

ORDINANCE NO. 17785

**AN ORDINANCE CONSOLIDATING THE FINES IN THE CITY OF
JOLIET CODE OF ORDINANCES INTO SECTION 1-8, RENAMED PENALTY
FOR VIOLATION OF CODE; CONTINUING VIOLATIONS, AND UPDATING THE
GENERAL PENALTY PROVISIONS OF THE CITY OF JOLIET CODE OF ORDINANCES
(Consolidating, amending and updating the penalty
sections throughout the City Code to reference Section 1-8)**

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the City is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois; and

WHEREAS, the penalty provision in the Code of Ordinances must be updated to reflect amendments to state statutes with respect to additional options for sentencing of violators, including but not limited to drug testing and community service; and

WHEREAS, the City previously adopted ordinances providing for penalties and wishes to consolidate the penalty provisions into one section and eliminate duplicative and inconsistent or incompatible sections; and

WHEREAS, it is deemed to be in the best interests of the citizens of the City to provide penalty consistency and penalty guidelines and clarify and simplify the Code of Ordinances; and

WHEREAS, the City of Joliet is a home rule unit of local government.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS,
PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:**

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Section 1-8, *General Penalty for Violation of Code; Continuing Violations*, be renamed *Penalty for Violation of Code; Continuing Violations*, and amended to read as follows:

Sec. 1-8. - Penalty for violation of code; continuing violations.

- (a) Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no other specific penalty is provided or not listed, the violation of such provision of this Code or any ordinance 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) plus costs, or such other amount as provided by law/ordinance,

for any one offense. The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. Nothing contained in this Code shall be construed so as to prevent the City, or any of its duly authorized agents, from instituting any other form of action at law or in equity to enforce the provisions of this Code or to prevent or abate violations of this Code. Every day that a violation occurs shall constitute a separate offense.

(b) In addition to a fine, the violation of such provision of this Code or any ordinance may also be punished by a requirement that the subject accused:

- (1) Correct, repair or rectify any condition that constitutes a continuing violation of a city ordinance or regulations (or of the ordinances or regulations of a governmental body or agency whose ordinances or regulations the city has agreed to enforce) within the period specified;
- (2) Perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities;
- (3) Obtain drug and/or alcohol test(s) to determine the presence or absence of specified parent drugs or their metabolites and/or a drug and/or alcohol evaluation(s) and to follow the recommendations of the evaluation.

(c) No imprisonment as authorized by 65 ILCS 5/1-2-9 for failure to pay any fine, penalty or cost shall exceed 6 months for one offense.

(d) Fine Schedule:

Description	Code No.	Fine
Cruelty to animals	6-6	\$300.00
Dangerous and vicious dogs	6-28	Up to \$750.00
Haz-mat cost recovery	8-290	Up to \$750.00
Key lock box system.	8-291	\$100.00
Grass, weeds and other nuisance greenery	Ch. 8, Art VII, Division 2	\$150.00 plus City removal costs (if applicable)
Abandoned residential property	8-359	Up to \$750.00
Temporary signs, feather signs and banners	8-477	\$50.00
Flood plain areas	8-513	\$50.00
Historic preservation	8-620	\$500.00
Anti-Discrimination	9½-6	\$500.00
Cable and video services	16-44(1)	\$50.00
Cable and video services	16-44(2)	\$25.00
Vendors of volatile substances	18-185	\$500.00
Gas stations	18-190.2	\$500.00
Massage parlors	18-237	\$150.00

