

ORDINANCE NO. 02-05-24A

**AN ORDINANCE AMENDING CHAPTER 1
OF THE CITY OF MENDOTA MUNICIPAL CODE**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MENDOTA, ILLINOIS**

Published in pamphlet form by authority of the City Council of the City of Mendota, LaSalle County, Illinois, this 5th day of February, 2024.

ORD. 02-05-24A
Amending Chapter 1 of the City of Mendota Municipal Code

WHEREAS, the City of Mendota believes it to be in the best interest of its residents to Amend Chapter 1 of the City of Mendota Municipal Code as to Penalties, Enforcement and Fines and by adding the reference to the Mendota Code Hearing Unit;

BE IT ORDAINED that the following changes and additions be made to Chapter 1, Articles I-IV and adding anew Article V, Mendota Code Hearing Department;

Section 1:

ARTICLE III
Penalties and Enforcement

[Adopted as Ch. 1, §§ 1.06, 1.07 and 1.18, of the 1998 Code] [Amendment adding Ch. 1]

§ 1-16 *Violations and penalties*

- A. Standard penalty. Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall, upon conviction, be subject to a fine of not less than \$100 and nor more than \$750, and the costs of prosecution. **[Amended by Ord. No. 02-05-24A]**
- B. Commitment. The person upon whom any fine or penalty is imposed for violation of any provision of this Code or any ordinance of the City, upon order of the court before which the conviction is had, may be committed to the City or county jail as provided by law, or to any other place provided by penalty, until the fines and costs are fully paid.
- C. Each day of violation. Each act of violation and each day upon which a violation occurs constitutes a separate offense.
- D. Applicability. The penalty provided by this section applies to the amendment of any section of this Code or a code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.
- E. Reference to sections. Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- F. Failure of officers to perform duties. The failure of an officer or employee of the City to perform an 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 in the section creating the duty.

§ 1-17 *Responsibility for acts*

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

§ 1-18 Arrest

[Added by Ord. No. 12-21-09A]

A. Arrests and detentions.

- (1) A City of Mendota police officer may arrest a person when he or she:
 - (a) Has reasonable grounds to believe that the person who breaks the peace is committing or has committed an offense under any ordinance of the City of Mendota or under the laws of the State of Illinois;
 - (b) Has a warrant commanding that such person be arrested; or
 - (c) Has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state or in another jurisdiction.
- (2) A City of Mendota officer may, if necessary, detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before a proper court and may exercise all other powers as a conservator of the peace.

B. Warrant. Whenever a person who is charged with an offense under any ordinance of the City of Mendota, or who is charged with any offense under the laws of the State of Illinois by any officer appointed under the terms of this article, fails to appear at the time and place specified by any legal process, such officer shall, at the request of the prosecutor, make an appropriate complaint and appear in court as may be necessary to obtain a warrant for the arrest of such person.

C. Bail. Any person arrested for the violation of any provision of this Municipal Code which is punishable only by a fine which does not exceed \$1,000 shall have the right to obtain release from custody by giving bail as provided by law in the amount of \$120 conditioned on his or her personal appearance at the time and place fixed for his appearance in court to respond to such charge or charges. Bail may be posted in any manner provided by law, specifically including but not limited to placing the appropriate cash bail together with the appropriate portions of the ticket or complaint in a stamped envelope (to be provided by the arresting officer) addressed to the Circuit Clerk of LaSalle County and in the presence of the arresting officer depositing that envelope in a United States Government mailbox.

§ 1-19 Settlement of ordinance violations prior to suit being filed

[Added by Ord. No. 11-19-12A and Ord. No. 02-05-24.]

A. Procedure.

- (1) Subject to Subsection A(4) of this section, a person accused of violating a section of the Municipal Code set forth in Table 1 of this section may offer to settle the case by paying the minimum fine which is set forth in Table 1 if payment is made within the time and in the manner set forth in Subsection A(2) of this section or within an extended period of time authorized by the City Attorney under Subsection A(6) of this section.
- (2) Payments in settlement of violations set forth in Table 1 shall be made within 14 days after the date that the notice to appear was issued to the person accused of such violation. A

payment shall be considered made within 14 days if the payment is actually received by the Mendota Police Department, or such other place as the City Attorney may designate for receipt of fines, within the fourteen-day-period. Payments shall be made by cash, certified check, money order or cashier's check made payable to the City of Mendota, or such other forms of tender as the City Clerk's Finance Department shall specify.

- (3) Payments made after the due date and before the court date shall be charged a late fee as set from time to time by the City Council.
 - (4) The City Attorney may, in his or her discretion, elect to reject any such minimum fine as settlement of any violations set forth in Table 1 prior to the date the notice to appear and complaint which charges a person with such violation is filed with the City of Mendota Code Hearing Department under Ordinance No. 02-05-24. In addition, if a violation proximately causes out-of-pocket expenses or loss to the victim or victims of the violation, the City Attorney may elect to accept payment of restitution to the victim or victims of said violation in addition to the payment of the minimum fine set forth in Table 1 as settlement of a violation prior to and in lieu of filing a complaint for the violation. The City Attorney may, in his or her discretion, elect to accept community service in addition to or in lieu to the payment of the minimum fine set forth in Table 1 as settlement of a violation prior to and in lieu of filing a complaint for the violation.
 - (5) Peace officers who have issued a notice to appear for an offense under this Municipal Code for which the minimum fine is set forth in Table 1 shall deliver the original copies of the notice to appear and the complaint to the Circuit Court if the fine for the alleged violation is not paid within full 14 days after the notice to appear and complaint is issued to the person accused of the violation.
 - (6) The City Attorney shall have authority to delay filing with the court such notice to appear and complaint which charges the person with the violations of the Municipal Code in order to allow the accused person an opportunity to settle the case.
 - (7) If a person pays a minimum fine pursuant to this section, and such payment is not rejected under Subsection A(4) of this section, then the complaint charging the person with the particular violation shall not be filed with the City of Mendota under the Code Enforcement provisions of Ordinance NO. 02-05-24.
 - (8) In lieu of the provisions of this Municipal Code relative to minimum penalties, the minimum fine for violations of sections of this Municipal Code set forth in Table 1 of this section shall be as set forth in Table 1.
- B. Table of Minimum Fines (effective February 5, 2024). Persons charged with violating any of the chapters or sections of the Mendota Municipal Code listed below may offer to settle the charge by paying the minimum fine set forth in this table within 14 days after the issuance of a notice to appear. The minimum fine related to a chapter or section below shall be the minimum fine for each section within that chapter.

Table 1

Chapter/Section	Description	Fine
§ 110-17	Allowing patrons in bar after hours	\$300
§ 110-22	Consumption of alcohol by a minor	\$200
§ 118-3	Failure to have dog or cat license	\$100
§ 118-4	Allowing dog to run at large	\$100
§ 118-5	Barking dog	\$100
§ 118-10	Cruelty to animals	\$300
§ 118-18	Pet waste	\$100
Chapter 171	Garage sale permit	\$100
§ 204-3L	Tall grass over 8 inches	\$100
§ 204-8	Abandoned vehicles	\$100
§ 210-1	Assault	\$300
§ 210-2	Disturbing the peace	\$100
§ 210-3	Unlawful assemblages	\$100
§ 210-4	Unlawful assemblages on private property	\$100
§ 210-5	Disturbing lawful assemblages	\$100
§ 210-6	Disturbing places of amusement	\$100
§ 210-7	Resisting officer; assisting escape	\$300
§ 210-9	Congregation upon streets	\$100
§ 210-10	Noisy advertising	\$100
§ 210-11	Discharging firearms	\$200
§ 210-12	Carrying dangerous weapons	\$200
§ 210-13	Toy firearms; air rifles	\$100
§ 210-16	Bonfires	\$100
§ 210-17	Bonfires and fireworks	\$100
§ 210-19	Obstructing fire department	\$300
§ 210-20	Obstructing hydrants	\$200
§ 210-24	Playing about railroad tracks	\$100
§ 210-27	Destroying property	\$200
§ 210-29	Trespassing upon school property	\$200
§ 210-30	Trespassing on public parks	\$100
§ 210-31	Defacing property	\$100
§ 210-33	Utility poles	\$100
§ 210-35	Indecent exposure; lewd acts	\$300
§ 210-47	Battery	\$200
Chapter 210, Article II	Curfew for minors	\$100
Chapter 210, Article III	Theft and related offenses	\$300

Chapter 210, Article IV	Retail theft	\$300
Chapter 210, Article V	Drug paraphernalia	\$300
Chapter 221, Article II	Soliciting without a permit	\$100
§ 249-4A	Burning	\$100
Chapter 278, Article II	Possession of smoking material	\$100
Chapter 278, Article II	Sale of smoking material to persons under 21	\$100
Chapter 290	Truancy	\$100
§ 305-13	Bicycles on sidewalks	\$100
§ 305-15	Bicycles and motorcycles	\$100
§ 305-16	Use of bicycles	\$100
§ 305-17	Regulating the use of bicycles	\$100
§ 305-18	Use of snowmobiles	\$100
§ 305-19	Clinging to vehicles	\$100
§ 305-20	Use of coasters, roller skates and similar devices	\$100
§ 305-33	Spilling loads	\$100
§ 305-34	Unsafe tires	\$100
§ 305-35	Unnecessary noise	\$100
§ 305-66	Pedestrians	\$100
§ 305-78	Bicycles, skateboards, roller skates, roller skis and play vehicles	\$100

Section 2:

That this amendment shall apply to all cases filed after February 5, 2024, but shall not effect the enforcement in Circuit Court of any previous violations.

Section 3:

Repeal of Conflicting Provision. All ordinance, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 4:

Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5:

The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS 5TH DAY OF FEBRUARY, 2024

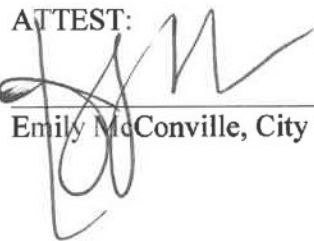
AYES: 8

NAYS: 0

ABSTENTIONS: 0

APPROVED THIS 5th day of February, 2024.


DAVID BOELK, Mayor

ATTEST: 
Emily McConville, City Clerk

STATE OF ILLINOIS)
)
COUNT OF LASALLE) ss.

CERTIFICATE


I, Emily McConville, certify that I am the duly elected and acting municipal clerk of the City of Mendota, LaSalle County, Illinois.

I further certify that on February 5, 2024, the corporate authorities of such municipality passed and approved Ordinance No. 02-05-24A entitled An Ordinance Amending Chapter 1 of the City of Mendota Municipal Code, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 02-05-24A including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 6, 2024, 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 municipal clerk.

DATED at Mendota, Illinois, this 6th day of February, 2024.





Emily McConville, City Clerk