

CHAPTER 27 - THE CODE**DIVISION 1 - GENERAL**

SEC. 27.1-1 TITLE. This Code shall be known as the Municipal Code of the Town of Normal of 1969. Any reference to the number of any section contained herein shall be understood to refer to the position of same under its appropriate heading, its article heading, if any, and to the penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document or ordinance of the Town hereafter.

SEC. 27.1-2 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used. When any subject matter party or persons is referred to in this Code by words importing the singular person or number only, or the masculine gender, several matters, parties or persons, and females as well as males, and bodies corporate shall be deemed to be included. The words, "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall be deemed to include the future.

SEC. 27.1-3 PENALTIES. 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 elect under which to proceed; 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.

Whenever in this Code the doing of any act or the omission to do an act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than \$5.00 nor more than \$500.00 for each offense. Each day that any such violation or failure continues shall be considered as a separate and distinct offense and shall be punishable as such. (Amended 6/3/02 by Ord. No. 4797)

SEC. 27.1-4 OFFICERS OR EMPLOYEES. Whenever in this Code reference is made to a town officer or employee by title only, this shall be construed as though it were followed by the words "of the Town of Normal", and shall be taken to mean officer or employee of this Town having the title mentioned or performing the duties indicated.

SEC. 27.1-5 INTENT. 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 Town Council may be fully carried out.

SEC. 27.1-6 REFERENCE TO CODE. Any additions or amendments to this Code when passed in such form as to indicate the intention of the Town 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 the Town of Normal of 1969 shall be understood to include them.

SEC. 27.1-7 PENALTIES - AMENDMENTS. In case of 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 this section so amended or the amending section whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

SEC. 27.1-8 RECORDING AMENDMENTS. It shall be the duty of the Town Clerk to keep at least one copy of the Municipal Code of Normal of 1969, which he shall make in the following manner:

Whenever an ordinance which amends or makes an addition to the Code is passed and approved, he shall note on the margin of the section of sections amended that such amendment has been made, with a reference to the place in the amendment book hereinafter described where the amendment may be found; and in case of an addition, he shall mark in the appropriate place a notation that such an addition has been made, with a similar reference to the aforesaid amendment book.

The Town Clerk shall also keep a separate book containing every amendment or addition passed to this Code, with a reference on each copy of such amendment or addition as to the place in the record of ordinances where the original ordinance may be found.

The above-mentioned records shall be kept in addition to the record of ordinances which the Clerk is required to keep by statute.

SEC. 27.1-9 SEVERABILITY. If any part, provision, portion, article, section or subdivision of this Code or any other ordinance of the Town of Normal or application thereof to any person or circumstance is held unconstitutional or invalid by a court of competent jurisdiction, such holding does not affect other provisions or applications of the Code Section or Ordinances which can be given effect without the invalid application or provision, and the provisions of each Code Section or Ordinance are severable unless otherwise provided. (Amended 11/18/96 by Ord. No. 4421)

DIVISION 2 - PRINTING

SEC. 27.2-1 AUTHORIZATION. This ordinance, the Municipal Code of the Town of Normal of 1969, shall be printed and published in book or pamphlet form.

SEC. 27.2-2 DISTRIBUTION OF COPIES. All copies of the Municipal Code of the Town of Normal of 1969 belonging to the town shall be deposited with the Town Clerk. He shall deliver one copy thereof to the Town President, one to each member of the Town Council and copies to such other persons as the Town Council may direct.

SEC. 27.2-3 PRESENTATION OF COPIES. The Town President shall have the power to extend to or reciprocate the courtesies of other municipalities by presenting to them a copy of the Municipal Code of the Town of Normal of 1969, bound at the expense of the Town, as to him may seem suitable; and he shall have the power to present two copies of this Code to the Illinois Municipal League.

SEC. 27.2-4 SALE OF CODE. This Code shall be sold to the general public at a price of \$120.00 per copy. Supplements shall also be sold at a charge established by the City Manager. Fees shall be paid to the Town Treasurer. Copies of this Code and supplements shall be supplied by the Town Clerk. (Amended 9/19/83)(Amended 3/6/89)

DIVISION 3 - REPEALING CLAUSE

SEC. 27.3-1 REPEAL OF GENERAL ORDINANCES - EXCEPTIONS. All general ordinances passed by the President and Town Council prior to March 1, 1969, except as are expressly excepted from repeal herein, and except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal, are hereby repealed (subject to the saving clauses contained in the following section) from which are excluded the following ordinances which are not hereby repealed:

Ordinances relating to boundaries and annexations; franchises and other ordinances granting special privileges to persons or corporations; contract ordinances; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; ordinances setting speed limits; ordinances authorizing the execution of a contract; improvement ordinances; bond ordinances; ordinances relating to elections, ordinances relating to the transfer or acceptance of real estate by the Town and all special ordinances.

