

CHAPTER 26

THE CODE

Article I. Title: Interpretation

Sec. 26.1	Title
Sec. 26.2	Construction of Words
Sec. 26.3	Distinction Between Wholesaler and Retailer
Sec. 26.4	Penalties
Sec. 26.5	Officers and Employees
Sec. 26.6	Intent
Sec. 26.7 – 26.9	Reserved

Article II. Amendments

Sec. 26.10	Reference to Code
Sec. 26.11	Penalties
Sec. 26.12	Recording Amendments
Sec. 26.13 – 26.19	Reserved

Article III. Printing

Sec. 26.20	Authorization
Sec. 26.21	Distribution of Copies
Sec. 26.22	Presentation of Copies
Sec. 26.23 – 26.29	Reserved

Article IV. Repealing Clause

Sec. 26.30	Repeal of General Ordinances
Sec. 26.31	Public Utility Ordinances
Sec. 26.32	Pending Suits
Sec. 26.33	Time of Taking Effect

ARTICLE I. TITLE: INTERPRETATION

Sec. 26.1 Title

This Ordinance shall be known as the “Municipal Code of Brimfield of 2001”. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter 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 Ordinance by title in any legal document or Ordinance of the Village.

Sec. 26.2 Construction of Words

Whenever any word in any Section of this Ordinance 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 Ordinance by words importing the singular 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 include the future. The words “this Ordinance” whenever used in this Code shall be held and taken to mean the entire Code, including each and every Section thereof. The word “Village” whenever used in this ordinance shall be held and taken to mean the Village of Brimfield. The words “written or in writing” may include printing. Provided that these rules of construction shall not be applied to any Section of this Ordinance which contains any express provisions excluding such construction or where the subject matter or content of such Section may be repugnant thereto.

Sec. 26.3 Distinction Between Wholesaler and Retailer

In all cases where the words “Wholesale” or “wholesale dealer” are used in this Ordinance, 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.

Sec. 26.4 Penalties

In all cases where the same offense is made punishable or is created by different clauses or Sections of this Ordinance, 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.

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not less than \$25.00, nor more than \$500.00. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this Section,

unless another penalty is expressly provided by this Code, shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Village may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Sec. 26.5 Officers and Employees

Whenever reference is made in this Ordinance to a Village officer or employee by title only, this shall be construed as though followed by the words “of the Village of Brimfield”; and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties mentioned.

No provision of this Ordinance designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this Ordinance for a failure to perform such duty, unless the intention of the Village Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty.

Sec. 26.6 Intent

All general provisions, terms, phrases, and expressions contained in this Ordinance shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out.

Sec. 26.7 – 26.9 Reserved

ARTICLE II. AMENDMENTS

Sec. 26.10 Reference to Code

Any additions or amendments to this Code when passed in such form as to indicate the intention of the President and Board of Trustees to make the same part of this Ordinance shall be deemed to be incorporated in this Ordinance so that a reference to the Municipal Code of Brimfield shall be understood to include them.

Sec. 26.11 Penalties

In case of amendment of any Section of this Ordinance containing the provisions for which a penalty is provided in another Section, the penalty so provided in such other Section shall be held to relate to the Section so amended or the amending Section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

Sec. 26.12 Recording Amendments

The Village Clerk shall keep two copies of this Code current. These copies shall be printed, pasted or otherwise mounted on paper sufficiently thick and tough to withstand heavy usage, and shall be preserved by the Village Clerk in a book or binder in loose leaf form, or in such other form as the Village Clerk may consider most expedient, so that all amendments thereto and all general ordinances hereafter passed may be inserted in their appropriate places in such volumes, and all Sections of this Code or ordinances repealed from time to time may be extracted therefrom for the purpose of maintaining such two copies in such condition that they will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto.

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

Sec. 26.13 – 26.19 Reserved

ARTICLE III. PRINTING

Sec. 26.20 Authorization

This Ordinance shall be printed and published in book or pamphlet form.

Sec. 26.21 Distribution of Copies

All of the printed copies of this Code belonging to the Village shall be deposited with the Village Clerk. The Clerk shall deliver one copy thereof to the President and each member of the Board of Trustees, and copies to such other persons as the President and Board of Trustees may direct.

Sec. 26.22 Presentation of Copies

The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the Village, as to them shall seem suitable.

Sec. 26.23 – 26.29 Reserved

ARTICLE IV. REPEALING CLAUSE

Sec. 26.30 Repeal of General Ordinances

All general ordinances of the Village passed by the President and Board of Trustees prior to the passage of this Ordinance, including the Municipal Code of Brimfield of 1961 (passed August 7, 1961), are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances; ordinances relating to boundaries and annexation; franchise and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances approving/granting special uses and zoning district changes for particular parcels of real estate; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the village; civil defense ordinances; ordinances creating offices not provided for herein; and all special ordinances. All general ordinances of the Village passed by the President and the Board of Trustees, prior to the passage of this Ordinance or any part thereof, contrary or repugnant to this Ordinance, or any part thereof, are hereby repealed.

Sec. 26.31 Public Utility Ordinances

No ordinances relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service, franchises, or rates of public utilities shall be repealed by virtue of the passage of this Ordinance or by virtue of the preceding Section, excepting as this Code may contain provisions for such matters, in which case this Ordinance shall be considered as amending such ordinance or ordinances in the respect of such provisions only.

Sec. 26.32 Pending Suits

No new ordinance 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 punishment so incurred or any right accrued or claims arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinances in force at the time of such proceedings, as far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may, by consent of the party affected, be applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal in the ordinance making any new provisions upon the same subject or any other ordinance.

Nothing contained in this or the preceding Sections shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed; or as discontinuing,

abating, 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 Village under any Section or provision of ordinances existing at the time of the passage of this Ordinance.

Sec. 26.33 Time of Taking Effect

This Ordinance consisting of Sections 1.1 to 26.33 both inclusive, the same being designated as the “MUNICIPAL CODE OF BRIMFIELD OF 2001” shall take effect and be in full force from and after its passage and publication in pamphlet (book) form as provided by statute.