

**CHAPTER 1
GENERAL PROVISIONS**

- 1.01 Bull Valley Municipal Code
- 1.02 Definitions
- 1.03 Repeal of Ordinances
- 1.04 Ordinances Repealed Not Reenacted
- 1.05 Jurisdiction
- 1.06 Penalties
- 1.07 Settlement of Offenses
- 1.08 Municipal Bond Fees
- 1.09 Separability of Provisions

1.01 **BULL VALLEY MUNICIPAL CODE**

A. Title. This Code of Ordinance may be known and cited as the Bull Valley Municipal Code.

B. Amendments. Any additions or amendments to this Code are incorporated in this Code so that a reference to the Bull Valley Municipal Code includes such additions and amendments.

C. Numbering of 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.

1.02 **DEFINITIONS** *Amended, 06-07-17*

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:

Village: Bull Valley, Illinois

Chapter: When “Chapter” appears within a chapter of this Code, it means that particular chapter.

County: McHenry County

Section: Wherever “Section” appears within a particular section number of this Code, it means that particular section. For example, if “Section” appears within

Section 1.01 of this Code, Section means Section 1.01. When a number is included with the word "Section," it shall mean that section number of this Code.

State: State of Illinois

Village Board or Board: The President and Board of Trustees of the Village of Bull Valley.

Board of Trustees: The Board of Trustees of the Village of Bull Valley.

Village Clerk: The Village Clerk of the Village of Bull Valley and similarly any reference to any Officer, Board or Commission means such Officer, Board or Commission of the Village of Bull Valley unless otherwise stated.

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. The plural includes the singular. The masculine gender includes the feminine and neuter genders.

Illinois Revised Statutes: The 1987 edition of the Illinois Revised Statutes and when later editions are published the latest publication thereof.

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

This code: The Bull Valley Municipal Code.

1.03 **REPEAL OF ORDINANCES**

A. All general ordinances or parts previously adopted by the President and Village Board of Trustees 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 relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
5. Ordinances respecting the annexation of territory to the Village, or the conveyance or acceptance of real property or easements in real property;

6. Ordinances authorizing or relating to particular public improvement;
7. Ordinances relating to zoning and subdivisions;
8. 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 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.

1.04 **ORDINANCES REPEALED NOT REENACTED**

No ordinance or part of any ordinance previously repealed shall not 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 validation already effected thereby.

1.05 **JURISDICTION**

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

1.06 **PENALTIES** *Amended, 98-99-15, 98-99-12, 2013-14-09*

A. Standard Penalty. Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted herein by reference, shall upon conviction, be subject to a fine pursuant to Appendix A of this Code plus the costs of prosecution including reasonable attorney fees incurred by the Village.

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 Village, upon order of the court before whom the conviction is had, may be committed to the County or State jail, as provided by law, or to any other place provided by statute.

C. Violation Timeframe. Each act of violation and each day upon which a violation occurs 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 Village 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. Collection. In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Village and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

H. The Village hereby imposes a fee of \$20 for bail processing against any person arrested for violating a bailable municipal ordinance or a state of federal law.

1.07 **SETTLEMENT OF OFFENSES** *Amended, 2011-12-21; 2013-14-6, 2014-15-12*

A. Payments. The described offenses listed in Appendix A of this Code or arising under the ordinances of the Village may be settled and compromised by the offender in the following manner:

When settlement payment is made within 10 days after the time a notice is delivered to the offender, settlement payment shall be the minimum dollar amount listed. When the settlement payment is not made within 10 days after a notice is delivered, the offender settlement shall be doubled. In the event that doubled sum exceeds \$750.00, the settlement payment shall not exceed \$750.00.

B. Settlements. Settlement payments shall be made to the Village Police Department, who shall provide the alleged offender with a receipt in the amount of such payment. As a condition precedent to the right of an offender to settle under this Section, the offender may be required to have first corrected the violating offense (i.e. nuisance removed, appropriate license/permit purchased, etc.)

C. Disposition of Payments. The amounts paid to the Village Police Department in settlement of the foregoing claims shall be promptly deposited by the Village Police Department with the Village Clerk. Upon receipt by the Village Treasurer, the amounts shall be credited by the Treasurer to the General Fund.

D. Prosecution. The Village shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment as provided in Section 1.07-A. If settlement payment is not received and the offense is not corrected to pursuant to Section 1.07-A, the Village may have a sworn complaint issued and prosecute the matter in either the Village's

municipal court or the Circuit Court and the respondent shall be responsible for the fines and court costs imposed by either the Administrative Law Judge or Circuit Court Judge.

1.08 **MUNICIPAL BOND FEES** *Amended, 2013-14-6*

A fee of \$20.00 for bail processing shall be charged against any person arrested for violating a bailable municipal ordinance or a state or federal law.

1.09 **SEPARABILITY 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.