

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-2: Notice Of Violation

1-4-3: Application

1-4-4: Liability Of Officers

1-4-1: GENERAL PENALTY:

Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful, 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, where no other penalty is expressly set forth, a violation of this Code or of any ordinance shall be punished by a fine of not less than seventy five dollars (\$75.00) and no more than seven hundred fifty dollars (\$750.00). Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. In addition to a fine, the court may impose a period of conditional discharge as defined in 730 Illinois Compiled Statutes 5/5-1-4 or court supervision as defined in 730 Illinois Compiled Statutes 5/5-1-21 of the Criminal Code for a period of up to six (6) months, an order of restitution, an order to perform community service, an order to complete an education program and/or any other appropriate penalties or conditions authorized in any section of this Code or ordinance or any conditions for conditional discharge set forth in 730 Illinois Compiled Statutes 5/5-6-3 or for court supervision in 730 Illinois Compiled Statutes 5/5-6-3.1 as the foregoing are amended from time to time. (Ord. 12-O-04, 2-13-2012)

(A) An additional twenty five dollar (\$25.00) fee shall be charged for any check or draft remitted to the Village which is returned by the bank because of insufficient funds, account closed, no account, or stop order on such check or draft.

(B) A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The Village may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine, penalty, installment of a fine or penalty or any debt due and owing the Village. Any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the Village under this Section shall be charged to the offender or debtor. (Ord. 13-O-11, 4-22-2013; amd. Ord. 20-O-43, 9-14-2020)

1-4-2: NOTICE OF VIOLATION:

(A) Whenever any Village officer or official is authorized to charge a person or arrest a person without a warrant for a violation of the law in respect to any of the subjects enumerated in subsection (B) of this section, the Village officer or official may, in lieu of filing a complaint in court, issue the alleged violator a notice of violation which shall comply with the provisions of this section.

(B) The authority of a Village officer or official to issue a notice of violation in lieu of a complaint in court is specifically limited to the following subjects and laws in regulation thereof:

1. Prohibiting and restricting the stopping, standing or parking of a vehicle.
2. Regulating refuse.
3. Regulating nuisances.
4. Riding bicycles or animals.
5. Requiring the owner or occupant of every house, building or structure to place figures showing the address number thereon.
6. Regulating public sidewalks, public streets and public ways.
7. Regulations regarding pedestrians.
8. Regulations regarding weeds.
9. Regulating the construction of buildings.
10. Regulating water usage.
11. Regulating use of parks.
12. Regulating certain zoning uses and restrictions.
13. Regulating certain vehicles, vehicle loads and equipment. (Ord. 96-O-04, 3-25-1996)
14. Regulating animals and fowl. (Ord. 96-O-08, 5-28-1996)
15. Regulating smoking in certain areas. (Ord. 07-O-37, 12-10-2007, eff. 1-1-2008)

(C) The notice of violation provided for in subsection (A) of this section shall have printed thereon statements which in substance:

1. Advise the person that he has violated a specific ordinance;
2. Request him to make payment in an amount applicable to the alleged violation as set forth in subsection (G) of this section as settlement of the violation claim; and

3. Inform him that upon failure to so settle, a complaint may be filed in a court of competent jurisdiction, charging him with the violation.

(D) Pursuant to the notice of violation specified in this section, the person accused of the violation may settle and compromise the violation claim by paying to the Village the applicable amount as shown in the schedule set forth in subsection (G) of this section within a period to be specified in the notice of violation. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received, and such money shall promptly be turned over to the Director of Finance.

(E) Should the Village be required to serve a final notice to compel collection of a fine alleged to be due hereunder for any violation, the person accused of said violation may settle and compromise the claim against him by paying to the Village a sum equal to two (2) times the applicable amount as shown in the schedule set forth in subsection (G) of this section for each such violation in the manner provided above.

If any person fails or refuses to settle and compromise any claim against him within the time specified in any final notice, the Village may do either of the following:

1. Place any such claim with a collection agency approved by the President and Board of Trustees. Should the Village elect to place any claim with a collection agency, the person accused of said violation may settle and compromise the claim against him by paying to said collection agency a sum equal to three (3) times the applicable amount as shown in the schedule set forth in subsection (G) of this section for each said violation under such reasonable terms as the Village may from time to time provide; or

2. Serve a summons or notice to appear on said person requiring him to appear in a court of competent jurisdiction. Should the Village be required to serve a summons or notice to appear on said person to compel the collection of any fine alleged to be due hereunder, the amount of such fine shall be a sum equal to three (3) times the applicable amount as shown in the schedule set forth in subsection (G) of this section for each said violation exclusive of court costs.

