

Village of McLean

Ordinance#

16-07-11A

**An Ordinance Amending the Village of McLean
Municipal Code, Said Municipal Code Being
Ordinance No. 96-5-6A of the Village of McLean to
Provide Amendments Relating to Ordinance
Violation Fees**

Adopted by the Village Board
Of the
Village of McLean

Published in pamphlet form by authority of the Village of McLean, McLean

County, Illinois this 11th day of July, 2016.

ORDINANCE NO. 16-07-11A

AN ORDINANCE AMENDING THE VILLAGE OF MCLEAN MUNICIPAL CODE, SAID MUNICIPAL CODE BEING ORDINANCE NO. 96-5-6A OF THE VILLAGE OF MCLEAN TO PROVIDE AMENDMENTS RELATING TO ORDINANCE VIOLATION FINES

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MCLEAN:

SECTION 1: §10.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §10.99 and inserting in its place a new §10.99 which shall be as follows:

§10.99 GENERAL PENALTY.

(A) Except as otherwise provided herein, any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the investigation or enforcement of any of the provisions of this Code shall be punished by a fine of not less than \$200.00 and not more than \$750.00 for the first offense, and not less than \$300.00 and not more than \$750.00 for the second and each subsequent offense. Each day any violation of any provision of this Code or any Ordinance shall constitute a separate offense. In addition, the Court may impose as a requirement that Defendant perform some reasonable public service work such as but not limited to picking up litter in public parks or along public highways or the maintenance of public facilities of the Village of McLean. Any such public service must be ordered by the Circuit Court of McLean County.

(B) In lieu of the provisions of Paragraph (A) of § 10.99, persons who have received a citation for a violation of a provision of the Village Code which citation is subject to penalty pursuant to § 10.99 of the Village Code may settle said ordinance violation charge by paying to the Village Clerk of the Village of McLean within fifteen (15) days of the date of the citation the sum of \$50.00 for the first offense or \$100.00 for the second offense. No person who commits a third or subsequent offense shall be eligible to settle the ordinance violation charge pursuant to the provisions of this subparagraph. In addition to the payment of the foregoing sum, said person must sign the citation issued and return the signed citation to the Village Clerk of the Village of McLean along with payment of the appropriate sum pursuant to the provisions of this paragraph.

SECTION 2: §35.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §35.99 and inserting in its place a new §35.99 which shall be as follows:

§35.99 PENALTY.

It shall be unlawful for any person to violate the provisions of any curfew or any other order issued by the President under the provisions of §35.03, or to

fail to obey promptly any reasonable order, direction, or command issued by any police officer acting in the performance of his or her duty or power in the enforcement of the provisions of this Chapter for the preservation of the public peace, health and safety. Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 3: §50.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §50.99 and inserting in its place a new §50.99 which shall be as follows:

§50.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

(B) In addition to the penalties set forth in Paragraph (A), any person who shall damage any culvert, drop box or portion or component of the sewerage works of the Village shall be civilly liable to the Village for such damage.

SECTION 4: §70.36(B) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 5: §70.37(B) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 6: §70.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §70.99 and inserting in its place a new §70.99 which shall be as follows:

§70.99 PENALTY.

(A) *Parking violations.* Any person accused of violating any provision of this Chapter prohibiting parking a vehicle in a designated area or restricting the length of time the vehicle may be there parked may settle and comprise the claim for such illegal parking by paying to the Village \$15.00 for each such offense if paid within five (5) days, or \$50.00 if paid within six to twenty-one (21) days. In addition to the payment of the foregoing sum, said person must sign the citation issued and return the citation to Village Hall along with the payment of the appropriate sum pursuant to the provisions of this paragraph. This Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency vehicle is kept or housed, or so as to block an emergency entrance at a hospital; nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to move a vehicle illegally parked at the request of any member of the

Police Department.

(B) Whoever violates any provision of this Traffic Code (inclusive of Chapters 70 through 76) for which another penalty is not specifically provided and whoever does not pay a parking fine within 21 days shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 7: §71.001(E) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 8: §71.002 of the Village Code of the Village of McLean is hereby amended by deleting Paragraphs (A)(5) and (A)(6), inclusive of its subparagraphs, and (B)(4), (B)(5), (B)(6), (B)(7) and (B)(8) in their entirety.

SECTION 9: §71.080 of the Village Code of the Village of McLean is hereby amended by deleting the existing Paragraph (F) in its entirety, inclusive of its subparagraphs.

SECTION 10: §72.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §72.99 and inserting in its place a new §72.99 which shall be as follows:

§72.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the fine as set forth in §70.99(A) of the Village Code.