Description	Code No.	Fine
False alarms	18-306(a)	Number of false alarms in a calendar year: 0-4: \$0.00 5-6: \$20.00 7-9: \$50.00 10-19: \$100.00 20+: \$300.00
False alarms	18-306(b)	\$50.00
Blocking streets with trucks	19-3	\$500.00
Leaving child unattended in motor vehicle	19-4	\$300.00
Unlicensed motorized vehicles on public property	19-9	\$100.00
Width, height, length and overweight vehicles	19-25	\$500.00; see also fine schedule in 19-25
Parking - within 15 feet of a fire hydrant	19-139(a)(5)	\$75.00
Parking - fire lane	19-139(a)(22)	\$75.00
Parking	19-148	\$30.00 except as otherwise provided
Parking - residential parking	19-151	\$30.00
Parking - parking meter	19-200	\$30.00
Parking - persons with disabilities	19-207(a)	\$500.00 plus towing and storage
Parking - persons with disabilities (holder displaying permit and not authorized)	19-207(a-1)	\$600.00
Parking - persons with disabilities (holder displaying deceased person's permit)	19-207(a-2)	\$750.00
Obstruction of parking places for persons with disabilities (post- adverse weather event / accumulation of debris)	19-210	\$250.00
Illegally parked, abandoned or inoperable vehicles	19-235	\$250.00 plus towing and storage
City motor vehicle license	19-244	\$25.00
Offenses subjecting a vehicle to impoundment (administrative tow)	19-266	\$500.00 plus towing and storage
Inoperable/abandoned vehicles	19-235	\$500.00 plus towing and storage
Feeding of wild animals prohibited	20-31	\$150.00
Nuisance property	20-61	Up to \$750.00
Loitering	21-10	Up to \$500.00
Drug paraphernalia	21-14.1	\$500.00
Fireworks	21-15	\$500.00
Curfew	21-18	\$100.00
Flags	21-109	\$500.00
Vandalism	21-124	\$500.00
Obstructing a disability parking space	21-126	\$100.00

Description	Code No.	Fine
Littering	26-2	\$50.00 plus costs of removing the prohibited litter from public ways
Hotel and motel	28-91	\$25.00 to \$500.00
Food and liquor	28-112	\$25.00 to \$500.00
Retail purchase of motor fuel	28-131	\$25.00 to \$500.00
Real estate transfer tax	28-260	Up to \$500.00
Storm water	31-402	Up to \$750.00
Sewers	31-801	\$750.00
Cross-connection	31-864	\$250.00
All other violations		\$150.00

SECTION 3: That Section 6-6, Cruelty to Animals, Sub-Section (g), shall be added as follows:

Sec. 6-6. - Cruelty to Animals.

- (g) Violations and penalties. In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 4: That Section 6-28, Dangerous and Vicious Dogs, Sub-Section (d), shall be amended to read as follows:

Sec. 6-28. - Dangerous and vicious dogs.

(d) Enforcement.

- (1) Violations and penalties. In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.
- (2) Reserved.
- (3) *Civil enforcement.* The corporation counsel may commence any appropriate action at law or in equity to enforce the provisions of this section or any administrative order and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. These remedies shall be in addition to the penalties set forth elsewhere in this subsection. In the event the city prevails in such an action, it shall be entitled to a judgment for court costs and reasonable attorney's fees.
- (4) *Animal Control Act.* The powers granted herein are in addition to those set forth in the Animal Control Act (510 ILCS 5/1), as amended, or other laws.

SECTION 5: That Section 8-170, Penalty for Violation, shall be amended to read as follows:

Sec. 8-170. - Penalty for violation.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 6: That Section 8-290, Haz-mat Cost Recovery, Sub-Section (f), shall be amended to read as follows:

Sec. 8-290. - Haz-mat cost recovery.

(f) Costs and penalties.

- (1) Any person who is liable for the release or threatened release of a hazardous material who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the city, or in accordance with any order of any court or administrative agency having jurisdiction on the matter, shall be liable to the city for any costs incurred by the city as a result of such failure to provide or take such removal or remedial action, together with the cost of any removal or remedial action taken by the city in accordance with the ordinance, and all attorneys fees and related legal costs incurred in connection therewith.
- (2) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. Where such violation is found to be the result of willful and or wanton conduct or gross negligence, or the person committing such violation attempts to evade responsibility hereunder by leaving the scene of the occurrence or by other means, that person shall be subject to a fine as provided for above or a fine in an amount equal to three (3) times the costs, including attorneys' fees and legal costs, for which it is liable under subsection (f)(1), whichever is greater.
- (3) Charges for removal or remedial action when rendered by the city or any other agency rendering mutual aid shall be as follows:
 - a. The reasonable cost of each vehicle responding as determined by the responding agency, but in no case less than seventy-five dollars (\$75.00) per hour per vehicle; and
 - b. The cost of all personnel including any overtime cost to the city or to any responding agency, incurred as a result of the removal or remedial action; and

- c. The cost of all materials and equipment used, expended, depleted, destroyed or removed from service in accordance with federal, state or local ordinance as a result of the mitigation or containment operations if or at the request of the city or any responding agency.

