

Chapter 10 - PENALTIES

ARTICLE 1. - VIOLATIONS SUBJECT TO CITATION

10.1.01(a). - Violations Enforced by Police Department.

A police officer is authorized to issue a citation in lieu of filing a complaint in court for alleged violations of any section of the following articles of the Municipal Code:

CHAPTER 6: Motor Vehicle and Traffic Ordinances

All Articles excepting speeding violations subject to local ordinance

CHAPTER 7: Miscellaneous Offenses

All Articles

CHAPTER 8: Taxes

Article 1: Motor Vehicle Tax

CHAPTER 9: Animal Control

Article 1: General Provisions and Article 2: Dogs and Cats

CHAPTER 12: Health & Environmental Regulations

All Articles

CHAPTER 13: Businesses, Licenses and Permits

All Articles

CHAPTER 18: Water and Sewer

Article 5.10: Emergency Water Use Restrictions

10.1.01(b). - Violations Enforced by Emergency Service Disaster Agency (ESDA) Members.

Emergency Service Disaster Agency (ESDA) Members who have received delegated authority from the Chief of Police are authorized to issue a citation in lieu of filing a complaint in court for alleged violations of any section of the following articles of the Municipal Code:

CHAPTER 6: Motor Vehicle and Traffic Ordinance

All Articles excepting speeding violations subject to local ordinance

CHAPTER 7: Miscellaneous Offenses

Article 8: Garbage, Refuse and Ashes

CHAPTER 8: Taxes

Article 1: Motor Vehicle Tax

CHAPTER 9: Animal Control

Article 1: General Provisions and Article 2: Dog and Cats

CHAPTER 18: Water and Sewer

Article 5.10: Emergency Water Use Restrictions

Before any E.S.D.A. Member is authorized to issue "P" Citations, they will receive a minimum of two (2) hours training on the following:

1. *How to write out a "P" Citation.*
 - A. Practical Exercise.
2. *Authority to issue a "P" Citation.*
 - A. City Ordinance.
 - B. Sworn Member of E.S.D.A.
3. *Authority to go on private property.*
 - A. City Ordinance.
4. *Irate Offenders.*
 - A. Courtesy Always.
 - B. Chain of Command.

10.1.02. - Violations Enforced by the City Manager.

A police officer and the City Manager, or his delegated authority, are authorized to issue a citation in lieu of filing a complaint in court for alleged violations of any section or article of the following Chapters of the Municipal Code:

CHAPTER 5: Streets and SidewalksCHAPTER 7: Miscellaneous Offenses

Article 5: Nuisances

Article 7: Public Safety

CHAPTER 12: Health & Environmental Regulations

CHAPTER 13: Businesses, Licenses and PermitsCHAPTER 14: Building CodeCHAPTER 15: ZoningCHAPTER 16: Flood Damage Prevention, Regulating Development in Flood Hazard AreasCHAPTER 17: Subdivision ControlCHAPTER 18: Water and Sewer

10.1.03. - Issuance of a citation.

The Citation shall:

- A. Advise the alleged violator that he has violated a specified provision of the Municipal Code.
- B. Request the alleged violator to make payment in an amount applicable to said violation, in accordance with the schedule of penalties set forth in this Chapter, and
- C. Inform the alleged violator that, upon failure to settle, a complaint will be filed in the circuit Court of Cook County, charging him with such violation.

10.1.04. - Settlement of Citation for Violation.

Any person receiving a citation for an alleged violation, who agrees or admits to having committed such violation, may settle the citation by paying the penalty to the City Collector of Country Club Hills, in accordance with Schedule 10.1. Any person having paid a penalty for such a violation shall not be subject to further judicial process for the prosecution of such same offense or offenses.

- A. In the event that said payment is made prior to the Due Date, the amount shown in Column A of Schedule 10.1 herein shall be accepted as settlement.
- B. In the event that payment has not been made prior to the Due Date, the amount accepted for settlement before the Final Notice Date shall be that shown in Column B of Schedule 10.1 herein. No person can pay the penalty prescribed for a violation, in accordance with this section, after complaint has been sworn to and complaint filed in the Circuit Court of Cook County.
- C. In the event that payment is not made prior to the Final Notice Date, a Notice to Appear shall be served and a complaint filed in the Circuit Court of Cook County.

ARTICLE 2. - COMPLAINTS SUBJECT TO FINE

10.2.01. - Complaints Subject to Fine.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any provisions of this Municipal Code, or who shall refuse to remedy a violation of such provisions, shall, upon conviction, be fined not less than the minimum penalty in accordance with Schedule 10.2 herein, nor more than five hundred (\$500) dollars. Each day a violation is permitted to exist or continue shall constitute a separate offense.

In addition to, or in lieu of, any fine or penalty which may be imposed for violation of an ordinance of the City of Country Club Hills, the court may impose a sentence of supervision upon any person if, having regard to the nature and circumstances of the offense and to the history, character and condition of the person, the court is of the opinion that the penalty provided in this Chapter is inappropriate.

