

TITLE I: GENERAL PROVISIONS - CONTINUED**CHAPTER 4: GENERAL PENALTY****4-1: PENALTY.**

(A) Except as specified in subsections (B) through (D) of this section, any person convicted of an offense for the violation of any of the provisions of this Code, for which another penalty is not provided, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) exclusive of costs.

(B) Any person who has been previously convicted of an offense for the violation of any of the provisions of this Code within the previous twelve (12) month period shall constitute a repeat offender. Repeat offenders shall be punished by a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Seven Hundred Fifty Dollars (\$750.00) exclusive of costs.

(C) Any repeat offender who has been convicted for a third time of an offense for the violation of any of the provisions of this Code within the previous twelve (12) month period shall constitute a second repeat offender. Second repeat offenders shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Seven Hundred Fifty Dollars (\$750.00) exclusive of costs.

(D) Any repeat offender who is convicted on subsequent occasions within a twelve (12) month period of an offense for the violation of any provisions of this Code shall constitute a habitual offender. Habitual offenders shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) exclusive of costs.

(E) Whoever commits an offense against the City or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(F) Whoever willfully causes an act to be done which, if directly performed by themselves or another, would be an offense against the City is punishable as a principal.

4-2: OTHER PENALTIES. In addition to the penalties in Section 4-1, the following penalties shall apply in appropriate circumstances:

(A) The person upon whom any fine or penalty is imposed, upon order of the court before which the conviction is had, may be imprisoned until the fine, penalty and costs are paid. No imprisonment, however, shall exceed six (6) months for any one offense.

(B) The City may allow and permit, in lieu of the payment of monies, any person convicted of a violation of a provision of this Code, or in accordance with the Juvenile Court Act of 1987 as amended, to perform community service to the City and its residents within the City limits, subject to the terms and conditions of the City.

(C) The City may allow and permit a person who has violated the Code, who is not currently on City court supervision and who has been no more than a City repeat offender within the last twelve (12) months, to be placed on court supervision for up to ninety (90) days for a fee of One Hundred Fifty Dollars (\$150.00) in addition to other fines and costs in the case. If no

other convictions or guilty pleas are entered within the supervision period, then there shall be no conviction of the underlying charge entered upon the offender's record.

4-3: SETTLEMENT OF OFFENSES.

(A) Any person accused of a violation of any section of this Code may settle and compromise the claim by paying to the City Collector the minimum fine within seven (7) days from the time any ticket for the violation is issued. Under this subsection, the ticket is not forwarded to the Randolph County Circuit Clerk.

(B) After seven (7) days from the time any ticket for a violation is issued, all municipal ordinance offenses will be sent to the Randolph County Circuit Clerk and may be satisfied without a court appearance by giving a written plea of guilty and payment of the minimum fine, plus court costs, to the City Attorney, unless a court appearance is required by the ordinance violated or the person accused of a violation requests court supervision.

(C) The tickets issued under this section shall be as a courtesy in lieu of arrest. If the person accused of a violation does not settle the claim, a complaint or notice to appear will be issued for that violation, if it hasn't been already, and the person shall be subject to the penalties set forth in this chapter.

(D) All fines, excluding court costs, shall be remitted to the City Collector by the clerk of the appropriate court, without delay, or as provided by statute.

4-4: APPLICATION.

(A) The penalty provided in this chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section, unless another penalty is specified. Any person convicted of a violation of any section of this City Code where any duty is prescribed or obligation imposed or where any act which is of a continuing nature or declared to be unlawful shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City 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 shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

4-5: LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

65 ILCS 5/1-2-1, et seq.