SECTION 7: That Section 8-291, Key Lock Box System, Sub-Section (f), shall be amended to read as follows:

Sec. 8-291. - Key lock box system.

- (f) In addition to all other remedies, any person who owns or operates a structure subject to this section who violates, disobeys, omits, neglects or refuses to comply with any provision of this section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 8: That Section 8-341, *Lien for cutting of weeds by city: Person entitled to lien; notice; contents*, shall be renamed *Lien for cutting of weeds by city: Person entitled to lien; notice; contents, penalty*, and amended to read as follows:

Sec. 8-341. - Lien for cutting of weeds by city: Person entitled to lien; notice; contents, penalty.

- (a) The municipality's removal cost under this section may a lien upon the underlying parcel in accordance with 65 ILCS 5/11-20-15.
- (b) In addition to the foregoing remedies, the City of Joliet may institute any proceedings necessary in any court of law in order to recover, from the owner of any lands upon which the City of Joliet has authorized the cutting of weeds, all sums expended by the City of Joliet in maintaining the property in a manner in compliance with the ordinances of the City of Joliet.
- (c) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 9: That Section 8-359, Penalty, shall be amended to read as follows:

Sec. 8-359. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 10: That Section 8-477, Violation—Penalty, shall be amended to read as follows:

Sec. 8-477. - Violation—penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The permittee shall be individually responsible to the extent provided by law for all city costs to abate and remove any nuisance including damaged and/or unsafe temporary signs, feather signs or banners.

SECTION 11: That Section 8-513, Enforcement and Penalties, shall be amended to read as follows:

Sec. 8-513. - Enforcement and penalties.

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this article. Upon due investigation, the city manager or designee may determine that a violation of the minimum standards of this article exist. The city manager or designee shall notify the owner in writing of such violation.

(1) If such owner fails after ten (10) days' notice to correct the violation:

(a) The city may make application to the circuit court for an injunction requiring conformance with this article or make such other order as the court deems necessary to secure compliance with this article.

(b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

(c) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(d) The city may record a notice of violation on the title to the property.

(2) The city manager or designee shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended.

(3) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SECTION 12: That Section 8-620, Penalties, shall be amended to read as follows:

Sec. 8-620. - Penalties.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 13: That Section 8-741, Fines, shall be amended to read as follows:

Sec. 8-741. - Fines.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 14: That Section 8-742, Compliance tickets, shall be deleted.

SECTION 15: That Section 9½-6, Penalty, shall be amended to read as follows:

Sec. 9½-6. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 16: That Section 16-44, Penalties, shall be amended to read as follows:

Sec. 16-44. - Penalties.

For the violation of any of the following provisions of this article, penalties shall be chargeable as follows:

- (1) In addition to all other remedies, any person who: fails to obtain or file evidence of required insurance, construction bond, performance bond, or other required financial security; fails to comply with applicable construction, operation, or maintenance standards; or fails to comply with the customer service standards of sections 16-23 through 16-25, shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.
- (2) In addition to all other remedies, any person who fails to provide access to data, documents, records, or reports to the city as required by law sections 16-19, 16-29, 16-30, 16-31 and 16-37 shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

The grantor may impose any or all of the above enumerated measures against grantee, which shall be in addition to any and all other legal or equitable remedies it has under the franchise or under any applicable law.

