

**THE VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS**

ORDINANCE NO. 2016-15

**AN ORDINANCE ESTABLISHING FINES AND PENALTIES FOR VIOLATING
THE ORDINANCES AND CODES OF THE VILLAGE OF FLANAGAN AND
SETTING FORTH PROCEDURES FOR ISSUING CITATIONS**

ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN

This 20th day of December, 2016

VILLAGE OF FLANAGAN, ILLINOIS

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AN ORDINANCE ESTABLISHING FINES AND PENALTIES FOR VIOLATING THE ORDINANCES AND CODES OF THE VILLAGE OF FLANAGAN AND SETTING FORTH PROCEDURES FOR ISSUING CITATIONS

WHEREAS, the Village of Flanagan (hereinafter, the "Village"), is an Illinois non-home rule community operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Illinois Municipal Code, Section 1-2-1, provides the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, pursuant to Section 1-2-1, no fine or penalty, except civil penalties provided for failure to make returns or to pay any taxes levied by the municipality, shall exceed \$750 and no imprisonment authorized in Section 1-2-9 for failure to pay any fine, penalty or cost shall exceed 6 months for one offense; and

WHEREAS, the Village has adopted various ordinances and codes (hereinafter collectively referred to as "Village Code") with on-specific penalty provisions and wishes to adopt this ordinance to establish and set the penalties for all Village Code violations where no other penalty is specifically set forth; and

WHEREAS, the Corporate Authorities desire to set a general penalty structure for violations of its Village Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Flanagan, Livingston County, as follows:

Section A. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section B. Penalties for Code and Ordinance Violations.

1. The violation of, or failure to comply with any provision of the Village Code shall constitute an offense against the village, and where no specific penalty is provided therefore, shall subject the offender, upon conviction, to be punished by a fine of not less than \$75.00 nor more than \$750.00. Each day any violation of any provision of the Village Code shall continue shall constitute a separate offense.
2. Whenever in the Village Code a minimum but not a maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty so fixed but not exceeding \$750.00.

3. In all cases where the same offense is made punishable or is created by different clauses or sections of the Village Code, the prosecuting officer may elect under which to proceed. 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.
4. Any condition caused or permitted to exist in violation of any of the provisions of the Village Code shall be deemed a public nuisance and shall be subject to abatement by the Village. The Village shall be entitled to pursue any such remedies available to abate the public nuisance.
5. Unless a process is otherwise specifically provided within the Village Code for a specific violation, in addition to the duly appointed building official and/or code enforcement official, any Village employee or officer designated by the Village Board may issue citations for Village Code violations (hereafter collectively referred to as "enforcement officer"). Whenever the enforcement officer determines that there has been a violation of the Village Code or has grounds to believe that a violation has occurred, notice shall be given as provided herein. Such notice must: (1) be in writing; (2) if applicable include a description of the real estate sufficient for identification; (3) include a statement of the violation or violations and why the notice is being issued; (4) the minimum fine (or double the minimum fine for a second or subsequent citation for the same matter) for violating said Village Code provision; and (5) provide the option to settle the case by paying the minimum fine if payment is made within 14 days after the date the citation was issued. In the cases of violations relating to property or building codes, the notice shall also include a correction order allowing a reasonable time to make the repairs and improvements required to bring the property into compliance with the provisions of the applicable code. These notices may be deemed to be properly served if a copy thereof is (1) delivered personally; (2) sent by certified or first-class mail addressed to the last known address; or (3) if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the owner's premises. Payment shall be made by cash or check made payable to the Village of Flanagan. Failure to make payment within the said 14 day period will result in referral of the citation to the Village Attorney for prosecution in accordance with the law. This subsection shall not apply to moving violations under the Illinois Vehicle Code or violations that could result in prison both of which must be handled by the Livingston County Sheriff's Department or other appropriate law enforcement officer with jurisdiction.
6. In accordance with law, a default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments.
7. Any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipality under Section 1-2-1 of the

Municipal Code shall be charged to the offender for violation of any ordinance duly enacted by the Village of Flanagan. This shall include any such expenses to enforce ordinances.

8. For purposes of this Ordinance, "Village Code" refers to any building, property maintenance, residential, plumbing, electrical or other code adopted by reference by the Village and all other ordinances and resolutions adopted by the Village.

Section C. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section D. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Flanagan prior to the effective date of this ordinance.

Section E. Effectiveness. After its passage, this Ordinance shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities.

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 20th day of December, 2016.

PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

AYES: _____

NAYES: _____

ABSENT: _____

IL (SEAL)

Jason Montello
President, Board of Trustees
Village of Flanagan

ATTEST:

Kristy Dodge, Village Clerk
Village of Flanagan