(B) Whoever violates §72.12 shall be liable to the Village for any costs or charges incurred in connection with the removal or storage of the motor vehicle, in addition to any fine imposed pursuant to §70.99(A) heretofore.

SECTION 11: §74.12 of the Village Code of the Village of McLean is hereby amended by deleting Paragraph (D).

SECTION 12: §91.66 of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 13: §91.67 of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 14: §91.68 of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 15: §91.69 of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 16: §91.99 of the Village Code of the Village of McLean is hereby amended

by deleting the existing §91.99 and inserting in its place a new §91.99 which shall be as follows:

§91.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 17: §93.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §93.99 and inserting in its place a new §93.99 which shall be as follows:

§93.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 18: §94.09 of the Village Code of the Village of McLean is hereby amended by deleting the existing Paragraph (C) and re-lettering all subsequent Paragraphs so as to preserve consecutive lettering of all Paragraphs in such Section.

SECTION 19: §94.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing Paragraph (A) and inserting in its place a new Paragraph (A) which shall be as follows:

§94.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 20: §95.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §95.99 and inserting in its place a new §95.99 which shall be as follows:

§95.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 21: §96.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing Paragraph (A) and inserting in its place a new Paragraph (A) which shall be as follows:

§96.99 PENALTY; LIEN.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 22: §97.021 of the Village Code of the Village of McLean is hereby amended by deleting the existing Paragraph (C) and inserting in its place a new Paragraph (C) which shall be as follows:

§97.021 RAILROAD OBSTRUCTING STREET.

(C) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 23: §97.999 of the Village Code of the Village of McLean is hereby amended by deleting the existing §97.999 and inserting in its place a new §97.999 which shall be as follows:

§97.999 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 24: §98.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §98.99 and inserting in its place a new §98.99 which shall be as follows:

§98.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 25: §112.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §112.99 and inserting in its place a new §112.99 which shall be as follows:

§112.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 26: §130.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §130.99 and inserting in its place a new §130.99 which shall be as follows:

§130.99 PENALTY.

(A) Whoever violates any provision of this title (inclusive of Chapters 130 through 139) for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 27: §132.02(E) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 28: §136.03(B) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 29: §136.03(C) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 30: §136.04(B) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 31: §136.06(C) of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 32: §138.06 of the Village Code of the Village of McLean is hereby deleted in its entirety.

SECTION 33: Chapter 138 of the Village Code of the Village of McLean is hereby amended by inserting a new §138.99 which shall be as follows:

§138.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 34: §152.99 of the Village Code of the Village of McLean is hereby amended by deleting the existing §152.99 and inserting in its place a new §152.99 which shall be as follows:

§152.99 PENALTY.

(A) Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be

deemed a separate offense. The Village may, in addition to other remedies provided by State law, bring action for an injunction to restrain such violation or to enjoin the operation of any such mobile home park.

SECTION 35: §172.04 of the Village Code of the Village of McLean is hereby amended by deleting the existing Paragraph (G) inclusive of its Subparagraphs and inserting in its place a new Paragraph (G) which shall be as follows:

(G) Penalty.

Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be subject to the General Penalty provision, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 36: Chapter 175 of the Village Code of the Village of McLean hereby deleted in its entirety, inclusive of §175.01, §175.02 and §175.03.


SECTION 37: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 38: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 39: Ordinance No.96-5-6A of the Village of McLean, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 96-5-6A shall remain in force and effect except as modified by this Ordinance.

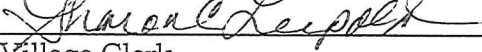
PASSED in due form on a roll call vote by the Board of Trustees of the Village of McLean at a duly held meeting on the 11th day of July, 2016

APPROVED:



President of the Board of Trustees of the
Village of McLean

ATTEST:



Village Clerk

AYES: 5
NAYS: 0
ABSENT: 1

STATE OF ILLINOIS)

) SS

COUNTY OF MCLEAN)

PUBLICATION CERTIFICATE

I, the undersigned Village Clerk, certify that I am the duly elected and acting Village Clerk of the Village of McLean, McLean County, Illinois.

I further certify that on **Monday, July 11, 2016**, the Board of Trustees of such municipality passed and approved **Ordinance No. 16-07-11A**, entitled:

An Ordinance Amending the Village of McLean Municipal Code, Said Municipal Code Being Ordinance No. 96-5-6A of the Village of McLean to Provide Amendments Relating to Ordinance Violation Fees

Board of Trustees of the Village of McLean previously adopted a Resolution that authorized all Village Ordinances to be published in pamphlet form.

The pamphlet form of Ordinance No. **16-07-11A**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 11th, **2016** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at McLean, Illinois, this 14th day of **July, 2016**.


Village Clerk

(SEAL)