SECTION 17: That Section 18-185, Penalty for Violations, shall be amended to read as follows:

Sec. 18-185. - Penalty for violations.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 18: That Section 18-190.2, Penalty, shall be amended to read as follows:

Sec. 18-190.2. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 19: That Section 18-237, Penalty, shall be amended to read as follows:

Sec. 18-237. - Penalties.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 20: That Section 18-306, False Alarm Fees, shall be amended to read as follows:

Sec. 18-306. - False alarm fees.

- (a) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.
- (b) In addition to all other remedies, any person who fails to (1) silence an activated alarm within thirty (30) minutes, or (2) respond to the protected premises within thirty (30) minutes of the activation of a remote alarm system shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.
- (c) A false alarm fee shall be considered a bill owed to the city by the holder of the alarm system license and shall be payable within thirty (30) days of invoice to the city collector.

SECTION 21: That Section 18-595, Enforcement, Sub-Section (a), shall be amended to read as follows:

Sec. 18-595. - Enforcement.

- (a) In addition to all other remedies, including revocation of permit pursuant to Section 18-594, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 22: That Section 19-3, Blocking Streets with Trucks, Sub-Section (b), shall be amended to read as follows:

Sec. 19-3. - Blocking streets with trucks.

- (b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 23: That Section 19-4, Leaving Child Unattended in Motor Vehicle, Sub-Section (b), shall be added as follows:

Sec. 19-4. - Leaving child unattended in motor vehicle.

- (b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 24: That Section 19-9, Unlicensed Motorized Devices Prohibited on Public Property, Sub-Section (e), shall be amended to read as follows:

Sec. 19-9. - Unlicensed motorized devices prohibited on public property.

- (e) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense plus the cost of towing and storage of the device.

SECTION 25: That Section 19-10, Vehicle Immobilization, Sub-Sections (b) and (c), shall be amended to read as follows:

Sec. 19-10. - Vehicle immobilization.

- (b) Vehicle immobilization prohibited. It shall be unlawful for any private person to immobilize or boot any vehicle within the territorial limits of the City of Joliet.

- (c) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 26: That Section 19-25, Violations, Penalties, Sub-Sections (a) and (b), shall be amended to read as follows:

Sec. 19-25. - Violations, penalties.

- (a) *Violations, penalties generally.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.
- (b) *Penalty, vehicle with a gross weight in excess of maximum weight limits on a non-designated road.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with this division operating a vehicle with a gross weight in excess of the maximum weight limits or in excess of special weight limits provided for by ordinance and signposted, without having first obtained an overweight permit from the city manager or designee, shall be subject to the penalties as provided in Section 1-8 of this Code for each offense; except that a vehicle with a gross weight in excess of eighty thousand (80,000) pounds may instead be subject to the fines and penalties as set forth in subsection (c). Prior to release of a vehicle with a gross weight in excess of the maximum weight limits as set forth in Section 19-21 on a non-designated road, a sufficient bond must be posted.

SECTION 27: That Section 19-148, Violations; Notice to Operator; Manner of Satisfying Violation; Time for Payment; Penalty for Failure to Make Payment, shall be amended to read as follows:

Sec. 19-148. - Violations; notice to operator; manner of satisfying violation; time for payment; penalty for failure to make payment.

- (a) Upon finding a vehicle parked in violation of this Article, a police officer of the city or any other authorized person shall attach to the vehicle in violation a notice to the owner or operator thereof that the vehicle has been parked in violation of the provisions heretofore stated.
- (b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 28: That Section 19-151, Residential Permit Parking Program, Sub-Section (I), shall be amended to read as follows:

Sec. 19-151. - Residential permit parking program.

- I. Reserved.

SECTION 29: That Section 19-163, Fines and Penalties, shall be amended as follows:

Sec. 19-163. - Reserved.

SECTION 30: That Section 19-176, Designation of City Off-Street Parking Facilities; Unlawful Parking; Setting Rates; Parking Stickers; Improper Parking; Penalties, Sub-Sections (f) and (g), shall be amended to read as follows:

Sec. 19-176. - Designation of city off-street parking facilities; unlawful parking; setting rates; parking stickers; improper parking; penalties.

