

CHAPTER 4

**PENALTY**

SECTION:

- 1-4-1: Penalty
- 1-4-2: Default, Labor
- 1-4-3: License
- 1-4-4: Application
- 1-4-5: Liability of Officers

1-4-1: Penalty.

- (a) Violations of certain Sections of the City Code or other ordinance shall be categorized into the following classes and subject to the minimum fine amounts as set forth below:

CLASS 0	\$ 25.00
CLASS 1	\$ 35.00
CLASS 2	\$ 50.00
CLASS 3	\$ 75.00
CLASS 4	\$100.00
CLASS 5	\$200.00
CLASS 6	\$400.00
CLASS 7	\$500.00
CLASS 8	\$750.00
CLASS 9	\$ 75.00 .

The alleged violator shall be given one warning per calendar year instead of a fine. If compliance is not achieved within 15 days of the warning, then a fine may be given.

A second violation of the same ordinance within the same calendar year will be fined \$150.00.

A third violation of the same ordinance within that same calendar year will be fined \$300.00.

A fourth violation of the same ordinance within that same calendar year will be fined of \$600.00.

- (b) The following Sections of the City Code are hereby categorized as CLASS 0 offenses, and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

5-2-5	Burning Garbage Prohibited
5-2-6	Burning Leaves Restricted
6-2-35(D)	Tobacco Possession by a Minor (1 <sup>st</sup> Off.)
9-5-9	Bicycles/Skateboards in Prohibited Areas
9-5-16	Two Persons on Bicycle
9-8-1	No Parking – Designated Places
9-8-2	No Parking in Restricted Areas
9-8-3	Time Limit Parking in Restricted Areas
9-8-4	Parking Violation – Towing of Vehicle
9-8-5	Parking More Than 12” From Curb
9-8-6	Parking of Vehicle for Sale
9-8-11	Parking on Private Property w/o Consent

- (c) The following Sections of the City Code are hereby categorized as CLASS 1 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

6-3-2	Dog License/Registration Required
6-3-3	Rabies Inoculation Required

- (d) The following Sections of the City Code are hereby categorized as CLASS 2 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

5-4-1	Sale/Possession of Fireworks
6-2-8	Expectorating in Public
6-2-10	False Pretenses
6-2-14	Posting of Handbills
6-2-19	Unlawful Solicitation
6-2-35(D)	Tobacco Possession by a Minor (2 <sup>nd</sup> Off. w/in 12 mo.)
6-3-5	Dog Running at Large (1 <sup>st</sup> Off.)
6-3-6	Dog Disturbing the Peace (1 <sup>st</sup> Off.)
6-4-2	Dangerous Animal
6-4-4	Animals Running at Large
6-4-6	Diseased Animals Prohibited
6-5-1	Curfew – Persons Under 18 Yrs.
6-5-2	Parent/Guardian Responsibility
6-8-5(A)	Truancy Prohibited – Parental Responsibility
6-8-5(B)	Truancy Prohibited – Childs Responsibility
7-7-2	Deposit, Dumping of Garbage
7-7-3	Unapproved or Lack of Container
8-1-6	Unprotected Excavations
8-1-9	Obstruction of Street
8-1-11	Removal of Construction Barricades
8-1-16	Street Sales Prohibited Without Permit

8-1-23	Display of Street Numbers
8-7-16(B)	Cemetery - Trespassing Dusk to Dawn
8-9-2(A)	Parks – Trespassers Dusk to Dawn
9-5-10	Driving on Right Side of Roadway
9-5-17	Unattended Motor Vehicle
9-5-19	Clinging to Moving Motor Vehicle
9-5-20	Toy Vehicles Prohibited on Roadway
9-5-21	Riding on Running Boards
9-7-2	Pedestrians Crossing Roadway
9-7-4	Standing on Sidewalk
9-7-5	Pedestrian Jay Walking Prohibited
9-7-6	Pedestrian Walking on Roadway
9-7-6(B)	Hitch Hiking Prohibited

- (e) The following Sections of the City Code are hereby categorized as CLASS 3 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

