

GENERAL PROVISIONS

Chapter 1.04

GENERAL PROVISIONS

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1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of St. Charles, Kane and DuPage Counties, Illinois, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and, more particularly, directed to the use of such words or phrases:

- A. "City" and "town" each mean the city of St. Charles, Kane and DuPage Counties, Illinois, or the area within the territorial limits of the city of St. Charles, Kane and DuPage Counties, Illinois, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of St. Charles. "All its members" or "all councilmen" means the total number of councilmen holding office.
- C. "Law" denotes applicable federal law, the Constitution and statutes of the state of Illinois, the ordinances of the city of St. Charles and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- D. "May" is permissive.
- E. "Month" means a calendar month.
- F. "Must" and "shall" are each mandatory.
- G. "Oath" includes an affirmation or declaration 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."
- H. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- I. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trustee, land trustee or the beneficiary of said land trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- J. "Personal property" includes money, goods, chattels, things in action, evidences of debt, and every species of property except real property as herein described.

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- K. "Property" includes real and personal property.
- L. "Real property" includes lands, tenements and hereditaments.
- M. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.
- N. "State" means the state of Illinois.
- O. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- P. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- Q. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- R. "Year" means a calendar year.
(Added during 1979 codification.)

1.04.020 Distinction between wholesaler and retailer.

In all cases where the words "wholesaler" or "wholesale dealer" are used in this code, 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. (Prior code § 29.103.)

1.04.030 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Added during 1979 codification.)

1.04.040 officers and employees - References - Liability for fines and penalties.

- A. Whenever reference is made in this code to a city officer or employee by title only, this shall be construed as though followed by the words "of the city of St. Charles," and shall be taken to mean the officer or employee of this city having the title mentioned or performing the duties indicated.
- B. No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty unless the intention of the city council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Prior code § 29.105.)

1.04.050 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1979 codification.)

1.04.060 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.

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- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
 - C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- (Added during 1979 codification.)

1.04.070 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1979 codification.)

1.04.080 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Added during 1979 codification.)

1.04.090 Computation of time.

Except when otherwise provided, the time within an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 1979 codification.)

1.04.100 Construction.

The provision of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Added during 1979 codification.)

1.04.110 Intent.

All general provisions, terms, phrases, and expressions contained in this code shall be liberally construed in order that the true intent of the mayor and city council may be fully carried out. (Prior code § 29.106.)

1.04.120 Reference to code.

Any addition or amendments to this code, when passed in such form as to indicate the intention of the mayor and city council to make the same a part of this code shall be deemed to be incorporated in this code so that a reference to the municipal code of St. Charles shall be understood to include them. (Prior code § 29.201.)

1.04.130 Recording amendments.

It shall be the duty of the city clerk to keep at least one copy of the municipal code of St. Charles which he shall mark in the following manner: Whenever any ordinance which amends or makes an addition to the code is passed and approved, he shall note on the margin of the section or sections amended that such amendment has been made, with a reference to the amendment, hereinafter described where the amendment may be found, and in the case of an addition, he shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book. (Prior code § 29.203.)

1.04.140 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1979 codification.)