(f) *Penalty.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The owner or operator of an improperly parked vehicle may also be subject to pay towing expenses (including the applicable administrative fee) for removing said vehicle from the public parking facility, aisle, driveway or other space not designated as a parking space.

(g) The city manager or designee shall be authorized to issue validation tickets for all city parking facilities in accordance with the rate schedule set forth in section 19-180.

SECTION 31: That Section 19-200, Parking Meter Violations, Initial Notice to Operator; Payment of Fine, shall be amended to read as follows:

Sec. 19-200. - Parking meter violations. Initial notice to operator; payment of fine.

Upon finding a vehicle parked in violation of this Division, a police officer of the city or any other authorized person shall attach to the vehicle in violation a notice to the owner or operator thereof that the vehicle has been parked in violation of the provisions heretofore stated. In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 32: That Section 19-201, Penalty for Failure to Pay Fine Specified in Section 19-200, shall be deleted.

SECTION 33: That Sub-Section 19-207(c) and sub-section 19-207(d), Unauthorized Use of Parking Places Reserved for Persons with Disabilities, Sub-Sections (c) and (d), shall be amended to read as follows:

Sec. 19-207. - Unauthorized use of parking places reserved for persons with disabilities.

(c) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense, in addition to any

costs or charges connected with the removal or storage of any motor vehicle authorized under this division. It shall not be a defense to a charge under this section that either the sign posted pursuant to this division or the intended accessible parking place does not comply with the technical requirements of 625 ILCS 5/11-301, Department regulations, if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(d) Reserved.

SECTION 34: That Section 19-210, Obstruction of Parking Places for Persons with Disabilities, Sub-Section (d), shall be amended to read as follows:

Sec. 19-210. - Obstruction of parking places for persons with disabilities.

(d) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 35: That Section 19-244, City Motor Vehicle License Required, Sub-Section (c), shall be amended to read as follows:

Sec. 19-244. - City motor vehicle license required.

(c) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Division shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 36: That Section 20-61, Offense Established, shall be amended to read as follows:

Sec. 20-61. - Offense established.

(a) Any property owner or any occupant of property who allows, suffers, maintains or permits a nuisance on the property owned or occupied by him in violation of this chapter shall be guilty of an offense.

(b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

(c) *Existing remedies.* The provisions in this chapter shall not be deemed to abolish or impair existing remedies of the city relating to the removal or demolition of buildings which are deemed to be dangerous, unsafe or unsanitary.

(d) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the city from instituting any other appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal

occupancy of a building, structure or premises or to stop an illegal act, conduct business or use of a structure or equipment in or about any premises.

(e) *Responsibility.* Except as otherwise specifically designated in this chapter the owner or person in control of the structure or land is responsible for compliance with the provisions hereof.

(f) *Remedies.*

(1) The city may provide for the removal of junk or debris from any parcel of private property within the municipality if the owner of that parcel, after reasonable notice, refuses or neglects to remove the junk or debris. The city may collect, from the owner of the parcel, the reasonable removal cost.

(2) The municipality's removal cost under this chapter is a lien upon the underlying parcel in accordance with 65 ILCS 5/11-20-15.

(3) In the case of an abandoned residential property as defined in Section 65 ILCS 5/11-20-15.1, the municipality may elect to obtain a lien for the removal cost pursuant to 65 ILCS 5/11-20-15.1, in which case the provisions of Section 11-20-15.1 shall be the exclusive remedy for the removal cost.

SECTION 37: That Section 21-9, Penalty, shall be amended to read as follows:

Sec. 21-9. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 38: That Section 21-10, Loitering, Sub-Section (c), shall be amended to read as follows:

Sec. 21-10. - Loitering.

(c) *Penalty.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 39: That Section 21-14.1, Drug Paraphernalia, Sub-Section (d), shall be amended to read as follows:

Sec. 21-14.1. - Drug paraphernalia.

(d) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 40: That Section 21-15, Fireworks and Firework Novelties, Sub-Section (g), shall be amended to read as follows:

Sec. 21-15. - Fireworks and firework novelties.

- (g) *Penalty.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The foregoing notwithstanding, the Joliet Police Department may confiscate the unlawful fireworks for their destruction.