SEC. 27.3-2 PENDING SUITS. No new ordinances shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance, or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or penalty so incurred, or any right accrued or claims arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform, as far as possible, to the ordinance in force at the time of proceeding. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may by consent of the party affected be applied to any judgment pronounced after the new ordinance takes effect.

This section shall extend to all repeals, whether the repeal is in the ordinance making any new provisions upon the same subject or any other ordinance.

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed; or as discontinuing, abating, or modifying or altering any penalty, accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any section at the time of the passage of this ordinance.

SEC. 27.3-3 JURISDICTION. (Deleted 11/18/96 by Ord. No. 4421)

DIVISION 4 - EFFECTIVE DATE

SEC. 27.4-1 TIME OF TAKING EFFECT. This ordinance, the same being herein designated as the "Municipal Code of the Town of Normal of 1969" shall take effect and be in force from and after its passage, approval and publication in book form. Passed this 21st day of April, 1969.

APPROVED: _____
President of the Board of
Trustees of the Town of
Normal, McLean County, Illinois.

ATTEST:

Town Clerk

DIVISION 5 - RE-ADOPTION OF THE MUNICIPAL CODE

SEC. 27.5-1. Re-adoption by Ordinance No. 1338, on the 4th day of February 1975, as follows:

"AN ORDINANCE READOPTING THE MUNICIPAL CODE OF THE TOWN OF NORMAL, 1969, AS AMENDED AS AN EXERCISE OF HOME RULE POWER

WHEREAS the Town of Normal has a population of more than 25,000 and is therefore a "Home Rule Unit" under the 1970 Illinois Constitution; and

WHEREAS the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS the Town has in full force and effect a codified set of those ordinances of the Town which are of a general and permanent nature, which said codified set is known and designated as the Municipal Code of the Town of Normal, Illinois, 1969, as amended; and

WHEREAS a substantial portion of said Code has been adopted pursuant to statutory authorization conferred by the Legislature of the State of Illinois; and

WHEREAS there are or may be certain portions of said Code which go beyond the authority conferred by the Legislature of the State of Illinois or in some other way differ in content, form, substance or procedure from the content, form, substance or procedure provided by statute; and

WHEREAS it is determined and found that the continuation in full force and effect of the Municipal Code of the Town of Normal, Illinois, 1969, as amended or as may hereafter be amended is a matter pertaining to the government and affairs of the Town; and

WHEREAS to the extent that the Municipal Code of the Town of Normal, Illinois, 1969, as amended goes beyond the authority conferred on the Town of Normal, Illinois by the General Assembly of the State of Illinois or to the extent that said Code differs in content, form, substance or procedure from provisions of statute, it is the intent of the President and Board of Trustees of the Town of Normal to readopt said Code as an exercise of the Home Rule powers conferred by the 1970 Illinois Constitution;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORMAL, ILLINOIS:

SECTION ONE. That the Municipal Code of the Town of Normal, Illinois, 1969, as amended, three copies of which have been on file and available for public use, inspection and examination in the office of the Town Clerk of the Town of Normal, Illinois for a period

of fifteen (15) days prior to the adoption of this ordinance and a copy of which said Code is incorporated herein by reference be and the same is hereby readopted.

SECTION TWO. That this ordinance and the Municipal Code of the Town of Normal, Illinois, 1969, readopted hereby, is determined to be urgent and necessary for the preservation of the public health, safety, morals and welfare of the people of the Town of Normal, Illinois and therefore shall take effect immediately upon its passage.

SECTION THREE. That the Town Clerk be and she is hereby authorized and directed to publish this ordinance in pamphlet form, notwithstanding the fact that this ordinance shall be in full force and effect from and after its passage.

APPROVED: _____
President of the Board of
Trustees of the Town of Normal,
Illinois

ATTEST:

Town Clerk