



LEGAL DIVISION
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STEVE HOLZ
City Attorney

JACK WAALER
Special Counsel

Memorandum

DATE: May 17, 2004
TO: Mayor Satterthwaite and Urbana City Council
FROM: Steve Holz
RE: An Ordinance Amending the Code of Ordinances Regarding Maximum Fines and Pay-by-mail Minimum Fines, Ord. No. 2004-03-026

I have prepared the attached ordinance reflecting the changes made on May 10, 2004 as the recommendation of the Committee of the Whole. As I understood the vote, the Committee's recommendation was that there should be three categories of minimum fines: \$50.00, \$135.00, and \$200.00.

Further, as I understood the vote, all minimum fines that were shown in the draft ordinance *then before the Committee* as being either

\$280.00 or \$185.00 would be amended to \$200.00;

\$135.00 or \$75.00 would be set at \$135.00; and

\$25.00 or \$50.00 would be set at \$50.00.

Because the changes were phrased in terms of the draft that was before the Committee on May 10 (not in terms of the schedule as it currently exists in the Code), I have included with the packet a convenience copy of that version as well as the version that the Committee forwarded to the Council for the May 17 Council meeting.

In addition, the vote was to raise the statutory maximum to \$750.00 as initially proposed.

Lastly, the Ordinance accomplishes the various cleanup items as initially proposed.

This Ordinance:
AMENDS the Code of Ordinances.

ORDINANCE NO. 2004-03-026

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
REGARDING MAXIMUM FINES AND PAY-BY-MAIL MINIMUM FINES

WHEREAS, since approximately 1993, the City of Urbana has had a pay-by-mail system for settling ordinance violation matters by payment of minimum fines prior to suit being filed, as set forth in sections 1-17 and 1-18 of the Code of Ordinances; and

WHEREAS, most or all of the minimum fines established for the pay-by-mail system have remained unchanged since the system was first established in 1993; and

WHEREAS, those fines no longer offer a realistic deterrence to the commission of the offenses; and

WHEREAS, those fines are substantially lower than the minimum fines established by the Urbana's adjacent neighbor, the City of Champaign, for its pay-by-mail system, as shown in the following comparison:

	Urbana	Champaign
Minimum fine:	\$ 50	\$ 135, \$ 185
	\$ 75	\$ 135, \$ 185, \$ 280
	\$ 100	\$ 185

; and

WHEREAS, the maximum fine for all ordinance violation offenses (with the exception of certain repeat BOCA code violations, Code of Ordinances section 1-10(k)) has remained at \$500 or less since 1993, although State law has since been amended to set the statutory maximum for municipal fines at \$750; and

WHEREAS, the City of Champaign has raised its maximum fines to \$750; and

WHEREAS, certain section numbers set forth in Section 1-18 are no longer accurate citations of the pertinent sections setting forth the violations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Minimum Fines. That Section 1-18 of the Code of Ordinances of the City of Urbana is amended, so that

offenses shall carry minimum fines as follows as set forth in the attached table which is incorporated by reference into this ordinance, and in which the underlined text shows new text to be added, the strikethrough text shows text to be deleted, and the unmarked text shows text that is to remain unchanged.

Section 2. Maximum Fines. That Section 1-10, subparagraphs (b), (c), and (d) of the Code of Ordinances of the City of Urbana are amended, to reflect that the default maximum fines established by those subparagraphs shall be \$750.00, rather than \$500.00 and, further, that Section 16-8(f) (noise violations related to use of motor vehicles) is amended to change the maximum fine for offenses under Section 16-8 to \$750.00.

Section 3. Cleanup of Section 1-18. That Section 1-18 of the Code of Ordinances of the City of Urbana is amended to correct inaccurate citations to section numbers and section titles, as set forth in the attached strikethrough/underline version of the Section 1-18.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING MAXIMUM FINES AND PAY-BY-MAIL MINIMUM FINES" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

Phyllis D. Clark, CITY CLERK

ATTACHMENT

to Ordinance No. 2004-03-026
 (As amended on May 10, 2004, and forwarded to
 Council for May 17, 2004)

(AN ORDINANCE AMENDING THE CODE OF ORDINANCES
 REGARDING MAXIMUM FINES AND PAY-BY-MAIL MINIMUM FINES)

Sec. 1-18. Minimum fine schedule for certain violations.