SECTION 41: That Section 21-16, Allowing rubbish or debris to collect; constitutes hazard, shall be deleted in its entirety (see Sec. 20-4).

SECTION 42: That Section 21-18, Curfew, Sub-Section (e), shall be amended to read as follows:

Sec. 21-18. - Curfew.

- (e) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 43: That Section 21-109, Flags; Desecration, Mutilation or Improper Use, Sub-Section (d), shall be amended to read as follows:

Sec. 21-109. - Flags; desecration, mutilation or improper use.

- (d) *Penalty.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 44: That Section 21-124, Penalties, shall be amended to read as follows:

Sec. 21-124. - Penalties.

In addition to all other remedies, including restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 45: That Section 21-126, Obstructing a Parking Space Reserved for Handicapped Parking, shall be renamed and amended to read as follows:

Sec. 21-126. - Obstructing a parking space reserved for persons with disabilities.

- (a) It shall be unlawful for any person to knowingly obstruct any parking space reserved for persons with disabilities with a shopping cart or any other container or object,

provided the parking space is identified as a reserved parking space as required by ordinance. For the purposes of this section, the term "parking space" shall also include adjacent areas that are striped, painted, marked or otherwise designated as being for the uses of the reserve parking space.

- (b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 46: That Section 21-136, Construction of Article; Penalty, Sub-Section (b), shall be amended to read as follows:

Sec. 21-136. - Construction of article; penalty.

- (b) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 47: That Section 26-2, Littering, Sub-Section (d), shall be amended to read as follows:

Sec. 26-2. - Littering.

- (d) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 48: That Section 28-91, Penalty, shall be amended to read as follows:

Sec. 28-91. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The imposition of any fine shall not relieve any person from the liability to pay the tax imposed herein.

SECTION 49: That Section 28-112, Penalty, Food and Liquor Purchases, shall be amended to read as follows:

Sec. 28-112. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The imposition of any fine shall not relieve any person from the liability to pay the tax imposed herein.

SECTION 50: That Section 28-131, Penalty, shall be amended to read as follows:

Sec. 28-131. - Penalty.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The imposition of any fine shall not relieve any person from the liability to pay the tax imposed herein.

SECTION 51: That Section 28-260, Penalty for Violation, shall be amended to read as follows:

Sec. 28-260. - Penalty for violation.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. The imposition of any fine shall not relieve any person from the liability to pay the tax imposed herein.

SECTION 52: That Section 31-402, Storm Water, Sub-Section (5), shall be amended to read as follows:

Sec. 31-402. - Storm water.

(5) *Penalties.* In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 53: That Section 31-801, Penalties and Costs, shall be amended to read as follows:

Sec. 31-801. - Penalties and costs.

In addition to all other remedies, any person or user who violates, disobeys, omits, neglects or refuses to comply with an order of the city or who has failed to comply with any provision of this article and the orders, rules and regulations and permits issued hereunder or any other provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense. A separate violation shall be deemed to have occurred for each constituent listed in Article V found to exceed established limits during any such day. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, and other expenses of litigation against the person found to have violated Article V or the orders, rules, regulations and permits issued thereunder.

SECTION 54: That Section 31-864, Violations, shall be amended to read as follows:

Sec. 31-864. - Violations.

(a) In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Article shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

- (b) In addition to any other remedy, the city manager or designee may, after notice and an opportunity to be heard has been given, and any compliance period has been exhausted, deny or discontinue the water service to any premises wherein any backflow prevention device required by this article is not installed, tested, maintained and repaired as required by this article, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low-pressure cutoff required by these regulations is not installed or maintained in working order. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this article and to the satisfaction of the city manager and the reconnection fee specified in section 31-100 has been paid in full.
- (c) The City of Joliet may commence any appropriate action at law or in equity to enforce this article and to protect against any violation thereof. This shall include, but shall not be limited to proceedings to enjoin unlawful construction, actions to recover damages, proceedings to restrain, correct, or abate a violation or to prevent illegal occupancy, of a building, structure or premises. These remedies shall be in addition to the penalties described above. In the event the City of Joliet prevails in such an action, it shall be entitled to a judgment for court costs and reasonable attorneys fees.

