</b>			
Overweight/Dimension Vehicles	Section 11-102	\$100.00	\$120.00
Permits for overweight/Dimension vehicles	Section 11-103	\$100.00	\$120.00
Prohibited vehicles	Section 11-104	\$100.00	\$120.00
Permitted vehicles	Section 11-105	\$100.00	\$120.00
Temporary prohibition Of vehicles	Section 11-106	\$100.00	\$120.00
<b>Motor Vehicles and Traffic</b>			
Vehicle stickers	Section 12-11-101	\$50.00	\$75.00
License sticker	Section 12-11-108	\$50.00	\$75.00
Handicapped parking	Section 12-11-1301.3	\$250.00	\$250.00
Parking regulations	Section 12-11-1304	\$50.00	\$75.00
Parking second Division vehicles	Section 12-11-1304(d)(3)	\$50.00	\$75.00
Municipal parking lots	Section 12-11-1304(d)(4)	\$50.00	\$75.00
Snow removal	Section 12-11-1304(d)(5)	\$50.00	\$75.00
Vehicles for sale	Section 12-11-1304(d)(6)	\$50.00	\$75.00
Private property	Section 12-11-1304(d)(8)	\$50.00	\$75.00
Parking		\$50.00	\$75.00
All night parking	Section 12-11-1304(d)(9)	\$50.00	\$75.00

Junk vehicles	Section 12-11-1801	\$50.00	\$75.00
Snowmobiles in village	Section 12-11-2000	\$50.00	\$75.00
Bicycles	Section 12-11-1501	\$50.00	\$75.00
Projected loads	Section 12-15-106	\$50.00	\$75.00
Lights	Section 12-201	\$50.00	\$75.00
Signal lamps	Section 12-208	\$50.00	\$75.00
Brakes	Section 12-301	\$50.00	\$75.00
Clear vision	Section 12-503	\$50.00	\$75.00
Horn	Section 12-601	\$50.00	\$75.00
Muffler	Section 12-602	\$50.00	\$75.00
<b>Nuisances</b>			
Plant and Weed Nuisance	Section 13-102 1 <sup>st</sup> offense:	\$50.00	\$75.00
	2 <sup>nd</sup> offense:	\$75.00	\$100.00
	3 <sup>rd</sup> offense:	\$100.00	\$200.00
Construction noise	Section 13-104	\$50.00	\$75.00
Loud music	Section 13-107	\$50.00	\$75.00
<b>Offenses Miscellaneous</b>			
Curfew	Section 14-101	\$50.00	\$75.00
Littering	Section 14-103	\$50.00	\$75.00
Fireworks	Section 14-106	\$50.00	\$75.00
Burning in rights of way	Section 14-108	\$50.00	\$75.00
Reckless conduct	Section 14-110	\$100.00	\$120.00
Improper snow/ice placement	Section 14-115	\$50.00	\$75.00
<b>Parks and Recreation</b>			
Motor vehicles in park	Section 15-103	\$100.00	\$120.00
Spilling loads	Section 15-109	\$100.00	\$125.00
Animals in park	Section 15-124	\$50.00	\$75.00
Vending or peddling in park	Section 15-131	\$100.00	\$120.00
<b>Solicitors</b>			
Soliciting without Permit	Section 19-101	\$100.00	\$120.00