



**LEGAL DIVISION**  
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**DATE: May 4, 2016**  
**TO: City Council**  
**CC: Mayor Prussing**  
**FROM: James Simon, City Attorney**

**RE: Amendments to Urbana City Code.**

The draft ordinance which accompanies this memorandum is intended to amend Urbana City Code Chapter 1, "General Provisions", Section 1-17, "Settlement of violations prior to suit being filed; minimum fines."

Currently, UCC Sec. 1-17 sets forth the procedure pursuant to which a person who has been charged with violating a City ordinance for which a minimum fine is provided in UCC Sec. 1-18 ("Minimum fine schedule for certain violations"). The procedure provides that a person may settle his/her ticket (for those types of violations listed in UCC 1-18) by paying the minimum fine with fourteen (14) days of issuance of the ticket. Payment is made at the Finance Department. Settling the ticket in the aforesaid manner avoids the offender having to take time to appear in court as well as paying court fees. At a prior meeting, the City Council expressed strong interest in extended the time for entering into such settlements. The attached draft ordinance doubles the period (i.e., from 14 days to 28 days) in which an offender may settle his/her ticket.

**ORDINANCE NO. 2016-05-037**

**AN ORDINANCE AMENDING URBANA CITY CODE SECTION  
1-17 - SETTLEMENT OF VIOLATIONS PRIOR TO SUIT BEING FILED**

**(Increase in Time for Settling Violations from 14 Days to 28 Days)**

**WHEREAS**, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

**WHEREAS**, the City has adopted numerous ordinances which provide for fines in the event they are violated; and

**WHEREAS**, the City Council has adopted an ordinance which provides for a minimum fine schedule for violations of certain ordinances (UCC Sec. 1-18); and

**WHEREAS**, the City has the lawful authority to prosecute violations of its ordinances in the Circuit Court for the Sixth Judicial Circuit, Champaign County, Illinois and to collect fines should such proceedings result in the imposition of fines on defendants; and

**WHEREAS**, the City Council has adopted an ordinance (UCC Sec. 1-17) which allows a defendant to settle an alleged violation of a City ordinance prior to the initiation of any prosecution in Ordinance Violation Court which involves entering into a settlement agreement and paying the minimum fine provided for in the City's minimum fine schedule for certain violations (UCC Sec. 1-18); and

**WHEREAS**, the City's settlement ordinance (UCC Sec. 1-17) allows a defendant to settle an alleged ordinance violation by making payment of the minimum fine within fourteen (14) days after issuance to the defendant of a notice to appear in court to answer to the violation; and

**WHEREAS**, the City Council deems it appropriate to increase the time in which a defendant may settle his/her ordinance violation ticket from fourteen (14) days to twenty-eight (28) days.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

**Section 1.**

Urbana City Code Chapter 1, "General Provisions", Section 1-17, "Settlement of violations prior to suit being filed; minimum fines" shall be and hereby is amended with strike-through indicating language to be deleted and underlining indicating language to be included as follows:

Sec. 1-17. - Settlement of violations prior to suit  
being filed; minimum fines.

(a) A person accused of violating a section of this

Code set forth in section 1-18 may be permitted to pay the minimum fine which is set forth in section 1-18 as settlement of such violation if payment is made within the time and in the manner set forth in subsection (c) of this section.

(b) Any animal control officer or peace officer may issue a notice to appear if authorized by the chief of police. Officers who have issued a notice to appear to a person for an offense under this Code for which the minimum fine is set forth in section 1-18 shall indicate on the notice to appear whether the person may pay the minimum fine which is set forth in section 1-18 as settlement of such violation.

(c) Payments in settlement of violations set forth in section 1-18 shall be made within twenty-eight (28) 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 said twenty-eight (28) days if the payment is actually received by the city's finance department by 5:00 p.m. on the fourteenth day following the date the notice to appear was issued. Payments shall be made by cash or certified check, money order or cashier's check made payable to the City of Urbana, or by MasterCard or VISA under such conditions as the city comptroller shall specify.

(d) If a person pays the minimum fine pursuant to this section, then no complaint charging the person with the particular violation shall be filed by the city attorney.

(e) The minimum fine for those violations listed in section 1-18 shall be as set forth in section 1-18 in lieu of the minimum fine set forth in other provisions of the Code.

