

CHAPTER 4

GENERAL PENALTY

SECTION:

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1-4-1: **GENERAL PENALTY:**

- A. General Penalty Imposed: Unless specifically provided elsewhere in this Code or State Statute, any person found to have been violation of any of the terms and provisions of this Code shall be fined in an amount not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. A violation of any provision of this Code, unless the context thereof otherwise requires, is hereby deemed to be a separate violation for each day such act or omission continues after the expiration of any period of notice and opportunity thereby allowed to quit, remove, or abate such violation. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence.
(1979 Code §§ 11-1, 11-3; amd. 2002 Code)
- B. Act Consistent with Criminal Laws of State: If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the state is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than the penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the state, and the Village shall be required to establish guilt beyond a reasonable doubt. (2002 Code)

1-4-2: **APPLICATION OF PROVISIONS:**

- A. Application of Penalty: The penalty provided in this chapter shall be applicable to every section of this Village Code the same as though it were a part of each and every separate section.
- B. Acts Punishable under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this Village 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.
- C. Breach of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2002 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this Village 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 for a failure to perform such duty, unless the intention of the Village Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2002 Code)

1-4-4: **PAYMENT OF FINES; DISPOSITION:** Payment of fines imposed by this chapter shall be to the Village Treasurer for the general purposes of the Village. (1979 Code § 11-2)

1-4-5: **REAL ESTATE LIEN:**

- A. Recordation: Any fine or penalty imposed by any provisions of Title 5, Chapter 1 or Title 9 of this Code wherein the use of , or the provision of services to, any real estate is concerned, and any cost or expense incurred by the Village therefor and in accordance with said provisions, and the liens created by Section 9-1-5 of this Code, shall be a lien upon said real estate, which lien may be perfected by filing notice of the same in the office of the recorder of the county, describing therein the real estate so liened, the name and address of the owner, and the date, amount and nature of said lien.

- B. Lien Delinquency List: The Village Clerk may from time to time, upon resolution therefor by the Village Board, publish in any newspaper in general circulation within the Village a lien delinquency list, describing the real estate so liened, the name and address of the owner, and the date, amount, and nature of said lien, indicating whether or not said lien has been perfected by filing of notice thereof with the County Recorder. (Ord. 10-85-1, 10-1-1985)

1-4-6: **ADMINISTRATIVE TICKETING:**

- A. An administrative ticket (AT) is herewith defined as a courtesy ticket used in the case of certain Ordinance Violations in lieu of arrest.
- B. AT's may be issued for any violation of an Ordinance of the Village, except for violations of any Ordinance comparable to those offenses specified in Supreme Rule 551 of Illinois Revised Statutes, as now in force or hereafter amended. AT's may be issued by police officers of the Village.
- C. At the discretion of any police officer or agent of the Village authorized to issue AT's, an AT maybe issued in lieu of arrest using the following procedure:
1. The AT shall be on a ticket form prescribed by the Village Board.
 2. When an AT is issued, the person accused of the violation may settle and compromise the claims as follows:
 - a. For all violations where general penalty provision of this Code applies, Section 1-4-1 or when the specific penalty provided by a Code section is less than \$100.00, by payment to the office of the Village Clerk at an administrative fee of \$100.00 within fifteen (15) days of the date of the issuance.
 - b. For any violation of Code where specific Code section provides for a penalty different from the general penalty provided by Section 1-4-1 and greater than \$100.00, by payment to the office of the Village Clerk of an administrative fee equal to the amount of the minimum fine provide by the Code section violated with such payment to be made within fifteen (15) days of the date of issuance.
 3. If the person accused of such violation does not settle the claim by payment of the administrative fees, within the time provided herein, a complaint or notice to appear in Court will be issued for such violation and the person shall be subject to the fine and penalties set forth in the applicable provision of this Code.

