

Title 1 - General Provisions

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This code, consisting of Titles 1 through 18, inclusive, is adopted and enacted as the "Municipal Code," city of St. Charles, Illinois, and shall be treated and considered as a new and original comprehensive code, which shall supersede all other general and permanent ordinances passed by the City Council on or before January 2, 1979, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

(1980-M-6 : § 1)

1.01.020 – Repeal - Previous provisions - Generally

All provisions of such code shall be in full force and effect from and after January 22, 1980, and all ordinances of general and permanent nature of the city of St. Charles enacted on or before January 1, 1979, and not in such code or recognized and continued in force by reference therein are repealed from and after the effective date of such code, except as provided in this chapter.

(1980-M-6 : § 2)

1.01.030 – Repeal - Previous provisions - Exemptions

The repeal provided for in Section 1.01.020 shall not affect 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; not shall such repeal affect any of the following:

- A. Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance or any bonds of the city or any contract or obligation assumed by the city;
- B. Any administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of such code;
- C. Any right or franchise granted by any ordinances of the city;
- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;
- E. Any budget or appropriation ordinances;
- F. Any ordinances levying or imposing taxes;
- G. Any zoning ordinance or any amendment thereto;
- H. Any ordinance establishing or prescribing grades in the city;
 - I. Any ordinance providing for local improvements and making assessments therefor;
- J. Any subdivision ordinance or amendment thereto;
- K. Any ordinance extending or contracting the boundaries of the city;
- L. Any building ordinance and amendments thereto;
- M. Any electrical ordinances, and any amendments thereto;
- N. Any plumbing ordinance and any amendments thereto;
- O. Any ordinance establishing the boundaries of any wards in the city;
- P. Any ordinance regulating or restricting traffic or parking on particular streets or in particular places;
- Q. Such repeal shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by the ordinance codified in this chapter.

(1980-M-6 : § 3)

1.01.040 – Repeal - Conflicting provisions

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(1980-M-6 : § 9)

1.01.050 – Copies - Filing - Updating - Public inspection

A copy of such code shall be kept on file in the office of the city clerk, preserved in loose-leaf form. It shall be the express duty of the city clerk or someone authorized by him to insert in their designated places all amendments or ordinances which indicated the intention of the city council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may from time to time be repealed by the city council. This copy of such code shall be available for all persons desiring to examine the same and shall be considered the official code of ordinances of St. Charles, Illinois.

(1980-M-6 : § 5)

1.01.060 – Additions and Amendments

Any and all additions or amendments to such code, when passed in such form as to indicate the intention of the city council to make the same a part thereof shall be deemed to be incorporated in such code so that reference to the "St. Charles Municipal Code" shall be understood and intended to include such additions and amendments.

(1980-M-5 : § 4)

1.01.070 – Publication

This chapter shall be in full force and effect from and after its passage, approval and publication according to law. Publication in book or pamphlet form is authorized.

(1980-M-6 : § 10)

1.01.080 – Constitutionality

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

(1980-M-6 : § 11)

1.01.090 – Violation - Penalty

Whenever in said code, or in any ordinance of the city, any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be punished by a fine of not more than five hundred dollars. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

(1980-M-6 : § 6)

1.01.100 – Violation - Application of general penalty

In case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Chapter 1.08 of such code shall apply to the section as amended, or in case such amendment contains provisions for which a penalty other than the general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

(1980-M-6 : § 7)

1.01.110 – Violation - Unauthorized revisions of code

It is unlawful for any person, firm or corporation in the city to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or temper with such code in any manner whatsoever which will cause the law of the city of St. Charles to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 1.01.080 and Chapter 1.08.

(1980-M-6 : § 8)

1.04 – General Provisions

Sections

- 1.04.010 – Definitions
- 1.04.020 – Distinction between wholesaler and retailer
- 1.04.030 – Title of Office
- 1.04.040 – Officers and employees - References - Liability for fines and penalties
- 1.04.050 – Interpretation of language
- 1.04.060 – Grammatical interpretation
- 1.04.070 – Acts by agents
- 1.04.080 – Prohibited acts include causing and permitting
- 1.04.090 – Computation of time
- 1.04.100 – Construction
- 1.04.110 – Intent
- 1.04.120 – Reference to code
- 1.04.130 – Recording amendments
- 1.04.140 – Repeal shall not revive any ordinances

1.04.010 – Definitions

The following words and phrases, whenever used in the ordinances of the city of St. Charles, Kane and DuPage Counties, Illinois, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and, more particularly, directed to the use of such words or phrases:

- A. "City" and "town" each mean the city of St. Charles, Kane and DuPage Counties, Illinois, or the area within the territorial limits of the city of St. Charles, Kane and DuPage Counties, Illinois, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of St. Charles. "All its members" or "all councilmen" means the total number of councilmen holding office.
- C. "Law" denotes applicable federal law, the Constitution and statutes of the state of Illinois, the ordinances of the city of St. Charles and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- D. "May" is permissive.
- E. "Month" means a calendar month.
- F. "Must" and "shall" are each mandatory.
- G. "Oath" includes an affirmation or declaration 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."
- H. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
 - I. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trustee, land trustee or the beneficiary of said land trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- J. "Personal property" includes money, goods, chattels, things in action, evidences of debt, and every species of property except real property as herein described.
- K. "Property" includes real and personal property.
- L. "Real property" includes lands, tenements and hereditaments.
- M. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.
- N. "State" means the state of Illinois.
- O. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- P. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- Q. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- R. "Year" means a calendar year.

(Added during 1979 codification.)

1.04.020 – Distinction between wholesaler and retailer

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

(Prior code : § 29.103)

1.04.030 – Title of Office

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City.

((Added during 1979 codification.))

1.04.040 – Officers and employees - References - Liability for fines and penalties

- A. Whenever reference is made in this code to a city officer or employee by title only, this shall be construed as though followed by the words "of the city of St. Charles," and shall be taken to mean the officer or employee of this city having the title mentioned or performing the duties indicated.
- B. No provision of this code designating the duties of any officer or employee shall be so construed 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 city council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Prior code : § 29.105)

1.04.050 – Interpretation of language

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

((Added during 1979 codification.))

1.04.060 – Grammatical interpretation

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

((Added during 1979 codification.))

1.04.070 – Acts by agents

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

((Added during 1979 codification.))

1.04.080 – Prohibited acts include causing and permitting

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

((Added during 1979 codification.))

1.04.090 – Computation of time

Except when otherwise provided, the time within an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

((Added during 1979 codification.))

1.04.100 – Construction

The provision of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

((Added during 1979 codification.))

1.04.110 – Intent

All general provisions, terms, phrases, and expressions contained in this code shall be liberally construed in order that the true intent of the mayor and city council may be fully carried out.

(Prior code : § 29.106)

1.04.120 – Reference to code

Any addition or amendments to this code, when passed in such form as to indicate the intention of the mayor and city 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 St. Charles shall be understood to include them.

(Prior code : § 29.201)

1.04.130 – Recording amendments

It shall be the duty of the city clerk to keep at least one copy of the municipal code of St. Charles which he shall mark in the following manner: Whenever any ordinance which amends or makes an addition to the code is passed and approved, he shall note on the margin of the section or sections amended that such amendment has been made, with a reference to the amendment, hereinafter described where the amendment may be found, and in the case of an addition, he shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book.

(Prior code : § 29.203)

1.04.140 – Repeal shall not revive any ordinances

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

((Added during 1979 codification.))

1.08 – General Penalty

Sections

- 1.08.010 – Penalty - Generally
- 1.08.020 – Penalty - Amending ordinances

1.08.010 – Penalty - Generally

- A. 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.
- B. Whenever in this code a minimum but not maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty but not exceeding five hundred dollars.
- C. Whenever in this code the doing of any act or the omission to do any 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 five dollars nor more than one hundred dollars for each offense.

(Prior code : § 28.104)

1.08.020 – Penalty - Amending ordinances

- A. 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.
- B. Whenever in this code a minimum but not maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty but not exceeding five hundred dollars.
- C. Whenever in this code the doing of any act or the omission to do any 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 five dollars nor more than one hundred dollars for each offense.

(Prior code : § 28.104)

1.12 – Corporate Seal

Sections

1.12.010 – Established

1.12.010 – Established

The corporate seal of the city shall be as follows: the seal heretofore provided a used by and for the city, the impression on which is a representation of a figure in the center with a white robe thrown across the left shoulder; in the left hand an evenly balanced scale, in the extended right hand a short sword with the inscription "City of St Charles, Illinois Incorporated October 17, 1874" around the outer edge of said seal; said seal is established to be the seal of the city.

(2020-M-33 : § 1; Prior code : § 10.701)

1.16 – City Datum

Sections

1.16.010 – Datum plane and bench marks established

1.16.010 – Datum plane and bench marks established

- A. There is fixed and established a base or datum plane in and for the city for determining, measuring and fixing elevations and grades in the city which base or datum plane shall be known under the name and title of "Saint Charles city datum." The St. Charles city datum shall and does coincide with the base or datum plane lying and being seven hundred thirty-three and two-tenths feet below St. Charles bench mark number 1, described in subdivision 1 of subsection B of this section.
- B. For the purpose of facilitating grade and elevation measurements in the city and for the purpose of determining the location of the St. Charles city datum, bench marks are established, fixed and located in the city. Each bench mark is the top of a copper rod leaded vertically within and near the top of a hollow cast iron pipe six inches in internal diameter and five feet in length. The cast iron pipe is imbedded vertically in the ground at the places mentioned in subdivisions 1 and 2 of this subsection and is set in and filled below the leading with cement concrete. The top of each cast iron pipe is closed by a cast iron cap and screw plug, upon the removal of which access is afforded to said bench marks, being the top of the copper rod therein; the bench marks established in the city shall be known and located as follows:
 - 1. St. Charles bench mark number 1 is located on the east side of Fox River in the city, one foot north of the north line of East Main Street and one hundred feet east of the east line of Fourth Avenue.
 - 2. St. Charles bench mark number 2 is located on the west side of Fox River in the city, one foot north of the north line of West Main Street and one hundred feet west of the west line of Fourth Street.

(Prior code : § 10.703)

1.20 – City Jail

Sections

- 1.20.010 – Established
- 1.20.020 – Keeper
- 1.20.030 – Prisoners
- 1.20.040 – Escape prohibited
- 1.20.050 – Communication with prisoners
- 1.20.060 – Violation - Penalty

1.20.010 – Established

The place in the city heretofore established and used as the jail, or any other place which may be hereafter used for that purpose is declared to be the city jail.

(Prior code : § 10.601)

1.20.020 – Keeper

The chief of police shall be the keeper of the keeper of the jail and shall have custody over all persons confined therein and of all property pertaining thereto.

(Prior code : § 10.602)

1.20.030 – Prisoners

The jail shall be used for the incarceration of all persons arrested for violating any laws of the state, the United States, or for violating any city ordinance, until such person shall be lawfully brought before a judge for a hearing, or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released.

(1978-M-29 : § 1; Prior code : § 10.603)

1.20.040 – Escape prohibited

It is unlawful for any person to escape or attempt to escape or to assist any prisoner to escape or attempt to escape from jail.

(Prior code : § 10.604)

1.20.050 – Communication with prisoners

It is unlawful for any person, other than employees of the St. Charles Police Department, to communicate with any prisoner held in the jail without the permission of the Chief of Police or the police officer in charge.

(2005-M-22 : § 1; Prior code : § 10.605)

1.20.060 – Violation - Penalty

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five (\$25.00) dollars nor more than seven hundred fifty (\$750.00) dollars for each offense.

