

AN ORDINANCE AMENDING CHAPTER ONE OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS CONCERNING MINIMUM FINES FOR ORDINANCE VIOLATIONS AND THE SETTLEMENT OF VIOLATIONS WITHOUT FILING SUIT

WHEREAS, the City of Champaign in 1988 adopted an ordinance enforcement system which includes minimum fines and the settlement of ordinance violations without filing suit;

WHEREAS, the Champaign ordinance enforcement system has proven successful in handling minor infractions of the law with a minimum of time and expense;

WHEREAS, adoption of a similar system by the City of Urbana will provide the Urbana Police Department with an additional tool in handling minor infractions;

WHEREAS, adoption of a similar system by the City of Urbana will further improve the efficiency of the Legal Division by resolving certain cases without the necessity of filing suit;

WHEREAS, adoption of a similar system by the City of Urbana will benefit the Circuit Court by resolving cases without the necessity of filing suit and by providing uniformity in the processing of ordinance violation cases;

WHEREAS, it is in the best interest of the City of Urbana to adopt an ordinance enforcement system which includes minimum fines and the settlement of certain ordinance violations without filing suit;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Section 1-10 of Chapter One, entitled "General penalty; continuing violations", of the Code of Ordinances of the City of Urbana, Illinois, is hereby amended to read as follows:

Sec. 1-21. General penalty; continuing violations.

(A) 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 or fine imposed in an administrative hearing shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(B) Whenever in this Code a minimum but not maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty but not exceeding five hundred dollars (\$500.00).

(C) Whenever in this Code the doing of any act or omission to do any act constitutes a violation of any section or provision of this Code, and the section or provision of this Code is listed in Section 1-18, any person who shall be convicted of any such violation shall be fined not less than the minimum fine set forth in Section 1-18 for that section or provision of this Code nor more than five hundred dollars (\$500.00) for each offense.

(D) Whenever in this Code the doing of any act or the omission to do any act constitutes a violation of any section or provision of this Code, and the section or provision of this Code violated is not listed in Section 1-18 and there shall be no fine or penalty declared for such violation, any person who shall be convicted of any such violation shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense.

(E) In case of amendment of any section of this Code containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not unless such penalty is specifically repealed therein.

(F) Whenever a finding of guilty is entered by the Court or a plea of guilty is entered by a defendant, the Court may, in addition to a fine imposed, enter an order to pay restitution with restitution to be in an amount not to exceed actual out-of-pocket expenses or loss approximately caused by the conduct of the defendant. The Court shall determine the amount and conditions of payments.

(G) Whenever a finding of guilty is made by the Court or a plea of guilty is entered by a defendant, the Court may impose a sentence of supervision, and the incidents and conditions thereof, as defined in the Uniform Code of Corrections, as now or hereafter amended. The provisions as to employment, compensation, liability and any other provision contained in the Uniform Code of Corrections shall also apply.

(H) A separate offense shall be deemed committed on each day during or on which a violation of this Code occurs or continues.

(I) No provision of this Code designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

Section 2. That Chapter One of the Code of Ordinances, City of Urbana, Illinois is hereby amended by adding Section 1-17, 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) 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 fourteen (14) 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 fourteen (14) days if the payment is actually received by the City's Finance Department by 5:00 p.m. on the fourteenth (14th) 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.

(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 3. That Chapter One of the Code of Ordinances, City of Urbana, Illinois is hereby amended by adding Section 1-18, as follows:

Section 1-18. Minimum fine schedule for certain violations.
 The minimum fine for violating certain sections of the Code of Ordinances, City of Urbana, Illinois shall be as follows:

Section	Section Title	Minimum Fine
<u>Chapter 3 Alcoholic Liquors</u>		
3-4	Hours of operation.	\$ 75
3-5	Sale to drunkards, insane persons, etc.	75
3-7	Transporting in motor vehicle	75
3-20	Allowing to frequent or remain in public areas of Class A establishments. (Minors)	75
3-21	Sale, delivery to minors.	75
3-22	Furnishing false identification for potential use. (Minors)	75
3-23	Licensee's duty to demand identification fraudulent use constitutes chapter violation. (Minors)	75
3-24	Purchase, possession prohibited; exceptions. (Minors)	75
3-39	Required. (Liquor license)	75
3-61	Possession of open container of alcoholic liquor on public property.	75
3-62	Carrying open container of alcoholic liquor out of liquor service premises.	50
<u>Chapter 3.5 Ambulances</u>		
3.5-2	Cooperation with other public safety and emergency services.	75
3.5-3	Monitoring calls.	75
3.5-11	Required. (Ambulance license)	75
<u>Chapter 3.7 Amusements</u>		
3.7-13	License required. (Amusement devices)	75

Chapter 4 Animals and Fowl

4-1	Prohibited at large; responsibility of owner.	50
4-2	Cruelty.	75
4-3	Mistreating, interfering with, etc., police dogs.	75
4-4	Killing, injuring, etc., squirrels.	50
4-5	Disturbing the peace. (Animals)	50
4-6	Keeping of bees.	50
4-18	Subject to impoundment for running at large, etc. (Dogs)	50
4-20	Disturbing the peace. (Dogs)	50
4-23	Vicious dogs; penalties.	75