For the purposes of calculating the total amount due under this subsection (E), the amount of any permit fees or late fees required in subsection (G) of this section shall not be doubled or tripled. The Chief of Police, or his designee, is hereby authorized to refrain from instituting a prosecution for the alleged offense involved.

(F) For the purposes of this section, registration with the Secretary of State or with a municipality of a vehicle involved in any violation and the owner of record disclosed by such registration shall be *prima facie* evidence that the owner of record in such registration is the violator and that he was in control of or was the operator of the automobile or motor vehicle at the time of the alleged violation. (Ord. 96-O-04, 3-25-1996)

(G) Settlement of a violation claim established by notice of violation may be made prior to the issuance of a final notice by payment of the appropriate settlement fee as provided in the following schedule (the numbers in this schedule in parentheses represent the section or subsection of this Code where regulations are set forth):

1. Violations With Respect To Prohibiting And Restricting The Stopping, Standing Or Parking Of A Vehicle In Any Designated Area:

Exterior storing of abandoned or nonoperating vehicles 6-3-15(C); 8-7-16(B); 9-10-5(M))	\$75.00
Permitting a vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key, effectively setting the brake thereon, and where standing upon perceptible grade, turning the front wheels to the curb or side of the highway (8-4-26)	75.00
Stopping, standing or parking on the roadway side of any vehicle parked at the edge or curb of a street (8-8-1(A)1)	75.00
Stopping, standing or parking on a sidewalk 8-8-1(A)2)	75.00
Stopping, standing or parking within an intersection 8-8-1(A)3)	75.00
Stopping, standing or parking on a crosswalk 8-8-1(A)4)	75.00
Parking between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings (8-8-1(A)5)	75.00
Stopping, standing or parking alongside or opposite any street excavation or obstruction when such parking would be obstructing traffic (8-8-1(A)6)	75.00
Stopping, standing or parking upon a bridge or other elevated structure upon a highway or within a highway tunnel (8-8-1(A)7)	75.00
Stopping, standing or parking on any railroad tracks 8-8-1(A)8)	75.00
Stopping, standing or parking at any place where official signs prohibit stopping (8-8-1(A)9), standing (8-8-1(B)6), or parking (8-8-1(C)2)	75.00
Stopping, standing or parking on any controlled access highway 8-8-1(A)10)	75.00
Stopping, standing or parking in the area between roadways of a divided highway, including crossovers (8-8-1(A)11)	75.00
Parking outside of pavement markings, where present 8-8-1(A)12)	75.00
Stopping, standing or parking in a manner as to obstruct or restrict the free flow of traffic (8-8-1(A)13)	75.00

Standing or parking in front of a public or private driveway 8-8-1(B)1)	75.00
Standing or parking within 15 feet of a fire hydrant 8-8-1(B)2)	75.00
Standing or parking within 20 feet of a crosswalk at an intersection 8-8-1(B)3)	75.00
Parking within 30 feet upon the approach to a flashing signal, stop sign or traffic control signal located at the side of the roadway (8-8-1(B)4)	75.00
Parking within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign posted (8-8-1(B)5)	75.00
Parking within 50 feet of the nearest rail of a railroad crossing 8-8-1(C)1)	75.00
Unlawful removal of vehicles (8-8-1(D))	75.00
Parking on the streets during snow removal 8-8-2)	75.00
Parking on the streets during street cleaning 8-8-3)	75.00
Parking in excess of the permitted time limit 8-8-4)	75.00
Stopping or parking vehicle on two-way roadway with right hand wheels more than 12 inches from right hand curb (8-8-7(A))	75.00
Stopping or parking a vehicle on a one-way roadway with right hand wheels more than 12 inches from right hand curb or left hand wheels more than 12 inches from the left hand curb (8-8-7(B))	75.00
Displaying vehicles "for sale" (8-8-8(A))	75.00
Parking for washing, greasing or repairing vehicles, except emergency repairs (8-8-8(B))	75.00
Unlawfully parking or standing in loading zones 8-8-9)	75.00
Stopping, standing or parking in a no loading zone 8-8-9A)	75.00
Parking on Village streets between the hours of 2:00 A.M. and 6:00 A.M. 8-8-10)	25.00
Unlawful stopping, standing or parking in an alley 8-8-11)	75.00
Unlawful parking in cab stands or bus loading zones 8-8-12)	75.00
Parking of a vehicle on private property without permission of owner 8-8-13)	75.00
Unlawful parking in restricted areas (8-8-15)	75.00
Parking in, upon or along any designated fire lane 8-8-15)	150.00
Unlawful parking by a vehicle with a handicapped decal or registration 8-8-16(A) and (B))	350.00
Storage of unlicensed vehicles (8-8-17)	75.00
Unlawful parking in a Resident Permit Parking Zone 8-8-18)	75.00
Parking in a parking meter zone in violation of the parking rules 8-9-3)	75.00
Parking at a parking meter outside of the area designated 8-9-5)	75.00
Parking at a parking meter without depositing the proper coins 8-9-6)	75.00
Tampering with a parking meter 8-9-7)	75.00
Prohibited parking or storage of a trailer or boat 8-3-10)	75.00
Unlawful parking of a truck in any business district except when engaged in active loading/unloading operations (9-6-1(C))	75.00
Unlawful off street parking of a vehicle on other than a driveway, parking pad or other approved off street parking area (9-10-5(B)2)	75.00
Unlawful storage or parking of a vehicle in a residential district 8-10-5(O))	75.00