(2005-M-22 : § 2; Prior code : § 10.606)

1.24 – Surety Bonds

Sections

1.24.010 – Requirements generally

1.24.010 – Requirements generally

- A. Whenever a surety bond to indemnify the city is required as a prerequisite to exercising the duties of any position or office, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this state as a surety company, in the absence of specific provision to the contrary by ordinance.
- B. Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the city against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the mayor and city council may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten days from the time such order is transmitted to the principal on the bond, or his assignee, the mayor and city council shall declare the bond to be void, and thereupon such principal or assignee shall be deemed to have surrendered the privilege or position as condition to which the bond was required.

(Prior code : § 10.707)

1.28 – Wards

Sections

- 1.28.010 – Generally
- 1.28.020 – First Ward - Established
- 1.28.030 – Second Ward - Established
- 1.28.040 – Third Ward - Established
- 1.28.050 – Fourth Ward - Established
- 1.28.060 – Fifth Ward - Established
- 1.28.070 – Sixth Ward – Established (Deleted)
- 1.28.080 – Seventh Ward – Established (Deleted)

1.28.010 – Generally

The aldermanic wards for the City are redistricted as set out in this chapter and as shown in the attached map.

Exhibits:

 All Wards Map.jpg

(2018-M-3 : § 2; 2002-M-7 : § 1; 1996-M-33 : § 1; 1992-M-18 : § 1; 1982-M-55 : § 1)

1.28.020 – First Ward - Established

Exhibits:

 Map of Ward 1.pdf

(2018-M-3 : § 3; 2002-M-7 : § 1; 1996-M-33 : § 1; 1992-M-18 : § 1; 1982-M-55 : § 2(part))

1.28.030 – Second Ward - Established

Exhibits:

 Map of Ward 2.pdf

(2018-M-3 : § 4; 2002-M-7 : § 1; 1996-M-33 : § 1; 1992-M-18 : § 1; 1982-M-55 : § 2(part))

1.28.040 – Third Ward - Established

Exhibits:

 Map of Ward 3.pdf

(2018-M-3 : § 5; 2002-M-7 : § 1; 1996-M-33 : § 1; 1992-M-18 : § 1; 1982-M-55 : § 2 (part))

1.28.050 – Fourth Ward - Established

Exhibits:

 Map of Ward 4.pdf

(2018-M-3 : § 6; 2002-M-7 : § 1; 1996-M-45 : § 1; 1996-M-33 : § 1; 1992-M-18 : § 1; 1982-M-55 : § 2(part))

1.28.060 – Fifth Ward - Established

Exhibits:

 Map of Ward 5.pdf

(2018-M-3 : § 7; 2002-M-7 : § 1; 1996-M-45 : § 1; 1996-M-33 : § 1; 1992-M-18 : § 1; 1982-M-55 : 2(part))

1.28.070 – Sixth Ward – Established (Deleted)

Deleted

(1992-M-18 : § 1; 2001-M-36 : § 1)

1.28.080 – Seventh Ward – Established (Deleted)

Deleted

(1992-M-18 : § 1; 2001-M-36 : § 1)

Title 1 - General Provisions Footnotes

1. For statutory provisions authorizing cities to adopt codes for reference, see 65 ILCS 5/1-3-2; for provisions concerning the revision and publication of ordinances in book form, see 65 ILCS 5/1-2-3 et. seq.; for provisions concerning adoption of penalty clauses, see 65 ILCS 5/1-3-4.
(1996-M-53 : § 1)
2. For statutory provisions authorizing municipalities to punish violators by a fine not to exceed \$500.00, see 65 ILCS 5/1-2-1; for provisions authorizing imprisonment not to exceed six months for violations made misdemeanors, see 65 ILCS 5/1-2-1.1.
(1996-M-53 : § 1)
3. For statutory provisions authorizing a city to have a corporate seal, see 65 ILCS 5/2-2-12.
(1996-M-53 : § 1)
4. For statutory provisions on bonds for municipal officers, see 65 ILCS 5/3.1-10-30.
(1996-M-53 : § 1)
5. For statutory provisions authorizing the division of cities into wards, see 65 ILCS 5/3.1-20-15.
(1996-M-53 : § 1)