

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Rules of Construction
 1-3-2: Definitions, General
 1-3-3: Catchlines

1-3-1: **RULES OF CONSTRUCTION:**

- A. Rules of Construction Generally: In the construction of this Code, and of all ordinances of the Village, the rules and definitions set forth in this chapter shall be observed, unless such construction would be inconsistent with the manifest intent of the Village Board of Trustees. The rules of construction and definitions set forth herein shall not be applied to any section of this Code which contains any express exclusion of such construction or definition, or which in subject matter or context may be repugnant thereto.
 (1979 Code § 1-2)
- B. Liberal Construction: All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order, as a minimal requirement, to promote the public health, safety, comfort, convenience, and general welfare. (1979 Code § 1-3)
- C. Plural/Singular; Gender; Tense: Whenever any word in any section of this Village 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 have been used. When any subject matter, party or person is referred to in this Village Code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this Village Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. Words used in the past or present tense shall be construed to include the future tense as well.
 (1979 Code §§ 1-13, 1-27; and amd. 2002 Code)

- D. Word “Ordinance”: The word “Ordinance” contained in the ordinances of the Village has been changed in the content of this Village Code to “title”, “chapter”, “section” and/or “subsection” or words of like import for organizational and clarification purposes only. Such change to the Village’s ordinances is not meant to amend passage and effective dates of such original ordinances. (2002 Code)
- E. Computation of Time: Whenever notice is required to be given by this Code relating to any act or proceeding hereunder, the day on which such notice is given shall be counted in computing the interval thereof, but the day on which such act is done or such proceeding is had shall not be so counted. (1979 Code § 1-5)
- F. Delegation of Authority: Whenever a provision appears requiring a specific Village Officer to do some act or perform some duty, it shall be construed so as to authorize said officer to designate, delegate, and authorize subordinates to do such act or perform such duty, unless the terms thereof specify otherwise. (1979 Code § 1-7)
- G. Joint Authority: All words granting a joint authority to three (3) or more persons shall be construed as giving such authority to a majority of such persons. (1979 Code § 1-9)
- H. Nontechnical and Technical Words and Terms: Words and phrases shall be construed according to their commonly accepted usage in the English language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and interpreted in accordance with such meaning. (1979 Code § 1-12)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

<u>AGENT</u> :	A person acting on behalf of another with authority conferred, either expressly or by implication.
<u>BOARD OF TRUSTEES</u> :	Unless otherwise indicated, the Village Board of Trustees of the Village of Elizabeth.
<u>CODE</u> :	The Village Code of the Village of Elizabeth.
<u>COUNTY</u> :	The County of Jo Daviess, state of Illinois.

<u>EMPLOYEES:</u>	Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words “of the Village of Elizabeth”.
<u>FISCAL YEAR:</u>	The Village fiscal year shall commence each May 1 and terminate each April 30 there following.
<u>GENDER:</u>	A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
<u>LICENSE:</u>	The permission granted for the carrying on of a business, profession or occupation.
<u>MAY:</u>	The word “may” is permissive only.
<u>MONTH:</u>	A calendar month.
<u>NUISANCE:</u>	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the Village, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
<u>OATH:</u>	Includes 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 the equivalent of the words “affirm” and “affirmed”.
<u>OCCUPANT:</u>	As applied to a building or land shall include any person holding a written or oral lease or who occupies the whole or any part of such building or land whether alone or with others.
<u>OFFENSE:</u>	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
<u>OFFICERS:</u>	Whenever reference is made in this Code to a Village Officer by title only, this shall be construed as though followed by the words “of the Village of Elizabeth”.
<u>OPERATOR:</u>	The person who is in charge of any operation, business or profession.

<u>OWNER:</u>	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, tenant in partnership or lessee of the whole or of a part of such building or land.
<u>PERSON:</u>	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
<u>PERSONAL PROPERTY:</u>	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein. The term shall not include “real property” as herein defined.
<u>PRECEDING FOLLOWING:</u>	Next before and next after, respectively
<u>PROPERTY:</u>	Includes “real property” and “personal property” as those terms are defined herein.
<u>REAL PROPERTY OR REAL ESTATE:</u>	Includes lands, tenements, and hereditaments, as well as fixtures and appurtenances thereto.
<u>RETAILER:</u>	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
<u>RIGHT OF WAY:</u>	The privilege of the immediate use of the roadway or other property.
<u>SHALL:</u>	The word “shall” is mandatory.
<u>SIGNATURE:</u>	The words “signature” or “subscription” or “signed” or the like, indicating a person’s written name, shall be construed to include the mark of a person who cannot write.
<u>STATE:</u>	The state of Illinois.

- STREET: Shall be construed to embrace streets, alleys, avenues, boulevards, roads, lanes, viaducts, and all other public ways within the Village, and shall include all areas thereof. between the adjacent and parallel real property lines and dedicated to, set aside for, or established for, the public use.
- TENANT: As applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or any part of such building or and whether alone or with others.
- VILLAGE: The Village of Elizabeth, County of Jo Daviess, State of Illinois and, where applicable, the Village President and Board of Trustees thereof.
- WHOLESALE AND WHOLESALE DEALER: unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.
- WRITTEN, 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, it shall be in the proper handwriting of such person or, in case such person is unable to write, by such person's proper mark.
- YEAR: The calendar year, unless the fiscal year is clearly intended. (1979 Code §§ 1-6, 1-8, 1-10, 1-11, 1-14 through 1-26, 1-28, 1-29, 1-30, 2-1; amd. 2002 Code)

- 1-3-3: **CATCHLINES:** The catchlines of the several sections of the Village Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2002 Code)