The minimum fine for violating certain sections of the Code of Ordinances, City of Urbana, Illinois shall be as follows:

Section	Section Title	Minimum Fine
<u>Chapter 3 Alcoholic Liquors</u>		
3-3	Hours of operation.	\$75.00 <u>200.00</u>
3-4	Sale to minors, drunkards, and the like	75.00 <u>135.00</u>
3-5	Transporting in motor vehicle.	75.00 <u>200.00</u>
3-20	Allowing to frequent or remain in public areas of Class A establishments. ([Minors])	75.00 <u>135.00</u>
3-21	Failure to w <u>Warning to</u> minors <u>[to be posted].</u>	75.00 <u>135.00</u>
3-22	Purchase, consumption or acceptance of gift by minors; misrepresentation of age.	75.00 <u>135.00</u>
3-23	Identification cards.	75.00 <u>135.00</u>
3-24	Purchase, possession prohibited; exceptions. (Minors) <u>Employment of Minors</u>	75.00 <u>135.00</u>
3-39	Required. (Liquor license)	75.00 <u>200.00</u>
3-59	Consumption [& Possession] of open container of alcoholic liquor on public property <u>- Prohibited.</u>	75.00 <u>135.00</u>
3-60	Carrying open container of alcoholic liquor out of liquor service premises.	50.00 <u>135.00</u>
<u>Chapter 3.5 Ambulances</u>		
3.5-257	Cooperation with other public safety and emergency services <u>Compliance with emergency dispatch procedures.</u>	75.00 <u>135.00</u>
3.5-358	Monitoring <u>emergency dispatch</u> calls.	75.00 <u>135.00</u>
3.5-430	<u>Ambulance service license R</u> required; <u>exceptions.-(Ambulance license)</u>	75.00 <u>135.00</u>
<u>Chapter 3.7 Amusements</u>		
3.7-13	License required. (Amusement devices)	75.00 <u>135.00</u>

<u>Chapter 4 Animals and Fowl</u>		
4-1	Prohibited at large; responsibility of owner.	50.00 <u>135.00</u>
4-6	Cruelty.	75.00 <u>200.00</u>
4-11	Mistreating, interfering with, etc., police dogs.	75.00 <u>135.00</u>
4-12	Disturbing the peace. (Animals)	50.00 <u>135.00</u>
4-23	Subject to impoundment for running at large, etc. (Dogs)	50.00 <u>135.00</u>
4-31	Removal of dog excrement	50.00 <u>135.00</u>
<u>Chapter 6 Civil Emergencies</u>		
6-1	Proclamation by mayor for public curfew.	75.00 <u>135.00</u>
<u>Chapter 8 Fire Prevention and Protection</u>		
8-2	Obstructing fire hydrants.	75.00 <u>135.00</u>
8-3	Removal of property salvaged at fires.	75.00 <u>135.00</u>
<u>Chapter 9 Food and Food Establishments</u>		
9-183	Licenses and fees. (Food service license)Health District permit prerequisite.	75.00 <u>135.00</u>
9-39	Required. (Food delivery license) [Note: the code no longer contains a section similar to this provision, which required city licensing of vehicles that delivered food.]	75.00
<u>Chapter 9.5 Games of Chance</u>		
9.5-21	License required. (Raffle license)	75.00 <u>135.00</u>
9.5-27	Conduct of raffles; tickets; advertisements.	75.00 <u>135.00</u>
<u>Chapter 10 Garbage and Refuse</u>		
10-211-52	Municipal waste serviceCollection required. [Note, this will move to Ch. 11.]	50.00 <u>135.00</u>
11-53	Containers [Note: the prior version of the Code had a containers requirement in the same section (10-52) as the section that required municipal waste service.] [Note, this will move to Ch. 11.]	
10-3	Seavenging prohibited. [Note: re-numbered as 11-57(a)(1), and now part of separate schedule of escalating fines in section 11-57]	50.00
10-5	Depositing waste on property of another. [Note: re-numbered as 11-57(c), and now part of separate schedule of escalating fines in section 11-57]	50.00
10-6	Scattering dirt, gravel, etc. on public streets. [Note: re-numbered as 11-57(d)(2), and now part of separate schedule of escalating fines in section 11-57]	50.00
10-7	Placing grass, leaves or debris in streets and gutters. [Note: re-numbered as 11-57(a)(2), and now part of separate schedule of escalating fines in section 11-57]	50.00

10-25	Vehicle operating requirements.	75.00 <u>135.00</u>
10-81	Unauthorized tampering	50.00
<u>Chapter 11 Health and Sanitation</u>		
11-19	Open burning.	50.00 <u>135.00</u>
11-34	Prohibitions generally. (Smoking)	50.00 <u>135.00</u>
11-36	Prohibited smoking on buses.	50.00 <u>135.00</u>
11-37	Responsibility of proprietors. (Smoking)	75.00 <u>135.00</u>
<u>Chapter 13 Library</u>		
13-1	Creating disturbances	75.00 <u>135.00</u>
13-2	Loitering	75.00 <u>50.00</u>
13-3	Failure to return books or pay fines	75.00 <u>135.00</u>
13-4	Mutilating, etc., books, etc.	75.00 <u>135.00</u>
13-5	Unlawful removal of articles.	75.00 <u>135.00</u>
13-6	Those prohibited from use not to visit.	75.00 <u>135.00</u>
<u>Chapter 15 Miscellaneous Offenses and Provisions</u>		
15-3	Hindering performance by or refusing to obey direction of city officer or employee.	75.00 <u>135.00</u>
15-4	Impersonation of city officers and employees.	75.00 <u>200.00</u>
15-16	Assault.	100.00 <u>200.00</u>
15-17	Battery.	100.00 <u>200.00</u>
15-18	Reckless conduct.	100.00 <u>135.00</u>
15-31	Breaking and entering.	75.00 <u>200.00</u>
15-32	Theft.	75.00 <u>135.00</u>
15-33	Destroying or injuring property--Generally.	75.00 <u>135.00</u>
15-34	Same--Caps or lids connected with water, sewerage or gas companies.	75.00 <u>135.00</u>
15-35	Criminal trespass to land generally.	75.00 <u>135.00</u>
15-36	Criminal trespass to city-supported land.	75.00 <u>135.00</u>
15-43	Definitions. (Retail theft)	75.00 <u>135.00</u>
15-59	Loitering.	75.00 <u>50.00</u>
15-60	Disorderly conduct.	75.00 <u>135.00</u>
15-61	Mob action.	75.00 <u>200.00</u>
15-62	Fireworks.	75.00 <u>135.00</u>
15-63	Curfew for minors.	75.00 <u>135.00</u>
15-64	Public urination and defecation prohibited.	75.00 <u>135.00</u>
15-71	Throwing stones, missiles, etc.	75.00 <u>135.00</u>
15-72	Use of slings and air guns prohibited.	75.00 <u>135.00</u>

<u>Chapter 16 Noises and Vibrations</u>		
16-2	Prohibitions generally.	50.00 <u>200.00</u>
16-7	Construction operations.	75.00 <u>200.00</u>
16-8	(All subsections) Motor vehicles [Noise offenses]	50.00 <u>135.00</u>
16-9	Horns <u>and signaling devices on vehicles.</u>	50.00 <u>135.00</u>
<u>Chapter 17 Peddlers, Solicitors and Transient Merchants</u>		
17-3	Refusing to leave premises; posting of premises.	75.00 <u>135.00</u>
17-4	Use of residential streets prohibited; exception peddlers and permit holders.	75.00 <u>135.00</u>
17-16	Required. (Solicitor license)	75.00 <u>135.00</u>
<u>Chapter 20 Streets, Sidewalks and Other Public Places</u>		
20-44	Permission required. (Obstructions)	75.00 <u>135.00</u>
20-45	Merchandise. (Obstructions)	75.00 <u>135.00</u>
20-46	Building materials. (Obstructions)	75.00 <u>135.00</u>
<u>Chapter 23 Local Traffic Code</u>		
23-35	Use of coasters, roller skates and similar devices restricted	50.00
23-107	Climbing on vehicles in motion	50.00
23-108	Clinging to moving vehicles	50.00
23-109	Unlawful riding	50.00
23-110	Required. (Parade permit)	75.00 <u>135.00</u>
23-119(a)	Interference. (Parades)	75.00 <u>135.00</u>
23-119(b)	Driving through parades.	75.00 <u>135.00</u>
23-144	Riding on sidewalks	50.00
<u>Chapter 26 Vehicles for Hire</u>		
26-27	Required. (Taxicab business license)	75.00 <u>135.00</u>
26-43	Required. (Taxicab driver's license)	75.00 <u>135.00</u>
26-46	State license required. (Taxicab)	75.00 <u>135.00</u>

Note: this draft is included in the Council packet for convenience, to enable participants to compare this version with the version that was produced by vote of the Committee of the Whole on May 10, 2004. This is not the version that is being considered at the May 17, 2004 Council meeting.

DRAFT ATTACHMENT

to Ordinance No. 2004-03-026

(As amended at April 26, 2004 meeting and forwarded to May 10, 2004 Committee of the Whole)

Sec. 1-18. Minimum fine schedule for certain violations.

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3-5	Transporting in motor vehicle.	75.00 <u>280.00</u>
3-20	Allowing to frequent or remain in public areas of Class A establishments. ([Minors])	75.00
3-21	Failure to w <u>Warning to</u> minors [to be posted].	75.00
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