

ORDINANCE NO. 2015-05-037

**AN ORDINANCE AMENDING URBANA CITY CODE SECTION
1-17 - SETTLEMENT OF VIOLATIONS PRIOR TO SUIT BEING FILED**

**(Increase in Time for Settling Violations from 14 Days
to 35 Days with an Extension of 28 Days)**

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City has adopted numerous ordinances which provide for fines in the event they are violated; and

WHEREAS, the City Council has adopted an ordinance which provides for a minimum fine schedule for violations of certain ordinances (UCC Sec. 1-18); and

WHEREAS, the City has the lawful authority to prosecute violations of its ordinances in the Circuit Court for the Sixth Judicial Circuit, Champaign County, Illinois and to collect fines should such proceedings result in the imposition of fines on defendants; and

WHEREAS, the City Council has adopted an ordinance (UCC Sec. 1-17) which allows a defendant to settle an alleged violation of a City ordinance prior to the initiation of any prosecution in Ordinance Violation Court which involves entering into a settlement agreement and paying the minimum fine provided for in the City's minimum fine schedule for certain violations (UCC Sec. 1-18); and

WHEREAS, the City's settlement ordinance (UCC Sec. 1-17) allows a defendant to settle an alleged ordinance violation by making payment of the minimum fine within fourteen (14) days after issuance to the defendant of a notice to appear in court to answer to the violation; and

WHEREAS, the City Council deems it appropriate to increase the time in which a defendant may settle his/her ordinance violation ticket from fourteen (14) days to twenty-eight (28) days.

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

Section 1.

Urbana City Code Chapter 1, "General Provisions", Section 1-17, "Settlement of violations prior to suit being filed; minimum fines" shall be and hereby is amended with strike-through indicating language to be deleted and underlining indicating language to be included as follows:

Sec. 1-17. - Settlement of violations prior to suit
being filed; minimum fines.

(a) A person accused of violating a section of this Code set forth in section 1-18 may be permitted to pay the minimum fine which is set forth in section 1-18 as settlement of such violation if payment is made within the time and in the manner set forth in subsection (c) of this section.

(b) Any animal control officer or peace officer may issue a notice to appear if authorized by the chief of police. Officers who have issued a notice to appear to a person for an offense under this Code for which the minimum fine is set forth in section 1-18 shall indicate on the notice to appear whether the person may pay the minimum fine which is set forth in section 1-18 as settlement of such violation.

(c) Payments in settlement of violations set forth in section 1-18 shall be made within thirty-five (35) days after the date that the notice to appear was issued to the person accused of such violation. A payment shall be considered made within said thirty-five (35) days if the payment is actually received by the city's finance department by 5:00 p.m. on the thirty-fifth day following the date the notice to appear was issued. Payments shall be made by cash or certified check, money order or cashier's check made payable to the City of Urbana, or by MasterCard or VISA under such conditions as the city comptroller shall specify. Notwithstanding the foregoing, a person served with a notice to appear may request an extension of twenty-eight (28) days beyond the initial thirty-five (35) days hereinbefore provided in which to settle his or her ordinance violation. The director of finance shall have the discretion to grant or decline the request for such an extension. If the request for extension is granted then the payment shall be considered made within the extended period if the payment is actually received by the city's finance department by 5:00 p.m. on the sixty-third day following the date the notice to appear was issued. Payment shall be made in the same manner as hereinbefore provided.

(d) If a person pays the minimum fine pursuant to this section, then no complaint charging the person with the particular violation shall be filed by the

city attorney.

(e) The minimum fine for those violations listed in section 1-18 shall be as set forth in section 1-18 in lieu of the minimum fine set forth in other provisions of the Code.

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 nor shall it apply retroactively to any cannabis and/or cannabis-related offense which was committed or charged prior to the effective date of this Ordinance. Further, this Ordinance shall not be construed to affect 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. Nothing herein shall be deemed, construed or interpreted as providing any direction insofar as how the City enforces and charges offenses under the State of Illinois Cannabis Control Act (720 ILCS 550/1 et seq.).

Section 4.

This Ordinance shall become effective July 1, 2016.

Section 5.

The City Clerk is directed to take such steps as are reasonable and appropriate to incorporate or arrange for incorporation of the above-referenced change in fine for a violation of Urbana City Code Section 15-16 into the Urbana City Code as maintained by the City and as hosted by MuniCode.

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