2. Violations With Respect To Regulation Of Refuse Under The Provisions Of Title 6 Of This Code:

Placing of landscape waste containers, garbage containers, recyclable containers and bulk items sooner than 3:00 P.M. on the date prior to scheduled collection or failure to remove said items from the curb or parkway prior to 7:00 P.M. on the date of scheduled collection (6-6-4(B)2)	\$75.00
Unauthorized collection of recyclable materials (6-6-5(A))	75.00
Permitting the storage of or storing of any refuse in such a way as to create a fire hazard (6-6-5(H))	75.00
Unauthorized dumping of refuse (6-6-5(I))	75.00

Burning of refuse or landscape waste material 6-7-3(D))	75.00
---	-------

3. Violations With Respect To Nuisances:

Any nuisance violation (5-3-15, except 5-3-15(C))	75.00
Permitting, operating or maintaining a prohibited compost pile 6-9-5)	75.00

4. Violations With Respect To Riding Bicycles Or Animals:

Failure to obey applicable traffic regulations (8-2-8)	75.00
--	-------

5. Violations With Respect To The Placement Of Addresses On Houses, Buildings And Structures:

Failure of the owner or occupant to have placed upon every house, building or structure, so as to be clearly visible from the street, figures showing the number of the house, building or structure (4-3-2(C))	\$75.00
---	---------

6. Violations With Respect To Public Sidewalks, Public Streets And Public Ways:

Failure to remove rubbish or excavated material on public sidewalks or streets (4-2-7(H))	\$75.00
Unlawful deposit of debris (5-3-6(A))	75.00
Unlawful discharge of stormwater (5-3-6(B))	75.00
Unlawful discharge of wastewater (5-3-6(C))	75.00

7. Violations With Respect To Pedestrians:

Failure to yield right-of-way (8-5-1)	75.00
Improper crossing of roadway (8-5-2)	75.00
Failure to obey traffic control device (8-5-3)	75.00
Unlawful standing upon any sidewalk (8-5-4)	75.00
Improper use of crosswalks (8-5-5)	75.00
Improper use of highway rights-of-way (8-5-6)	75.00
Failure to yield to blind or hearing impaired pedestrian (8-5-7)	75.00
Improper use of roller skates, coaster, toy vehicles, tricycle, skateboard or similar device upon any roadway (8-5-8)	75.00

8. Violations With Respect To Weeds:

Failure of owners of land within the Village to maintain such property free of: a) noxious weeds or b) weeds or plant growth in excess of 10 inches	75.00
---	-------

9. Violations With Respect To The Construction Of Buildings And Accessory Structures:

Failing to purchase a building permit (4-2-10(A)) plus 2 times cost of permit	\$75.00
Unlawful conduct of construction activity during prohibited hours (4-2-18)	75.00
Failure to properly maintain fences (9-12-4(D)2(o))	75.00