SECTION 55: That Section 33-6, Violations of Chapter; Penalty Generally, shall be amended to read as follows:

Sec. 33-6. - Violation of chapter; penalty generally.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter or who shall make any false return, issue any false weight certificate or approve any inaccurate weight, measure or weighing or measuring device shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.

SECTION 56: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 57: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 58: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 59: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 15th day of May, 2018



MAYOR



CITY CLERK

VOTING YES: Councilman Dickinson, Councilwoman Gavin, Councilmen Gerl, Hug, Morris, Mudron, Councilwoman Quillman and Councilman Turk.

VOTING NO: None.

NOT VOTING: Mayor O'Dekirk.

OFFICE OF THE CITY MANAGER
DAVID A. HALES
CITY MANAGER
Phone: 815-724-3720
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dhales@jolietcity.org



150 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60432-4158

DATE: MAY 15, 2018

TO: MAYOR AND CITY COUNCIL

FROM: DAVID A. HALES, CITY MANAGER

SUBJECT: A TRIO OF ORDINANCES REGARDING ADMINISTRATIVE ADJUDICATION:

- AN ORDINANCE CONSOLIDATING THE FINES IN THE CITY OF JOLIET CODE OF ORDINANCES INTO SECTION 1-8, RENAMED PENALTY FOR VIOLATION OF CODE; CONTINUING VIOLATIONS, AND UPDATING THE GENERAL PENALTY PROVISIONS OF THE CITY OF JOLIET CODE OF ORDINANCES (Consolidating, amending and updating the penalty sections throughout the City Code to reference Section 1-8)
- AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, DIVISION 6, ILLEGALLY PARKED, ABANDONED, INOPERABLE OR STOLEN VEHICLES, AND ARTICLE IV, IMPOUNDMENT, OF THE CITY OF JOLIET CODE OF ORDINANCES (Revising the procedure to impound disabled and abandoned vehicles and consolidating and updating the impoundment of vehicles involved in certain offenses)
- A COMPREHENSIVE ORDINANCE CONSOLIDATING AND UPDATING THE PROCEDURE FOR ADMINISTRATIVE ADJUDICATION OF THE CITY OF JOLIET CODE OF ORDINANCES (Consolidating administrative adjudication into Chapter 3, revising the procedures for administrative adjudication violations and updating the procedure for appeals to an administrative hearing)

BACKGROUND:

The City has an administrative hearing process that handles a handful of violations (e.g. parking tickets and some code violations). Plans to expand the administrative hearing process have been ongoing. There are many benefits of an expanded adjudication system, including but not limited to the following: 1) cost containment; 2) greater control

of the process; 3) ease of follow-up for compliance; 4) cost reductions through consolidation; 5) payment consolidation; 6) simplifies process and understanding for violators; 7) automation and consistency; and 8) provide alternative options for our officers.

One of the (many) steps to expand the administrative adjudication process is consolidating and updating our City Ordinances. Thus far, it has been a monumental task to essentially “modify” (essentially “create”) the City’s administrative hearing process. We (City) brought in a consultant to help us with the expansion process and the consultant identified over 30 steps to create a consolidated administrative adjudication system. Since the process covers a wide range of topics/departments, each of the departments (Finance, IT, Police, Legal) have communicated and met regularly to make sure we are all on the same page. Site visits to Aurora and Elgin were done as well.

To consolidate and update the City’s Ordinances, the Ordinances that are directly or indirectly impacted by adjudication need to be amended/modified. Rather than combine the amendments into one lengthy (and complicated) Ordinance, the Ordinance amendments have been separated three categories: 1) fine consolidation, 2) administrative tow for violations involving vehicles (e.g. reasons to have your vehicle towed) and 3) the administrative adjudication process.

