

**CHAPTER 1**  
**GENERAL PROVISIONS**

AN ORDINANCE ESTABLISHING AND ADOPTING A  
COMPREHENSIVE MUNICIPAL ORDINANCE BOOK FOR THE  
CITY OF ST. ELMO, ILLINOIS

BE IT ORDAINED BY THE MAYOR AND BOARD OF  
TRUSTEES OF THE CITY OF ST. ELMO, ILLINOIS;

CHAPTER 1

GENERAL PROVISIONS

- 1-1-1      SHORT TITLE, CONTENTS  
This Ordinance shall be known as and may be cited as the MUNICIPAL ORDINANCES.
- 1-1-2      AMENDMENTS  
Any additions or amendments to this Municipal Ordinances book shall be deemed to be incorporated in this Municipal Ordinances book so that a reference to the St. Elmo Municipal Ordinances shall be understood as including them.
- 1-1-3      ORDINANCE RECORDS  
All ordinances adopted by the Board of Alderman shall be filed, recorded and preserved in the office of City Hall. The City Clerk may correct any errors in the numbering of any chapter, article, section or ordinance, and insert the proper numbers; he may omit words inserted by clerical mistake, or supply, with brackets, words omitted by clerical mistake. He shall attest, at the foot of the record of each ordinance a memorandum of the date of its adoption and publication, when publication is required.
- 1-1-4      PUBLICATION OF ORDINANCES  
The City Clerk shall cause every ordinance of the city imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation (a) to be published in book or pamphlet form by authority of the Board, or (b) published at least once, within 10 days after passage, in one or more newspapers published in the city, or if no newspaper is published therein, then in one or more newspapers having a general circulation within the city.
- 1-1-5      PERMANENT COPIES FOR RECORD  
The City Clerk shall keep two permanent record copies of this Municipal Ordinances Book bound as the City Clerk determines, so that all amendments and additions thereto may be inserted in their appropriate places in such volumes and all parts repealed removed. Said record copies shall be maintained in such condition that they constitute a

current record of the effective provisions of this Municipal Ordinances book.

In determining whether or not any Ordinance hereafter passed, or any part thereof, shall be inserted in such record copies and in determining the form, chapter, or section in which it shall be inserted, and in determining what shall be deleted, the Clerk shall be guided by the advice of the City Attorney.

1-1-6

#### DISTRIBUTION

All published copies of this Municipal Ordinances book except, such as shall be reserved by the City Attorney for his use shall be deposited with the City Clerk. He shall deliver one copy thereof to each of the following: The Mayor, Aldermen, Chief of Police, Superintendents of Water and Sewer, and Streets and Alleys. Printed copies of this Municipal Ordinances book shall be available for sale at such price as the Board of Aldermen shall fix. Revised Ordinance sheets shall be provided by the City Clerk to all purchases of copies of said Municipal Ordinances book upon payment of an annual subscription price fixed by the Board of Aldermen. The Mayor shall have power to reciprocate courtesies of other cities, by presenting to each a copy of the Municipal Ordinances book bound at the expense of the city in such manner as to him may seem suitable.

1-1-7

#### NUMBERING

Each section number shall consist of three component parts. The first digit shall refer to the chapter number, the second digit shall refer to the division within the chapter; and the third digit shall refer to the position of the section within the division or chapter as the case may be; provided that where a subdivision is divided into subdivisions, letters of the alphabet will be used further to divide the subdivision.

1-1-8

#### NUMBERING OF ADDITIONS

Additions to the Municipal Ordinances book introduced in the Board of Aldermen shall be submitted by the City Clerk to the City Attorney, for numbering before passage. In case any amendment is passed without having been properly numbered, the City Clerk, before the next regular meeting of the Board of Aldermen shall refer 1-1-8 the same to the City Attorney, for appropriate (cont.) action.

1-1-9

#### DEFINITIONS

Unless the context requires other interpretation, the following words and terms are defined, for the purpose of this Code, as follows:

City: City of St. Elmo, Illinois;

State: State of Illinois;

Clerk: City Clerk of the City of St. Elmo, Illinois;

Mayor: The Mayor of the City of St. Elmo, Illinois;

Superintendents: The Superintendents of Public Works, and Streets and Alleys of the City of St. Elmo, Illinois;

City Attorney: The City Attorney of the City of St. Elmo, Illinois;

Treasurer: The Treasurer of the City of St. Elmo, Illinois;

Person: Any natural person, firm, trust, partnership, association, or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver, or other representative appointed by the court. Whenever the word "person" is used in any section of this Municipal Ordinances book prescribing a penalty or fine as applies to partnerships or associations, the word shall include the partners, or members thereof, and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section;

Public Way: Any sidewalk, street, alley, highway, or other public thoroughfare;

Code: the St. Elmo Municipal Ordinances book and all amendments thereto;

Board or City Council: Board of Aldermen of the City of St. Elmo, Illinois.

1-1-10

#### USE OF WORDS

Whenever any words in any section of this Code import the plural number, the singular shall be deemed to be included, and whenever the singular number shall be used, it shall be deemed to include the plural.

Whenever the masculine gender is used in this Code, females as well as males shall be deemed to be included.

Words in the present tense shall be deemed to include the future tense.

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

The word "shall" as used in this Code is mandatory.

- 1-1-11      REFERENCE TO SECTION INCLUDES PENALTY  
Reference to any Chapter of this Code shall be understood to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- 1-1-12      SEPARABILITY OF PROVISIONS  
Each section, paragraph, sentence, clause, word 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.
- 1-1-13      AMENDMENTS-CONFLICTING PENALTIES  
In case of the amendment of any section of this Code containing 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, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.
- 1-1-14      VIOLATION OF ORDINANCES, ADDITIONAL OFFENSE  
Unless otherwise provided, a separate offense shall be deemed committed for each day a violation of any provision of this Code continues, or occurs.
- 1-1-15      FINES AND PENALTIES  
Except where otherwise specifically provided, any person violating any provision of this Code, upon conviction therefore, shall be deemed guilty of a misdemeanor, and shall be fined no less than one dollar nor more than five hundred dollars. Persons failing to pay fines may be imprisoned in the county or city jail until such fine is satisfied, but the period of such imprisonment shall not exceed 6 months for one offense. Persons imprisoned for nonpayment of fine shall be given credit of five dollars upon their fine for each day of imprisonment and may be assigned city work under supervision of the Chief of Police.
- 1-1-16      ONE OFFENSE WITH MULTIPLE SECTION VIOLATION - ELECTION  
In all cases where the same offense is made punishable, or is created by different clauses or sections of this Code, the City Attorney may elect under which to proceed: but not more than one recovery shall be had against the same person for the same offense.

1-1-17

ORDINANCES REPEALED BY CODE

The repeal of a repealed ordinance shall not revive the ordinance or parts thereof originally repealed. All other ordinances or parts thereof which are in conflict with the provisions of this Code are hereby repealed. All ordinances and parts of ordinances of the city not repealed hereby shall continue in full force and effect.

This ordinance shall be published in book form on March 6, 1989 and shall be in full force and effect after that date.