



CITY OF URBANA
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TO: Mayor Laurel Lunt Prussing and Urbana City Council

FROM: Curt Borman, Assistant City Attorney

DATE: November 4, 2009

SUBJECT: Consideration of an Ordinance Amending Section 1-18 of the Urbana City Code (minimum fine schedule for certain violations)

Introduction

This proposed ordinance increases the fines for most offenses listed in the minimum fine schedule for certain violations.

Background

Section 1-18 of the Urbana City Code contains a list of minimum fines for certain ordinance violations. Persons accused of violating the ordinances set forth in Section 1-18 may be permitted to pay the minimum fine as settlement of the violation before a complaint is filed in court. Most of these minimum fines have remained unchanged since 2004 (Ordinance No. 2004-03-026). The proposed ordinance increases many of these fines. This ordinance also makes minor changes to some descriptions of violations to promote greater clarity.

A table comparing proposed City of Urbana minimum fines with those currently in effect for City of Champaign ordinance violations is attached to this memorandum.

Fiscal Impact

Approval of the proposed ordinance will help to offset the higher costs of providing municipal services associated with these violations. Non-approval will limit the City's ability to offset these costs or to offer a deterrent to the commission of the violations contained in the schedule.

Recommendation

Approve the ordinance amending Section 1-18 of the Urbana City Code.

Violation	Proposed Urbana Fine	Current Champaign Fine
Liquor Violations		
Sale to drunks	\$300	\$310
Transport in motor vehicle	\$200	\$165
Identification offenses	\$200	\$310
License required to sell	\$300	\$310
Open container out of premises	\$165	\$165
Purchase/Possession/Consumption by minors	\$300	\$310
Open Container/Public Property	\$165	\$165
Assault	\$300	\$215
Battery	\$300	\$215
Reckless Conduct	\$300	\$215
Theft	\$300	\$215
Breaking & Entering	\$300	\$215
Criminal Damage	\$300	\$215
Trespass	\$300	\$165
Retail Theft	\$300	\$215
Disorderly Conduct	\$300	\$165
Fireworks	\$165	\$165
Curfew	\$165	\$165
Public Urination	\$165	\$165
Throwing Stones/Missiles/Etc.	\$165	\$215
Cannabis and Drug Paraphernalia	\$300	\$310
Noise	\$215	\$215
Motor Vehicle/Noise Offense	\$165	\$165
Solicitor License Required	\$165	\$165
Stray Dog	\$165	\$165
Animal Cruelty	\$300	\$215
Animals Disturbing the Peace	\$165	\$165
Animal Complaints – Other	\$165	\$165
Open Burning	\$165	\$165
Hinder/Refuse to Obey City Officer	\$300	\$215

**AN ORDINANCE AMENDING SECTION 1-18 OF THE URBANA CITY CODE
(minimum fine schedule for certain violations)**

WHEREAS, the Mayor and the City Council heretofore have adopted Section 1-18 of the Urbana City Code establishing minimum fines for violations of certain sections of the Urbana City Code; and

WHEREAS, the Mayor and the City Council find that the best interests of the City are served by amending said section.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 1, "General Provisions," Section 1-18, "Minimum fine schedule for certain violations," is hereby amended as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference, with the underlined text indicating new language and the strikethrough text indicating deletions.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or

affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

Sec. 1-18. Minimum fine schedule for certain violations.

Section	Section Title	Minimum Fine
Chapter 3 Alcoholic Liquors		
3-3	Hours of operation.	\$200
3-4	Sale to minors, drunkards, and the like.	\$135 \$300
3-5	Transporting in motor vehicle.	\$200
3-20	Allowing to frequent or remain in public areas of Class A establishments. (Minors)	\$135 \$165
3-21	Warning to minors [to be posted].	\$135 \$165
3-22	Purchase, consumption or acceptance of gift by minors; misrepresentation of age.	\$135 \$300
3-23	Identification cards.	\$135 \$200
3-24	Employment of minors.	\$135 \$165
3-39	Required. (Liquor license) Liquor license required.	\$200 \$300
3-59	Consumption (and possession) on public property--Prohibited.	\$135 \$165
3-60	Carrying open container of alcoholic liquor out of liquor service premises.	\$135 \$165
Chapter 3.5 Ambulances		
3.5-30	Required. (Ambulance license) required.	\$135 \$165
3.5-57	Compliance with emergency dispatch procedures.	\$135 \$165
3.5-58	Monitoring emergency dispatch calls.	\$135 \$165
Chapter 3.7 Amusements		
3.7-13	License required. (Amusement devices) license required.	\$135 \$165
Chapter 4 Animals and Fowl		
4-6	Cruelty.	\$200 \$300
4-11	Mistreating, interfering with, etc., police dogs.	\$135 \$300
4-12	Disturbing the peace. (Animals)	\$135 \$165
4-23	Animals running at large.	\$135 \$165
4-31	Removal of dog excrement.	\$135 \$165
Chapter 6 Civil Emergencies		
6-1	Proclamation by mayor for public curfew.	\$135 \$165
Chapter 8 Fire Prevention and Protection		
8-2	Obstructing fire hydrants.	\$135 \$165
8-3	Removal of property salvaged at fires.	\$135 \$165
Chapter 9 Food and Food Establishments		
9-3	Health District permit prerequisite.	\$135 \$165
Chapter 10 Garbage and Refuse		
10-25	Vehicle operating requirements.	\$135 \$165
10-81	Unauthorized tampering.	\$50 \$100