10. Violations With Respect To Water Usage:

Unlawful sprinkling or other use of water (6-8-14)	75.00
--	-------

11. Violations With Respect To Parks:

Unlawful dumping or depositing trash or refuse (4-4-2(C))	75.00
Driving or parking any motor vehicle in prohibited areas (4-4-2(D))	75.00
Endangering the safety of any person (4-4-2(E))	75.00
Disturbing the peace (4-4-2(F))	75.00
Possession or consumption of alcoholic liquor (4-4-2(H) and (N))	75.00
Interference with use of parks (4-4-2(I))	75.00
Unlawful swimming, bathing or wading (4-4-2(J))	75.00
Unlawful conducting amusements or lessons (4-4-2(K))	75.00
Permitting prohibited animals into parks (4-4-2(L))	75.00
Vending, selling, peddling or offering to sell any commodity or article (4-4-2(M))	75.00
Unlawful usage of signs (4-4-2(O))	75.00
Violation of other rules and regulations (4-4-2(P))	75.00
Possession of golf clubs or golf balls (4-4-2(R))	75.00
Unlawful possession of baseball, "hard ball" (4-4-2(S))	75.00
Use, launch, navigate, moor, beach or otherwise park or locate any type of watercraft in parks or waters in parks (4-4-2(T))	75.00
Unlawful ice fishing (4-4-2(U))	75.00
Unlawful burning or improper disposal of substances (4-4-2(V))	75.00
Driving or operating all-terrain vehicles, go-carts or skateboards upon or across any park (4-4-2(W))	75.00
Engaging in recreational activity on any street, driveway or parking lot of any park (4-4-2(X))	75.00
Unlawful feeding of waterfowl (4-4-2(Y))	75.00
Presence in park during prohibited hours (4-4-3)	75.00

12. Violations With Respect To Zoning:

Failing to purchase sign permit (9-11-3)	\$75.00
Prohibited signs (9-11-4)	\$75.00
Temporary signs (9-11-5)	75.00
General standards for signs (9-11-9)	75.00
Violation of general provisions relating to signs with respect to signs located on property zoned for residential use (9-11-12(A))	75.00
Unlawful outdoor storage (9-12-3(A))	75.00
Conducting prohibited home occupations (9-12-8)	75.00
Failure to comply with home occupation standards (9-12-9)	75.00

13. Violations With Respect To Certain Vehicles, Vehicle Loads And Equipment:

Clinging to any vehicle or attaching a bicycle, coaster, roller skates, sled or toy vehicle to any vehicle upon any roadway (8-4-28)	\$75.00
Seat belts (8-4-36)	75.00
Use of headsets (8-4-37)	75.00
Child restraint system (8-4-38)	75.00
Use of headlamps (8-4-40)	75.00
Failure to notify Secretary of State (8-6-2)	75.00
Obstruction of driver's view or driving mechanism (8-7-1)	75.00
Stop lamps and turn signals (8-7-2)	75.00
Unusually loud vehicle (8-7-3)	75.00
Horns and warning devices (8-7-4)	75.00
Emission of smoke or fumes (8-7-5)	75.00
Brake equipment required (8-7-7)	75.00
Mufflers (8-7-8)	75.00

Lights required generally (8-7-9)	75.00
Oscillating, rotating or flashing lights (8-7-10)	75.00
Nonskid devices (8-7-11)	75.00
Tires (8-7-12)	75.00
Spilling loads (8-7-13)	75.00
Bicycle lamps, brakes, sirens (8-7-14)	75.00
Unsafe vehicles (8-7-15)	75.00
Engine braking (8-7-18)	75.00
No valid registration (8-7-19)	75.00
Improper display of license plates (8-7-20)	75.00
Expired registration (8-7-21)	75.00
Motorcycle special equipment (8-7-23)	75.00
Motorcycle required lamps (8-7-24)	75.00
No valid safety test (8-7-25)	75.00

14. Violations With Respect To Animals And Fowl:

Animals running at large (5-2-2)	75.00
Riding an animal (5-2-8)	75.00
Vaccination required (5-2-10)	75.00
Animals in heat (5-2-11)	75.00
Disturbing the peace (5-2-12)	75.00
Prohibited areas (5-2-13)	75.00
Certain prohibited acts (5-2-15(A))	75.00

15. Violations With Respect To The Smoking Regulations:

Smoking in an area where prohibited (6-10-9(A)1)	\$ 75.00
Certain other prohibited acts (6-10-9(A)2)	25.00

(Ord. 96-O-04, 3-25-1996; Ord. 96-O-08, 5-28-1996; Ord. 97-O-04, 1-27-1997; Ord. 98-O-09, 3-9-1998; Ord. 99-O-25, 10-25-1999, eff. 2-29-2000; Ord. 03-O-26, 9-22-2003; Ord. 06-O-06, 3-13-2006; Ord. 07-O-37, 12-10-2007, eff. 1-1-2008; Ord. 10-O-32, 12-13-2010; Ord. 19-O-31, 11-25-2019; Ord. 21-O-10, 2-22-2021)

1-4-3: APPLICATION:

The penalty provided in this chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

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.

Whenever 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 specifically declared for such breach, the provisions of this chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues. (1973 Code)

1-4-4: LIABILITY OF OFFICERS:

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 for a failure to perform such duty, unless the intention of the 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. (1973 Code)