

## Chapter 95 – CODE CODIFICATION & STRUCTURE

### Sec. 95-1 How Code Designated and Cited

The Ordinances embraced in the following chapters and sections shall constitute and be designated the "DeKalb County Code," and may be so cited.

*(Code 1979, § 1-1)*

### Sec. 95-2 Rules of Construction and Definitions

In the construction of this Code and of all Ordinances and Resolutions, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the County Board. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

*Formatting.* The Editor of the Code is authorized to make formatting changes to the Code in regards to such things as spelling, capitalization, punctuation, spacing, numbers, and gender.

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the County Board may be fully carried out. In the interpretation and application of any provisions of this Code, they 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 provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

*Code.* The words "Code" or "this Code" shall mean the DeKalb County Code.

*Computation of time.* The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded.

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

*County Board or Board.* The words "County Board" or "Board" shall mean the County Board of DeKalb County, Illinois.

*Court or circuit court.* The words "court" or "circuit court" shall mean the circuit court of the sixteenth judicial circuit.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other County 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.

*Electors.* The term "electors" shall mean persons qualified to vote for elective officers at County elections.

*Gender.* A word importing the masculine gender only shall extend and be applied to females.

*ILCS.* "ILCS" means the Illinois Compiled Statutes.

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

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

*Nontechnical 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.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, and words importing the plural number may include the singular.

*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 and employees generally.* Whenever any officer or employee is referred to by title, such as "County Clerk," "County Treasurer" or "Sheriff," such reference shall be construed as if followed by the words "of DeKalb County."

*Or, and.* "Or" may be read "and," and "and" may be read "or," if the sense requires it.

*Ordinances.* "Ordinances" shall mean Ordinances of DeKalb County and all amendments thereto.

*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 a part of such building or land.

*Person.* The word "person," as well as all words referring to or importing persons, may extend and be applied to bodies politic and corporate as well as individuals.

*Personal property.* "Personal property" includes every species of property except real property, as described in this section.

*Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.

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

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

*Resolution.* "Resolution" shall mean all Resolutions of DeKalb County and all amendments thereto.

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

*Signature or subscription.* A signature or subscription includes a mark when the person cannot write.

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

*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 lands, either alone or with others.

*Tense.* Words used in the present tense include the future.

*Wholesale, wholesaler, etc.* In all cases where the words "wholesale," "wholesaler" or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

*Written and in writing.* "Written" and "in writing" may include printing and any other mode of representing words and letters; but when the written signature of any person is required by law to any official or public writing or bond, required by law, it shall be in the proper handwriting of such person or, in case he is unable to write, his proper mark, except as otherwise provided by law.

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

(Code 1979, § 1-2; Ord. No. 2018-51, 11-21-2018 )

*State Law reference — Similar rules of statutory construction, 5 ILCS 70/0.01 et seq.*

### **Sec. 95-3 Jurisdiction of Code**

Unless otherwise provided, this Code shall apply to all acts performed within the unincorporated areas of the County.

*(Code 1979, § 1-3)*

### **Sec. 95-4 Catchlines of Sections and Other Headings**

The catchlines of the several subsections, sections, divisions, articles and chapters of this Code printed in boldface, italic or roman type are intended as mere catchwords to indicate the contents of the subsection, section, division, article or chapter and shall not be deemed or taken to be the title of such subsections, sections, divisions, articles or chapters, nor as any part of the subsection, section, division, article or chapter, nor, unless expressly so provided, shall they be so deemed when any of such subsections, sections, divisions, articles or chapters, including the catchlines, are amended or reenacted.

*(Code 1979, § 1-4)*

### **Sec. 95-5 References and Notes**

Cross references, state law references, editor's notes and history notes are by way of explanation only and shall not be deemed a part of the text of any section of this Code.

### **Sec. 95-6 Amendments to Code**

- A. All Ordinances, Resolutions or motions passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent Ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and such subsequent provisions as numbered and printed, or omitted, in the case of repeal, shall be prima facie evidence of them until such time as this Code and subsequent provisions numbered or omitted are readopted as a new code by the County Board.
- B. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section \_\_\_\_\_ of the DeKalb County Code, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.
- C. If a new section not heretofore existing in this Code is to be added, the following language may be used: "DeKalb County Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads as follows:...." The new section shall then be set out in full as desired.

