

CITY OF FREEPORT

STEPHENSON COUNTY, ILLINOIS

ORDINANCE NO. 2017-29 (As recommended by the Committee of the Whole 04/10/2017)

**AN ORDINANCE AMENDING SECTION 202.99 (GENERAL CODE PENALTY; COMPLICITY;
SCHEDULE OF FINES) OF CHAPTER 202 (GENERAL PROVISIONS) OF THE
CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF FREEPORT, ILLINOIS

THIS ___ DAY OF _____, 2017

Published in pamphlet form by authority of the

City Council of the City of Freeport,

Stephenson County, Illinois, this

___ day of _____ 2017.

AN ORDINANCE AMENDING SECTION 202.99 (GENERAL CODE PENALTY; COMPLICITY; SCHEDULE OF FINES.) OF CHAPTER 202 (GENERAL PROVISIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

ORDINANCE NO. 2017-29 (As recommended by the Committee of the Whole 04/10/2017)

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

Section 1. That Paragraph (a) of Section 202.99 entitled “General Code Penalty; Complicity; Schedule of Fines” of Chapter 202 (General Provisions) shall be amended so that the Section and Chapter shall read as follows:

202.99 GENERAL CODE PENALTY; COMPLICITY; SCHEDULE OF FINES.

(a) Whoever violates or fails to comply with any of the provisions of these Codified Ordinances, including any provision of any standard, technical or other code adopted by reference in these Codified Ordinances, and including any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law, for which no penalty is otherwise provided, shall be fined not less than seventy-five dollars (\$75.00) ~~fifty dollars (\$50.00)~~ nor more than seven hundred fifty dollars (\$750.00) for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in these Codified Ordinances, or in any standard, technical or other code adopted by reference in these Codified Ordinances, or in any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law.

Section 2. That Paragraph (a) of Section 202.99 entitled “General Code Penalty; Complicity; Schedule of Fines” of Chapter 202 (General Provisions) shall be amended so that the Section and Chapter shall read as follows:

202.99 GENERAL CODE PENALTY; COMPLICITY; SCHEDULE OF FINES.

(d) Schedule of fines. This Section shall provide fines for certain City ordinance violations and shall comply with Section [299.11](#) Schedule of Fines/Penalties. Unless there are aggravating circumstances, a minimum standard fine may be paid by a defendant or a person charged with a violation of these Codified Ordinances upon entering a plea of guilty if the charge is filed with the Circuit Court, or liable if the charge is filed with the Administrative Adjudication System of the City. Should the charge be contested, or should aggravating circumstances be shown, the Judge or Administrative Hearing Officer has the authority to levy a fine, at his or her discretion, within the minimum and maximum amounts as set herein by the City Council, if a finding of guilty or liable is ultimately rendered. For this purpose, multiple violations within a

twelve month period will be considered a subsequent violation. Aggravating circumstances shall be determined solely at the discretion of the citing officer or official and shall be constituted by such things as similar prior offenses or specific circumstances surrounding the offense which could lead to a heightened fine being imposed at a hearing. In such cases, a mandatory appearance will be indicated on the citing instrument.

VIOLATION	CHAPTER	STANDARD MINIMUM FINE	MINIMUM SUBSEQUENT VIOLATIONS	MAXIMUM FINE
<u>612.02</u>	<u>Animals at Large</u>	<u>\$100.00</u>	<u>\$150.00</u>	<u>\$500.00</u>
<u>612.09</u>	<u>Disturbing Noises - Animals</u>	<u>100.00</u>	<u>150.00</u>	<u>500.00</u>
<u>670.05</u>	<u>Noise-Generally</u>	<u>100.00</u>	<u>150.00</u>	<u>500.00</u>
<u>670.01</u>	<u>Disorderly Conduct</u>	<u>100.00</u>	<u>150.00</u>	<u>500.00</u>
<u>608.04</u>	<u>Possession of Consumption Alcohol/Public Way</u>	<u>100.00</u>	<u>150.00</u>	<u>500.00</u>
<u>694.02</u>	<u>Weeds and Grass</u>	<u>100.00</u>	<u>100.00</u>	<u>500.00</u>
<u>864.06</u>	<u>Solicitors</u>	<u>100.00</u>	<u>150.00</u>	<u>500.00</u>
<u>874.08</u>	<u>Regulation of Tobacco Products</u>	<u>100.00</u>	<u>150.00</u>	<u>500.00</u>
<u>874.09</u>	<u>Regulation of Tobacco Products</u>	<u>100.00</u>	<u>150.00</u>	<u>750.00</u>
<u>1060.05</u>	<u>Trash and Litter</u>	<u>100.00</u>	<u>100.00</u>	<u>500.00</u>
<u>1242.06</u>	<u>Zoning Code</u>	<u>100.00</u>	<u>150.00</u>	<u>750.00</u>
<u>1440.01</u>	<u>Building Administration</u>	<u>100.00</u>	<u>150.00</u>	<u>750.00</u>
<u>1442.01</u>	<u>Permits and Fees</u>	<u>100.00</u>	<u>150.00</u>	<u>750.00</u>
<u>1446.02</u>	<u>Licensing of Commercial Contractors</u>	<u>100.00</u>	<u>150.00</u>	<u>750.00</u>
<u>1480.05</u>	<u>International Property Maintenance Code</u>	<u>100.00</u>	<u>150.00</u>	<u>750.00</u>

Section 3. That Section 694.99 entitled "Penalty" of Chapter 694 (Weeds and Grass) shall be amended so that the Section and Chapter shall read as follows:

694.99 PENALTY

In addition to any other penalties and remedies set forth in this chapter, whoever violates any of the provisions of Section 694.02 shall be subject to a fine of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) nor more than five hundred dollars (\$500.00) for a

first offense and not less than ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100) nor more than five hundred dollars (\$500.00) for each subsequent offense.

Section 4. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 5. This Ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 7. If any section, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this _____ day of _____, 2017.

Martha E. Zuravel, City Clerk

YEAS: _____

NAYS: _____

ABSTAIN: _____

PRESENT: _____

APPROVED BY THE MAYOR OF THE CITY OF FREEPORT, ILLINOIS this _____ day of _____, 2017.

James L. Gitz, Mayor

Date Published: _____

Date Effective: _____