Section	Section Title	Minimum Fine
Chapter 11 Health and Sanitation		
11-19	Open burning.	\$135\$165
11-34	Prohibitions generally. (Smoking)	\$135\$165
11-36	Prohibited smoking on buses.	\$135\$165
11-37	Responsibility of proprietors. (Smoking)	\$135\$165
11-52	Collection required.	\$135\$165
11-53	Containers <u>Municipal waste container violation.</u>	\$135\$165
Chapter 13 Library		
13-1	Creating disturbances.	\$135\$300
13-2	Loitering.	\$50\$300
13-3	Failure to return books or pay fines.	\$135\$165
13-4	Mutilating, etc., books, etc.	\$135\$300
13-5	Unlawful removal of articles.	\$135\$300
13-6	Those prohibited from use not to visit.	\$135\$300
Chapter 15 Miscellaneous Offenses and Provisions		
15-3	Hindering performance by or refusing to obey direction of city officer or employee.	\$50\$300
15-4	Impersonation of city officers and employees.	\$200\$300
15-16	Assault.	\$200\$300
15-17	Battery.	\$200\$300
15-18	Reckless conduct.	\$135\$300
15-31	Breaking and entering.	\$200\$300
15-32	Theft.	\$135\$300
15-33	Damage to property.	\$135\$300
15-34	Same—Caps or lids connected with water, sewerage or gas companies <u>stampering.</u>	\$135\$300
15-35	Criminal trespass to land generally.	\$135\$300
15-36	Criminal trespass to city-supported land.	\$135\$300
15-43	Definitions. (Retail theft.)	\$135\$300
15-59	Loitering.	\$50\$300
15-60	Disorderly conduct.	\$50\$300
15-61	Mob action.	\$200\$300
15-62	Fireworks.	\$135\$165
15-63	Curfew for minors:	\$165
	1st offense:	\$25
	2nd offense:	\$50
	3rd offense:	\$75
	Violations by parent, guardians, etc.:	
	1st offense:	\$25
	2nd offense:	\$50
	3rd offense:	\$75
15-64	Public urination and defecation prohibited.	\$135\$165
15-65(b)	Allowing a nuisance party.	\$200\$300
15-65(c)	Failure to obey cease and disperse order.	\$200\$300
15-66(b)	Possession of cannabis prohibited	\$200\$300
15-67(b)	Possession of drug paraphernalia prohibited.	\$200\$300
15-71	Throwing stones, missiles, etc.	\$135\$165
15-72	Use of slings and air guns prohibited.	\$135\$165

<u>Section</u>	<u>Section Title</u>	<u>Minimum Fine</u>
Chapter 16 Noises and Vibrations		
16-2	Prohibitions generally.	\$200 \$215
16-7	Construction operations.	\$200 \$215
16-8	Motor vehicles (Noise offenses)	\$135 \$165
16-9	Horns and signaling devices on vehicles.	\$135 \$165
Chapter 17 Peddlers, Solicitors and Transient Merchants		
17-3	Refusing to leave premises; posting of premises.	\$135 \$165
17-4	Use of residential streets prohibited; exception peddlers and permit holders.	\$135 \$165
17-16	Required. (Solicitor license) <u>required.</u>	\$135 \$165
Chapter 20 Streets, Sidewalks and Other Public Places		
20-44	Permission required. (Obstructions)	\$50 \$100
20-45	Merchandise. (Obstructions)	\$135 \$165
20-46	Building materials. (Obstructions)	\$135 \$165
Chapter 23 Local Traffic Code		
23-35	Use of coasters, roller skates and similar devices restricted.	\$50 \$100
23-107	Climbing on vehicles in motion.	\$50 \$100
23-108	Clinging to moving vehicles	\$50 \$100
23-109	Unlawful riding	\$50 \$100
23-110	Required. (Parade permit <u>required.</u>)	\$135 \$165
23-119(a)	Interference. (Parades)	\$135 \$165
23-119(b)	Driving through parades.	\$135 \$165
23-144	Riding on sidewalks.	\$50 \$100
Chapter 26 Vehicles for Hire		
26-26	Required. (Illinois driver's license and city taxicab driver's license) <u>required.</u>	\$135 \$165
26-41	Required. (Taxicab business license <u>required.</u>)	\$135 \$165