6-2-20	Alcohol Consumption on City Owned Property
6-2-23	Noises Prohibited – General Public (1 <sup>st</sup> Off.)
6-2-35(D)	Tobacco Possession by a Minor (3 <sup>rd</sup> Off. w/in 12 mo.)
7-7-7	Roll Off Dumpster Violation
8-9-1	Parks – Motorized Vehicles Prohibited
9-3-1	Disobey Traffic Sign
9-3-7	Interfere/Removal of Traffic Sign
9-4-2	Wrong Way on a One Way Street
9-4-3	Failure to Stop at a Stop Sign
9-4-4	Failure to Yield at a Stop Sign
9-5-1	Improper Turning
9-5-2	Failure to Signal Turn
9-5-5	Driving Motor Vehicle on Sidewalk
9-5-6	Failure to Yield Right of Way
9-5-7	Following a Fire Dept Vehicle to a Scene
9-5-8	Driving Over a Fire Hose Without Permission
9-5-11	Improper Passing
9-5-14	Failure to Yield to Emergency Vehicle
9-5-15	Obstructing Traffic/Roadway
9-5-26	Improper Backing
9-5-29	Exceeding Posted Load Limits
9-5-31	Following Too Close
9-5-33	Unlicensed Motor Vehicles on Roadway
9-5-34	Texting While Driving
9-5-36	Seat Belt Required
9-6-4	Speeding Over the Posted Limit
9-6-6	Speeding in a School Zone

9-7-1	Right of Way to Pedestrians
9-7-7	Blind Pedestrians Have Right of Way
9-8-2(A)	No Parking – Snow Accumulation over 2”
9-8-4	Parking Violation – Towing of Vehicle
9-8-14	Parking in Handicapped Spot w/o Permit
9-9-1	Equipment – Obstructed Vision
9-9-2	Excessive Gas and Smoke Emitted
9-9-3	Unnecessary Noise – Motor Vehicle
9-9-4	Driving Unsafe Vehicle Prohibited
9-9-5	Spilling Load on Roadway
9-9-6	Inoperable Motor Vehicle Equipment
9-9-7	Exceeding Width, Length or Height Limits
9-9-8	Exceeding Weight Limit

- (f) The following Sections of the City Code are hereby categorized as CLASS 4 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

3-2-9(A)	Liquor – Violate the Laws of State of Illinois
3-2-12	Failure to Report Fights to Liquor Commission
3-2-12	Bar Closing Time Violation
3-2-16	Sale of Alcohol to Minor
3-2-16A	Consumption/Possession of Alcohol by Minor
3-6-1	No Peddlers License
5-3-3	Manufacture of Explosives Prohibited
6-2-2	Cruelty to Animals
6-2-3	Assault
6-2-4	Battery
6-2-5	Discharge of Firearms/Fireworks
6-2-7	Disorderly Conduct
6-2-9	Injurious Materials on Thoroughfares
6-2-12	Loud Mufflers – Unnecessary Noise
6-2-13	Aid to an Offense
6-2-15	Malicious Damage to Property
6-2-16	Resisting Officer
6-2-17	Failure to Disperse/Riot
6-2-18	Trespassing Private Property
6-2-21	Obscenity
6-2-22	Distributing Harmful Material to Minor
6-2-23	Noises Prohibited – Liquor Establishments (1 <sup>st</sup> Off.)
6-2-35(A)	Tobacco Possession by a Minor (1 <sup>st</sup> Off.)
6-2-35(B)	Tobacco Possession by a Minor (1 <sup>st</sup> Off.)
6-2-35(C)	Tobacco Possession by a Minor (1 <sup>st</sup> Off.)
6-3-2	Dog License/Registration Required (2 <sup>nd</sup> Off. w/in 12 mo.)