*(Code 1979, § 1-5)*

### **Sec. 95-7 Supplementation of Code**

- A. By contract or by County personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the County Board. A supplement to the Code shall include all substantive parts of permanent and general Ordinances passed by the County Board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest Ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- C. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in Ordinances and parts of Ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
  - 1. Organize the Ordinance material into appropriate subdivisions.
  - 2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
  - 3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
  - 4. Change the words "this Ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the Ordinance incorporated into the Code).
  - 5. Make other nonsubstantive changes necessary to preserve the original meaning of Ordinance sections or the alphabetical arrangement of new chapters inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of Ordinance material included in the supplement or already embodied in the Code.

### **Sec. 95-8 Effect of Repeal of Ordinance, Resolution, etc.**

- A. When any Ordinance, Resolution or motion repealing a former Ordinance, Resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former Ordinance, Resolution, motion, clause or provision unless it shall be therein so expressly provided.
- B. The repeal of an Ordinance, Resolution or motion 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, Resolution or motion repealed.

*(Code 1979, § 1-6)*

### **Sec. 95-9. - Ordinances Not Affected by Adoption of Code**

The repeal provided for in the Ordinance adopting this Code shall not affect any of the following:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code. If any penalty, forfeiture or punishment is mitigated by any provision of a new Ordinance, such provision may, by the consent of the party affected, be applied to any judgment announced after the new Ordinance takes effect.
2. Any Ordinance or Resolution promising or guaranteeing the payment of money for the County, or authorizing the issuance of any bonds of the County or any evidence of the County's indebtedness, or any contract or obligation assumed by the County.
3. Any right or franchise granted by any Ordinance of the County, except as this Code may contain provision for such matters, in which case this Code shall be considered as amending such Ordinance in respect of such provisions only.
4. Any Ordinance dedicating, accepting the dedication of, naming, establishing, locating, opening, closing or restricting travel on, paving, widening, vacating, etc., any road, street, alley, public way or public park in the County.
5. Any appropriation Ordinance.
6. Any Ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers not inconsistent with this Code.
7. Any Ordinance rezoning specific property or any amendment thereto.
8. Any Ordinance establishing or prescribing grades in the County.
9. Any Ordinance providing for local improvements and assessing taxes therefor.
10. Any Ordinance dedicating or accepting any plat or subdivision in the County.
11. Any Ordinance prescribing the number, classification or compensation of any County officers or employees, not inconsistent herewith.
12. Any Ordinance declaring certain property to be a public nuisance and authorizing procedures for the demolition of the property.
13. Any Ordinance establishing fire lanes on private property.
14. Ordinance No. 92-12, establishing fees for subdivision plats.
15. Any Ordinance establishing traffic or parking regulations for specific roads or streets, or portions thereof, not inconsistent with this Code.
16. Any temporary or special Ordinance.
17. Any Ordinance respecting conveyance or acceptance of real property or easements in real property.
18. The zoning Ordinance of the County or any amendment thereto.

### **Sec. 95-10 Severability of Parts of Code**

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, 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 unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

### **Sec. 95-11 Unauthorized Alteration or Tampering with Code**

It shall be unlawful for any person in the County 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 County to be misrepresented thereby.

### **Sec. 95-12 Publication of Code**

This Code shall be and is hereby authorized to either (a) be printed and published in book form and/or (b) be available on the County's Website, by authority of the County Board.

*(Code 1979, § 1-9; Ord. No. 2018-51, 11-21-2018 [PDF](#) )*

### **Sec. 95-13 General Penalty for Violation of Code; Separate Offenses**

Whenever in this Code or in any Ordinance, Resolution or motion of the County, any act or omission is prohibited or is made or declared to be unlawful or an offense, or whenever in the Code or Ordinance, Resolution or motion the doing of any act or the failure to do any act is declared to be unlawful or an offense or is prohibited, and no specific penalty is provided therefor, and state law does not provide otherwise, the violation of any such provision of this Code or any Ordinance, Resolution or motion shall be an offense punishable by a fine of up to \$500.00. Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any Ordinance, Resolution or motion shall continue shall constitute a separate offense.

*(Code 1979, § 1-10)*

*State Law reference — Penalties for violations of County Ordinances, rules, etc., 55 ILCS 5/5-1113.*

### **Sec. 95-14 Officers, Employees Not Liable to Fine for Failure to Perform Duties**

No provision of this Code designating the duties of any County officer or employee shall be so construed so 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 County Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

*(Code 1979, § 1-11)*

### **Sec. 95-15 Acts Punishable Under Different Sections**

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may proceed under both; 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.

*(Code 1979, § 1-12)*