

CHAPTER 13

CONSTRUCTION, EFFECT OF ORDINANCES AND PENALTY PROVISIONS

- 13.01 Rules of Construction
- 13.02 Conflict and Separability
- 13.03 Clerk to File Documents Incorporated by Reference
- 13.04 Penalty Provisions
- 13.05 Effect of Repeals

13.01 RULES OF CONSTRUCTION

In the construction of this Code of general ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- (1) Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
- (2) Acts of Agents. When a provision requires an act to be done which may be law as well be done by an agent as by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

13.02 CONFLICT AND SEPARABILITY.

- (1) Conflict of Provisions. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arise out of the subject matter of such chapter.
- (2) Separability of Code Provisions. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Village Board hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions maybe declared invalid or unconstitutional.

13.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Village Clerk shall file, deposit and keep in his/her office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

13.04 PENALTY PROVISIONS.

- (1) General Penalty. Any person who shall violate any of the provisions of this Code shall upon conviction be subject to a penalty, except where a penalty is specified in any section of the Code, which shall be as follows:
 - (a) First Offense – Penalty. Any person who shall upon conviction thereof, forfeit \$25.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed 6 months.
 - (b) Second Offense – Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit \$50.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.
- (2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a maximum penalty of \$200.00 for each day of violation. Nothing in this Code shall preclude the Village of Ferryville from maintaining any appropriate action to prevent or remove a violation of any provision of this code.
- (3) Execution against defendant’s property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village of Ferryville the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been release from custody, issue an execution against the property of the defendant for said forfeiture and costs.

13.05 EFFECT OF REPEALS.

The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions of the Village Board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligations or privilege has been reserved by the Village of Ferryville.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to the pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or

ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code.