6-3-5	Dog Running at Large (2 <sup>nd</sup> Off.)
6-3-6	Dog Disturbing the Peace (2 <sup>nd</sup> Off.)
7-8-1	Mosquito Control and Abatement
8-1-16	Street Sales Prohibited Without Permit
8-9-1	Parks – Motorized Vehicles Prohibited (2 <sup>nd</sup> Off. and Later Off.)
9-5-33	Unlicensed Motor Vehicles on Roadway (2 <sup>nd</sup> Off.)
9-10-2	Leaving the Scene of an Accident
9-10-3	Reckless, Negligent or Careless Driving

- (g) The following Sections of the City Code are hereby categorized as CLASS 5 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

6-2-23	Noises Prohibited – Liquor Establishments (2 <sup>nd</sup> Off.)
6-2-23	Noises Prohibited – General Public (2 <sup>nd</sup> Off.)
6-2-35(A)	Tobacco Possession by a Minor (2 <sup>nd</sup> Off. w/in 12 mo.)
6-2-35(B)	Tobacco Possession by a Minor (2 <sup>nd</sup> Off. w/in 12 mo.)
6-2-35(C)	Tobacco Possession by a Minor (2 <sup>nd</sup> Off. w/in 12 mo.)

- (h) The following Sections of the City Code are hereby categorized as CLASS 6 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

6-2-21	Obscenity (2 <sup>nd</sup> Off.)
6-2-27	Possession of Marijuana
6-2-28	Possession of Drug Paraphernalia
6-2-32	Possession of Synthetic Alternative Drug
6-2-33	Use of Synthetic Alternative Drug
6-2-35(A)	Tobacco Possession by a Minor (3 <sup>rd</sup> Off. w/in 12 mo.)
6-2-35(B)	Tobacco Possession by a Minor (3 <sup>rd</sup> Off. w/in 12 mo.)
6-2-35(C)	Tobacco Possession by a Minor (3 <sup>rd</sup> Off. w/in 12 mo.)

- (i) The following Sections of the City Code are hereby categorized as CLASS 7 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

6-2-31 Sale or Delivery of Synthetic Alternative Drug  
6-3-16 Possession of Vicious Dog Prohibited

- (j) The following Sections of the City Code are hereby categorized as CLASS 8 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

9-10-1 Driving Under Influence Drug/Alcohol

- (k) The following sections are hereby categorized as CLASS 9 offenses and any conflicting penalty provision previously set forth in the City Code is hereby repealed:

6-4-3 Animal Noises – Disturbing the Peace  
6-4-7 Housing Non-Domestic Animals  
6-7-1 Weeds Prohibited  
7-7-6 Accumulation of Garbage  
6-6-2 Inoperable Motor Vehicle  
6-6-3 Leaving Abandoned Vehicle on City Street  
7-5-1 Public Nuisance Declared  
6-7-4 Weeds – Failure to Abate (Remove or Cut Down)

- (l) Any person convicted of a violation of any Section of the City Code not categorized in the preceding paragraphs, or any Section of the City Code for which another penalty is not specifically provided, shall be fined in a sum not to exceed five hundred dollars (\$500.00) for any one offense.
- (m) If the minimum fine amounts are not paid within the allotted time (15 days) and court action is required to enforce the violation, the City is not limited in seeking up to the statutory maximum.

1-4-2: DEFAULT; LABOR: Any person in default of payment of any fine or cost imposed may be committed to the City or County Jail until the fine, penalty and costs are fully paid. Any person imprisoned under the provisions of the Chapter may be put to work for the benefit of the City for the term of his imprisonment. The committed person shall be allowed, exclusive of board, a credit of five dollars (\$5.00) for each day's work. \*3

No female prisoner shall be required to work in public, nor shall any prisoner be required to work on Sunday.

1-4-3: LICENSE: When a person is convicted of a violation of any Section of the City Code any license previously issued to him by the City may be revoked by the Court or by the Council.

1-4-4:           **APPLICATION:** The penalty provided in this Chapter shall be applicable to every Section of this City 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 the City 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 City Code.

1. S.H.A. Ch. 24, Sec. 11-3-2.
2. S.H.A. Ch. 24, Sec. 1-2-1 amd. 1963
3. S.H.A. Ch. 24, Sec. 1-2-9 amd. 1963

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

1-4-5:           **LIABILITY OF OFFICERS:** No provision of the City 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 Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty. (1969 Code)