Chapter 6 Civil Emergencies

6-1	Proclamation by mayor for public curfew.	75
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Chapter 8 Fire Prevention and Protection

8-2	Obstructing fire hydrants.	75
8-3	Removal of property salvaged at fires.	75

Chapter 9 Food and Food Establishments

9-18	Licenses and fees. (Food service license)	75
9-39	Required. (Food delivery license)	75

Chapter 9.5 Games of Chance

9.5-21	License required. (Raffle license)	75
9.5-27	Conduct of raffles; tickets; advertisements.	75

Chapter 10 Garbage and Refuse

10-1	Deposit of garbage, slops, filth, etc.; nonapplicability to certain recyclable materials.	50
10-2	Disposal of garbage.	50
10-3	Recycled materials to become property of the city; unauthorized collection.	50
10-3.1	Unlawful removal of materials set out for municipal collection.	50
10-5	Scattering waste paper, etc., prohibited.	50
10-6	Scattering dirt, gravel, etc., on public streets.	50
10-7	Placing grass, leaves or debris in streets and gutters.	50
10-20	Containers - Required.	50
10-21	Same - Offensive materials prohibited.	50
10-22	Same - Cleaning; disposal of contents.	50
10-37	Vehicle operating requirements.	75
10-78	Same - Failure to comply; penalty. (Animal waste)	50

Chapter 11 Health and Sanitation

11-19	Open burning.	50
11-34	Prohibitions generally. (Smoking)	50
11-36	Prohibited smoking on buses.	50
11-37	Responsibility of proprietors. (Smoking)	75

Chapter 13 Library

13-1	Creating disturbances.	75
13-2	Loitering.	75
13-3	Failure to return books or pay fines.	75
13-4	Mutilating, etc., books, etc.	75
13-5	Unlawful removal of articles.	75
13-6	Those prohibited from use not to visit.	75

Chapter 15 Miscellaneous Offenses and Provisions

15-3	Hindering performance by or refusing to obey direction of city officer or employee.	75
15-4	Impersonation of city officers and employees.	75
15-16	Assault.	100
15-17	Battery.	100
15-18	Reckless conduct.	100
15-31	Breaking and entering.	75
15-32	Theft.	75
15-33	Destroying or injuring property - Generally.	75
15-34	Same - Caps or lids connected with water, sewerage or gas companies.	75
15-35	Criminal trespass to land generally.	75
15-36	Criminal trespass to city-supported land.	75
15-43	Definitions. (Retail theft)	75
15-59	Loitering.	75
15-60	Disorderly conduct.	75
15-61	Mob action.	75
15-62	Fireworks.	75
15-63	Curfew for minors.	75
15-64	Public Urination and defecation prohibited.	75
15-71	Throwing stones, missiles, etc.	75
15-72	Use of slings and air guns prohibited.	75

Chapter 16 Noises and Vibrations

16-2	Prohibition generally.	50
16-3	Construction operations.	75
16-4	Motor vehicles.	50
16-5	Horns and signalling devices on vehicles.	50

Chapter 17 Peddlers, Solicitors and Transient Merchants

17-3	Refusing to leave premises; posting of premises.	75
17-4	Use of residential streets prohibited; exception peddlers and permit holders.	75
17-16	Required. (Solicitor license)	75

Chapter 20 Streets, Sidewalks and Other Public Places

20-44	Permission required. (Obstructions)	75
20-45	Merchandise. (Obstructions)	75
20-46	Building materials. (Obstructions)	75

Chapter 23 Traffic and Motor Vehicles

23-25	Required. (Bicycle permit)	50
23-44	Interference. (Parades)	75
23-45	Driving through parades.	75
23-54	Required. (Parade permit)	75

Chapter 26 Vehicles for Hire

26-27	Required. (Taxicab business license)	75
26-43	Required. (Taxicab driver's license)	75
26-46	State license required. (Taxicab)	75

Section 3. All ordinances, resolutions or motions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

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 and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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 regular meeting of said Council.

PASSED by the City Council this 16th day of August

Phyllis D. Clark
Phyllis D. Clark, City Clerk



APPROVED by the Mayor this 24th day of August, 1993.

Tod Satterthwaite
Tod Satterthwaite, Mayor

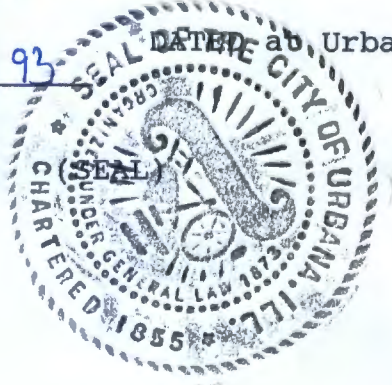
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 16th day of August, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9394-17, entitled AN ORDINANCE AMENDING CHAPTER ONE OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS CONCERNING MINIMUM FINES FOR ORDINANCE VIOLATIONS AND THE SETTLEMENT OF VIOLATIONS WITHOUT FILING SUIT which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9394-17 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 25th day of August, 1993, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

1993 DATED at Urbana, Illinois, this 8th day of September



Phyllis D. Clark
CITY CLERK