

Chapter 1  
**GENERAL PROVISIONS**

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**1.01 LAKEWOOD MUNICIPAL CODE**

- A. Title: This code of ordinances may be known and cited as the Lakewood Municipal Code.
- B. Amendments: Any additions or amendments to this Code are incorporated in this Code so that a reference to the Lakewood Municipal Code includes such additions and amendments.
- C. Numbering of Sections: Each section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position in the section within the chapter.
- D. Numbering Additions: The decimal system shall be used for all additions and amendments to this Code. When a chapter or section is added the new chapter or section shall be given a decimal character.

**1.02 DEFINITIONS**

Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms. Terms used in this Code, unless specifically defined elsewhere, can be found in Appendix A, found at the end of this Code.

**1.03 REPEAL OF ORDINANCES**

A. All general ordinances or parts thereof heretofore adopted by the President and Board of Trustees and not included in this Code are repealed, except the following which are hereby continued in full force and effect:

1. Ordinances authorizing contracts or the issue of municipal notes or bonds;
2. Ordinances levying taxes or making special assessments;
3. Ordinances appropriating funds or establishing salaries;
4. Ordinances granting franchises or rights to corporations;
5. Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the Village, or conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvement;
8. Ordinances relating to water and sewer, zoning, subdivisions, liquor, building and traffic which are set forth separately in booklet or pamphlet form;
9. Any other special ordinances not in conflict with the provisions of this Code and incorporated by reference into this Code; and
10. Ordinances setting fees that are not found in this Code.

B. The provisions of this Code, so far as they are the same in substance as those of heretofore existing, ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal has not been effected.

**1.04 ORDINANCES REPEALED NOT REENACTED**

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this Code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby.

## 1.05 JURISDICTION

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Village to regulate such particular acts outside the corporate limits.

## 1.06 PENALTIES *Amended, 1998-39, 1998-32, 95-96-39*

A. Standard Penalty: Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall upon conviction be subject to the fine of not less than \$50.00 nor more than \$1,000.00 and the costs of prosecution.

B. Each Day of Violation: Each act of violation and each day upon which a violation occurs constitutes a separate offense.

C. Applicability: The penalty provided by this Section applies to the amendment of any section of this Code or by code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

D. Reference to Sections: Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

E. Failure of Officers to Perform Duties: The failure of an officer or employees of the Village to perform an official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty.

F. Collection: In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Village and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

## 1.07 RESPONSIBILITY FOR ACTS

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

## 1.08 SEPARABILITY OF PROVISIONS

Each section, paragraph, sentence, cause 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 nor any part thereof, other than that part affected by such provision.

## 1.09 EFFECTIVE DATE

This Code of ordinances shall take effect immediately after passage and publication in book form under the authority of the President and Board of Trustees, as provided by law.

## 1.10 CODE COPIES ON FILE

Copies of this Code shall be kept available at the Village Clerk's Office for public inspection at all reasonable hours.

## 1.11 SEAL

The seal heretofore provided and used by the Village, which is of circular shape with the impression of "Village of Lakewood, McHenry County Illinois" around the outside edge thereof and in an inner circle the impression of "Incorporated July 10, 1933" and in the center the word "SEAL," shall be and is hereby established and declared to have been and now to be the seal of the Village.

The seal shall be and remain in the custody of the Clerk to be used in all cases provided for by ordinance or the laws of the State of Illinois, and in all such other cases whereby the use of the corporate seal of the Village becomes necessary.

## 1.12 FISCAL and MUNICIPAL YEAR

The fiscal year of the Village shall begin on the first day of May of each year and end on the last day of April of the following year.

## 1.13 ALTERNATE PENALTY TICKET PROGRAM *1998-18; Amended, 2021-10, 2017-34, 1998-27*

A. Definitions: Terms used in this Section 1.13 are defined in Appendix A of this Code.

B. Jurisdiction: An APT may be issued by the Village Manager and Building Department personnel of the Village for violations of Village ordinance provisions. An APT shall not be issued to a repeat offender, as defined in Appendix A.

C. Procedure: At the discretion of the personnel authorized to issue notices of ordinance violations, an APT may be issued in lieu of arrest. The APT Program shall be administered as a two-step process:

1. When an APT is issued, the person accused of the violation may settle the charge by paying to the Village a fine in the amount of \$50.00 within 10 days of the date of issuance. Where compliance with an ordinance is required, the person accused shall also satisfy the proper Village authorities that compliance is completed within said 10-day period.
2. If the person accused of said violation does not settle the charge, including payment of the fine and compliance where required, by the 10th day, a complaint shall be filed in the 22<sup>nd</sup> Judicial Circuit Court for said violation. The offender shall be subject to fines, penalties and court costs, as fully set forth in the applicable provisions of the Village ordinances and statutes of the State of Illinois.
3. In the event compliance is required and the offender resides outside of McHenry County, compliance shall be certified by the police department having jurisdiction where the offender resides.

D. Exceptions: An APT shall not be issued for any violations pursuant to Chapter 15, Traffic Regulations, of this Code.