The Land Use/Legislative Committee reviewed the three Ordinances at its April 24th meeting and recommended City Council ratification. A lengthy summary of the amendments was provided to the Land Use/Legislative Committee. The proposed amendments are summarized (briefly) as follows:

AN ORDINANCE CONSOLIDATING THE FINES IN THE CITY OF JOLIET CODE OF ORDINANCES INTO SECTION 1-8, RENAMED PENALTY FOR VIOLATION OF CODE; CONTINUING VIOLATIONS, AND UPDATING THE GENERAL PENALTY PROVISIONS OF THE CITY OF JOLIET CODE OF ORDINANCES.

All of the fine amounts have been consolidated into Section 1-8 in a fine schedule in a chart format. Each of the Sections of the City’s Code with a penalty provision will now reference Section 1-8 and have similar language as follows: *In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this section shall be subject to the penalties as provided in Section 1-8 of this Code for each offense.* Note that the fine amounts have not changed.

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, DIVISION 6, ILLEGALLY PARKED, ABANDONED, INOPERABLE OR STOLEN VEHICLES, AND ARTICLE IV, IMPOUNDMENT, OF THE CITY OF JOLIET CODE OF ORDINANCES

This Ordinance updates the authority of the City to tow abandoned and wrecked vehicles from the highway immediately when it is causing a traffic hazard and to tow abandoned vehicles (defined as *any vehicle or part thereof, in a state disrepair rendering the vehicle incapable of being legally or safely driven in its condition, left for such a time and under such circumstances so as to reasonably appear to have been abandoned or deserted, or is unlicensed, except vehicles for sale by new and used*

motor vehicle dealers and repair shops) within 24 hours after affixing a police tow notice. Vehicles that are abandoned on private or public property, other than a highway (e.g. in the City's parking lots), in view of the general public, except on property of the owner or bailee of such abandoned vehicle, that remains seven (7) days or more, may also be towed after providing notice to the owner. Vehicles that are abandoned, discarded, inoperable, junked, partially dismantled, or wrecked, on public or private property, and in view of the general public, by any person in charge or control of said vehicle and property, that remains thirty (30) days or more, may be towed after providing the owner with an administrative hearing. This Ordinance also updates the offenses subjecting a vehicle to impoundment. The procedure for an administrative hearing is set forth in the Comprehensive Administrative Adjudication (below), which formalizes the emergency review process (within 2 business days upon request) and the right to an administrative (tow and impound) hearing held by the hearing officer.

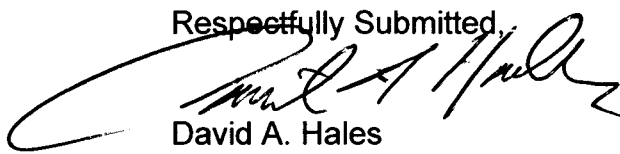
***A COMPREHENSIVE ORDINANCE CONSOLIDATING AND UPDATING THE
PROCEDURE FOR ADMINISTRATIVE ADJUDICATION OF THE CITY OF
JOLIET CODE OF ORDINANCES***

The City already has administrative adjudication but the Ordinances were disjointed and in various Sections. This Ordinance consolidates all administrative adjudication processes into one Article and lays out a straightforward procedure from issuance of a violation until judicial review under the administrative review law. Section 3-13 sets the standard for all administrative adjudication hearings. Also, this Ordinance revises the appeals process for a staff decision to an independent, neutral third party (administrative hearing officer) as opposed to City staff (e.g. City Manager).

RECOMMENDATION:

Based on the above, the Administration recommends that the Mayor and City Council adopt the attached trio of Ordinances.

Respectfully Submitted,

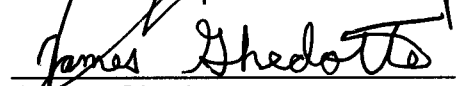


David A. Hales
City Manager


CONCURRENCES:



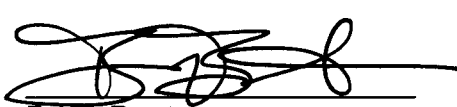
Christopher P. Regis
Assistant Corporation Counsel



James Ghedotte
Director of Finance



David Braner
Director of IT



Brian Benton
Chief of Police