## **Section 2.**

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 3.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court nor shall it apply retroactively to any cannabis and/or cannabis-related offense which was committed or charged prior to the effective date of this Ordinance. Further, this Ordinance shall not be construed to affect any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance. Nothing herein shall be deemed, construed or interpreted as providing any direction insofar as how the City enforces and charges offenses under the State of Illinois Cannabis Control Act (720 ILCS 550/1 et seq.).

**Section 4.**

This Ordinance shall become effective July 1, 2016.

**Section 5.**

The City Clerk is directed to take such steps as are reasonable and appropriate to incorporate or arrange for incorporation of the above-referenced change in fine for a violation of Urbana City Code Section 15-16 into the Urbana City Code as maintained by the City and as hosted by MuniCode.

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:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**ORDINANCE NO. 2016-05-037**

**AN ORDINANCE AMENDING URBANA CITY CODE SECTION  
1-17 - SETTLEMENT OF VIOLATIONS PRIOR TO SUIT BEING FILED**

**(Increase in Time for Settling Violations from 14 Days to 28 Days)**

**WHEREAS**, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

**WHEREAS**, the City has adopted numerous ordinances which provide for fines in the event they are violated; and

**WHEREAS**, the City Council has adopted an ordinance which provides for a minimum fine schedule for violations of certain ordinances (UCC Sec. 1-18); and

**WHEREAS**, the City has the lawful authority to prosecute violations of its ordinances in the Circuit Court for the Sixth Judicial Circuit, Champaign County, Illinois and to collect fines should such proceedings result in the imposition of fines on defendants; and

**WHEREAS**, the City Council has adopted an ordinance (UCC Sec. 1-17) which allows a defendant to settle an alleged violation of a City ordinance prior to the initiation of any prosecution in Ordinance Violation Court which involves entering into a settlement agreement and paying the minimum fine provided for in the City's minimum fine schedule for certain violations (UCC Sec. 1-18); and

**WHEREAS**, the City's settlement ordinance (UCC Sec. 1-17) allows a defendant to settle an alleged ordinance violation by making payment of the minimum fine within fourteen (14) days after issuance to the defendant of a notice to appear in court to answer to the violation; and

**WHEREAS**, the City Council deems it appropriate to increase the time in which a defendant may settle his/her ordinance violation ticket from fourteen (14) days to twenty-eight (28) days.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

**Section 1.**

Urbana City Code Chapter 1, "General Provisions", Section 1-17, "Settlement of violations prior to suit being filed; minimum fines" shall be and hereby is amended with strike-through indicating language to be deleted and underlining indicating language to be included as follows:

Sec. 1-17. - Settlement of violations prior to suit  
being filed; minimum fines.

(a) A person accused of violating a section of this Code set forth in section 1-18 may be permitted to pay the minimum fine which is set forth in section 1-18 as settlement of such violation if payment is made within the time and in the manner set forth in subsection (c) of this section.

(b) Any animal control officer or peace officer may issue a notice to appear if authorized by the chief of police. Officers who have issued a notice to appear to a person for an offense under this Code for which the minimum fine is set forth in section 1-18 shall indicate on the notice to appear whether the person may pay the minimum fine which is set forth in section 1-18 as settlement of such violation.

(c) Payments in settlement of violations set forth in section 1-18 shall be made within ~~fourteen~~ (14) twenty-eight (28) 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 said ~~fourteen (14)~~ twenty-eight (28) days if the payment is actually received by the city's finance department by 5:00 p.m. on the fourteenth day following the date the notice to appear was issued. Payments shall be made by cash or certified check, money order or cashier's check made payable to the City of Urbana, or by MasterCard or VISA under such conditions as the city comptroller shall specify.

(d) If a person pays the minimum fine pursuant to this section, then no complaint charging the person with the particular violation shall be filed by the city attorney.

(e) The minimum fine for those violations listed in section 1-18 shall be as set forth in section 1-18 in lieu of the minimum fine set forth in other provisions of the Code.

## Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved

shall not invalidate other sections or provisions thereof.

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This Ordinance shall not be construed to affect any suit or proceeding pending in any court nor shall it apply retroactively to any cannabis and/or cannabis-related offense which was committed or charged prior to the effective date of this Ordinance. Further, this Ordinance shall not be construed to affect any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance. Nothing herein shall be deemed, construed or interpreted as providing any direction insofar as how the City enforces and charges offenses under the State of Illinois Cannabis Control Act (720 ILCS 550/1 *et seq.*).

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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:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor