

ORDINANCE NO. 1421

AN ORDINANCE  
ADOPTING A NEW *CODE OF ORDINANCES* FOR THE CITY OF LEBANON, ILLINOIS,  
AS ESTABLISHING PRIMA FACIE THE MUNICIPAL LAWS  
OF THE CITY OF LEBANON, ILLINOIS, BUT NOT REPEALING OR AMENDING  
ANY ORDINANCE NOW IN EFFECT, NOR ENACTING AS NEW LAW ANY MATTER  
CONTAINED IN THE NEW *CODE OF ORDINANCES*

WHEREAS, the City Council of the City of Lebanon has been working with Municipal Code Corporation, a Florida corporation, for some time to produce a new and more comprehensive Code of Ordinances for the City of Lebanon, Illinois, comprising all municipal ordinances adopted on or before August 14, 2017;

WHEREAS, Municipal Code Corporation has completed its work and has delivered to the City of Lebanon multiple copies of a proposed new *Code of Ordinances* consisting of 19 chapters of currently existing municipal law (that is, Chapters 1, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 36) and 17 chapters reserved for use in the future (that is, Chapters 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35);

WHEREAS, Municipal Code Corporation has informed the City Council that the purpose of the proposed new Code of Ordinances is to codify all municipal ordinances of a general and permanent nature enacted on or before August 14, 2017, other than those ordinances dealing with any of the matters set forth in Section 1-4 and the three ordinances specifically mentioned in Section 36-9 of the proposed new Code of Ordinances;

WHEREAS, the City Council finds that – rather than enacting the proposed new *Code of Ordinances* as positive law and thereby replacing, as the sole authoritative expression of existing municipal laws, numerous ordinances of the City of Lebanon, and rather than repealing any ordinance that is not included in the proposed new *Code of Ordinances* nor recognized and continued in force by reference contained in the new *Code of Ordinances* – the safer course would be to follow the example set by the Congress of the United States of America in adopting the first edition of the United States Code by the Act of June 30, 1926, ch. 712, 44 Statutes at Large 1, §2(a), in which Act the United States Congress stated,

“[T]he matter set forth in the Code, evidenced as hereinafter in this section provided, shall establish prima facie the laws of the United States, general and permanent in their nature, in force on the 7<sup>th</sup> day of December, 1925; but nothing in this act shall be construed as repealing or amending such law, or as enacting as new law any matter contained in the Code. In the case of any inconsistency arising through omission or otherwise between the provisions of any section of this Code and the corresponding portion of legislation heretofore enacted effect shall be given for all purposes whatsoever to such enactments”;

WHEREAS, the City Council finds that – because supplements to the new *Code of Ordinances* will be made annually – the new *Code of Ordinances* current at any time should, together with the then current supplement, if any, establish prima facie the municipal laws of the City of Lebanon, Illinois, in force on the date of then current supplement;

WHEREAS, the City Council also finds that it may, at a later date – after seeing the proposed new *Code of Ordinances* in use for a period of time, and after having had an opportunity to determine, with respect to a particular chapter or chapters of that *Code of Ordinances*, that no ordinances (or portions thereof) of the City of Lebanon, Illinois, in effect on August 14, 2017, were overlooked or erroneously codified in compiling that chapter or those chapters – enact one or more chapters of that *Code of Ordinances* into positive law;

WHEREAS, the City Council finds, finally, that the complete title of the proposed new *Code of Ordinances* should be *Code of Ordinances, City of Lebanon, Illinois*, and that use of the abbreviated title, *Lebanon City Code*, in any subsequent ordinance, resolution, or other action by the City Council, or in any decision, order, report, or recommendation by the Plan Commission or by the Zoning Board of Appeals, should be sufficient to refer to the *Code of Ordinances, City of Lebanon, Illinois*;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lebanon, Illinois, as follows:

*Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

*Section 2.* The Code entitled “Code of Ordinances, City of Lebanon, Illinois,” published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted (but not enacted into law) as establishing prima facie the municipal laws of the City of Lebanon, Illinois, general and permanent in their nature, in force on the 14<sup>th</sup> day of August, 2017.

*Section 3.* Nothing in this ordinance shall be construed as repealing or amending such municipal laws (or the underlying ordinances in effect on August 14, 2017, establishing such municipal laws), or as enacting as new law any matter contained in the “Code of Ordinances, City of Lebanon, Illinois.”

*Section 4.* In the case of any inconsistency arising through omission or otherwise between the provisions of any section of the “Code of Ordinances, City of Lebanon, Illinois” and the corresponding portion of legislation heretofore enacted by ordinance, effect shall be given for all purposes whatsoever to such previous enactments by ordinance.

*Section 5.* The “Code of Ordinances, City of Lebanon, Illinois” current at any time shall, together with the then current supplement, if any, establish prima facie the municipal laws of the

City of Lebanon, Illinois, in force on the date of then current supplement; provided, however, that – whenever chapters of the “Code of Ordinances, City of Lebanon, Illinois” have been enacted into positive law – the text of such chapters shall be legal evidence of the municipal laws contained therein.

*Section 6.* The complete title of the “Code of Ordinances, City of Lebanon, Illinois,” shall be *Code of Ordinances, City of Lebanon, Illinois*, and use of the abbreviated title, *Lebanon City Code*, in any subsequent ordinance, resolution, or other action by the City Council, or in any decision, order, report, or recommendation by the Plan Commission or by the Zoning Board of Appeals, shall be sufficient to refer to the *Code of Ordinances, City of Lebanon, Illinois*;

*Section 7.* This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.


Passed by the City Council and approved by the Mayor of the City of Lebanon, Illinois and deposited and filed in the office of the City Clerk on the 9th day of April, 2018, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: 7 Almeter, Diliberto, Gale, Gerdes, Jenkins, Mack, Wright

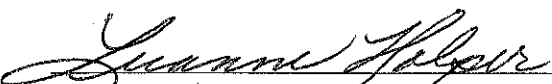
NOES: 0

ABSENT: 1 Bartholomew

APPROVED:

  
\_\_\_\_\_  
Richard Wilken,  
Mayor of the City of Lebanon, Illinois

ATTEST:

  
\_\_\_\_\_  
Luanne Holper,  
City Clerk of the City of Lebanon, Illinois