

ADOPTING ORDINANCE

ORDINANCE NO. 09-12

AN ORDINANCE READOPTING THE VILLAGE CODE OF THE VILLAGE OF OSWEGO, AS AMENDED AS AN EXERCISE OF HOME RULE POWER

WHEREAS, the village of Oswego ("village") has a population of more than 25,000 and is therefore a "home rule unit" under the 1970 Illinois constitution; and

WHEREAS, the Illinois constitution of 1970 provides that a home rule unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the village has in full force and effect a codified set of those ordinances of the village which are of a general and permanent nature, which said codified set is known and designated as the village code of the village of Oswego, as amended; and

WHEREAS, a substantial portion of said code has been adopted pursuant to statutory authorization conferred by the legislature of the state of Illinois; and

WHEREAS, there are or may be certain portions of said code which go beyond the authority conferred by the legislature of the state of Illinois or in some other way differ in content, form, substance or procedure from the content, form, substance or procedure provided by statute; and

WHEREAS, it is determined and found that the continuation in full force and effect of the village code of the village of Oswego, Illinois, as amended or as may hereafter be amended is a matter pertaining to the government and affairs of the village; and

WHEREAS, to the extent that the village code of the village of Oswego, Illinois, as amended goes beyond the authority conferred on the village of Oswego, Illinois by the general assembly of the state of Illinois or to the extent that said code differs in content, form, substance or procedure from provisions of statute, it is the intent of the president and board of trustees of the village of Oswego to readopt said code as an exercise of the home rule powers conferred by the 1970 Illinois constitution;

THEREFORE, BE IT ORDAINED by the president and board of trustees of the village of Oswego, Kendall County, Illinois, as follows:

SECTION ONE: That the village code of the village of Oswego, Illinois, as amended, copies of which have been on file and available for public use, inspection and examination in the office of the village clerk of the village of Oswego, Illinois for a period of fifteen (15) days prior to the adoption of this ordinance and a copy of which said code is incorporated herein by reference is hereby readopted.

SECTION TWO: That this ordinance and the village code of the village of Oswego, Illinois, readopted hereby, is determined to be urgent and necessary for the preservation of the public health, safety, morals and welfare of the people of the village of Oswego, Illinois and therefore shall take effect immediately upon its passage.

SECTION THREE: That the village clerk is hereby authorized and directed to publish this ordinance in pamphlet form, notwithstanding the fact that this ordinance shall be in full force and effect from and after its passage.

SECTION FOUR: That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION FIVE: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION SIX: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the board of trustees of the village of Oswego, Kendall County, Illinois, this 3rd day of February, 2009, by the following roll call vote:

TONY GILES AYE DAVID SCHLAKER AYE

TERRY MICHELS AYE JUDY SOLLINGER AYE

BRADEN ROCK AYE LORI WEST ABSENT

APPROVED by me, Brian LeClercq, as village president of the board of trustees of the village of Oswego, Kendall County, Illinois, this 3rd day of February, 2009.

Brian LeClercq

Village President

Village of Oswego, Kendall County, IL

(SEAL)

ATTEST:

Jeanne Hoch

Village Clerk

Village of Oswego, Kendall County, IL