- A. When a person is placed on supervision the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period:
- B. The period of supervision shall be reasonable under all the circumstances of the case, but may not be longer than one (1) year.
- C. The court may, in addition to other considerations, require that the person:
 - 1. Make a report to, appear in person before or participate with the court or such courts, persons or social agency as directed by the court in the order of supervision;
 - 2. Work or pursue a course of study or vocational training;
 - 3. Undergo medical or psychiatric treatment; or treatment for drug addiction or alcoholism;
 - 4. In the case of a minor, reside with his parents or in a foster home;
 - 5. In the case of a minor, attend school;
 - 6. In the case of a minor, attend a non-residential program for youth;
 - 7. In the case of a minor, contribute to his own support at home or a foster home;
 - 8. Make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss. The court shall determine the amount and the conditions of payment;
 - 9. Perform some reasonable public service work, such as, but not limited to, picking up litter along public highways or the maintenance of public facilities.
- D. The court shall defer entering any judgment on the charges until the conclusion of the supervision.
- E. At the conclusion of the period of supervision, if the court determines that the person has successfully complied with all of the conditions of supervision, the court shall discharge the person and enter a judgment dismissing the charges.
- F. Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be

deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. A person may have his record of arrest expunged as may be provided by law.

- G. No person assigned to a public service employment program shall be considered an employee for any purpose, nor shall the City be obligated to provide any compensation to such person.
- H. Neither the State, nor any unit of local government, nor any official or any employee thereof acting in the course of his official duties shall be liable for any tortious acts of any person placed on supervision who is given any public service work as a condition of supervision, except for willful misconduct or gross negligence on the part of such government unit, official or employee.

SCHEDULE 10.1

Summary of Settlement for a Citation Violation of Any Provision of the Following Chapters and Articles of the Municipal Code of the City of Country Club Hills:

		A Prior to Due Date with No Request for Hearing or Before Hearing Date if Hearing is Requested \$	B Having Failed to Pay Fine After Finding of Liability for Violation Notice of Final Determination \$
<u>Chapter 5:</u>	Streets & Sidewalks	40	80
	All Articles		
<u>Chapter 6:</u>	Motor Vehicle & Traffic	40	80
	Except <u>6.2.02 A</u> ; <u>6.2.02 B</u> ; <u>6.2.02 C</u> ; <u>6.2.02 D</u> ; <u>6.2.02 E</u> ; <u>6.2.03 A</u> ; <u>6.5.01</u> <u>6.2.02 G</u>	25	50
		50	100

<u>Chapter 7:</u>	Miscellaneous Offenses		
	Class "A"	25	50
	Class "B"	50	100
<u>Chapter 8:</u>	Taxes...8.1.08	50	100
<u>Chapter 9</u>	Animal Control	50	100
	Article 2		
<u>Chapter 12:</u>	Health & Environmental Regulations...All Articles	50	100
<u>Chapter 13:</u>	Businesses, Licenses & Permits...All Articles	50	100
<u>Chapter 14:</u>	Building Code	50	100
	All Articles		
<u>Chapter 15:</u>	Zoning...Except 15.6.08, <u>15.9.02</u> & <u>15.3.10</u>	100	200
		50	100
<u>Chapter 16:</u>	Flood Damage Prevention Regulating Development in Flood Hazard Areas...All Articles	75	150
<u>Chapter 17:</u>	Subdivision Control	100	200
	All Articles		
<u>Chapter 18:</u>	Water & Sewer	40	80

	Emergency Water Use		
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SCHEDULE 10.2

Summary of Minimum Fines for a Complaint Violation of Any Provision of the Following Chapters of the Municipal Code of the City of Country Club Hills:

		Minimum Fine, \$
<u>Chapter 2:</u>	Police Department	40
<u>Chapter 5:</u>	Streets and Sidewalks	40
<u>Chapter 6:</u>	Motor Vehicle & Traffic	
	All Articles Except <u>6.2.02 A</u> ; <u>6.2.02 B</u> ; <u>6.2.02 C</u> ; <u>6.2.02 D</u> ; <u>6.2.02 E</u> ; <u>6.2.02 G</u> ; <u>6.2.03 A</u> ; <u>6.5.01 B</u> and Speeding Violations Subject to Local Ordinance	
	Speeding Violations Subject to Local Ordinance:	
	Less than 21 MPH Over Limit	25
	Between 21 MPH & 30 MPH Over Limit	40
	Greater than 30 MPH Over Limit	90
<u>Chapter 7:</u>	Miscellaneous Offenses	
	Class "A"	25
	Class "B"	50

<u>Chapter 8:</u>	Taxes...8.1.08	50
<u>Chapter 9</u>	Animal Control	50
<u>Chapter 12:</u>	Health & Environmental Regulations	25
<u>Chapter 13:</u>	Businesses, Licenses & Permits	50
<u>Chapter 14:</u>	Building Code	50
<u>Chapter 15:</u>	Zoning...Except <u>15.6.07</u> and <u>15.9.02</u>	50
<u>Chapter 16:</u>	Flood Damage Prevention, Regulating Development in Flood Hazard Areas	75
<u>Chapter 17:</u>	Subdivision Control	100
<u>Chapter 18:</u>	Water and Sewer	40
	Emergency Water Use	50