



ORDINANCE NO. 833

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE SAID MUNICIPAL CODE BEING
ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO
PROVIDE AMENDMENTS RELATING TO ORDINANCE
VIOLATION FINES.

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw

September 13, 2011

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *12th day of September, 2011*, insofar as same relates to the adoption of *Ordinance No. 833*, entitled:

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO ORDINANCE VIOLATION FINES.

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.833*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *September 13, 2011* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this *26th, September 2011*.



[Redacted Signature]
Village Clerk

ORDINANCE NO. 833

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE
SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF
MACKINAW TO PROVIDE AMENDMENTS RELATING TO
ORDINANCE VIOLATION FINES

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF MACKINAW:

SECTION 1: § 10.99 of the Village Code of the Village of Mackinaw is hereby
amended by deleting the existing § 10.99 and inserting in its place a new § 10.99 which shall be
as follows:

§10.99 GENERAL PENALTY.

(A) Except as otherwise provided herein, any person found guilty of
violating, disobeying, omitting, neglecting or refusing to comply with, or resisting
or opposing the investigation or enforcement of any of the provisions of this Code
shall be punished by a fine of not less than \$150.00 and not more than \$750.00 for
the first offense, and not less than \$250.00 and not more than \$750.00 for the
second and each subsequent offense. Each day any violation of any provision of
this Code or any Ordinance shall constitute a separate offense. In addition, the
Court may impose as a requirement that Defendant perform some reasonable
public service work such as but not limited to picking up litter in public parks or
along public highways or the maintenance of public facilities of the Village of
Mackinaw. Any such "public service" must be ordered by the Circuit Court of
Tazewell County.

(B) In lieu of the provisions of Paragraph A of § 10.99, persons who
have received a citation for a violation of a provision of the Village Code which
citation is subject to penalty pursuant to § 10.99 of the Village Code may settle
said ordinance violation charge by paying to the Village Clerk of the Village of
Mackinaw within fifteen (15) days of the date of the citation the sum of \$75.00
for the first offense or \$150.00 for the second offense. No person who commits a
third or subsequent offense shall be eligible to settle the ordinance violation
charge pursuant to the provisions of this subparagraph. In addition to the payment
of the foregoing sum, said person must sign the citation issued and return the
signed citation to the Village Clerk of the Village of Mackinaw along with
payment of the appropriate sum pursuant to the provisions of this paragraph.

SECTION 2: § 92.99 of the Village Code of the Village of Mackinaw is hereby
amended by deleting the existing § 92.99 and inserting in its place a new § 92.99 which shall be
as follows:

§ 92.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 3: §93.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing §93.99 and inserting in its place a new §93.99 which shall be as follows:

§ 93.99 PENALTY.

Any person, firm or entity that violates or fails to comply with any of the provisions of this chapter shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day that a violation continues shall be deemed a separate offense. In addition, any person, firm or entity that violates or fails to comply with the provisions of this chapter shall be obligated to pay for all remedial costs that are necessary to correct any improper installations, cuts or breaks in the curbs of the Village.

SECTION 4: §94.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing §94.99 and inserting in its place a new §94.99 which shall be as follows:

§ 94.99 PENALTY.

(A) If the Village corrects a violation or causes a violation to be corrected on its behalf, the violator shall be liable to the Village for its actual costs (materials plus labor or if the correction is contracted out, the contract price) of abating the nuisance.

(B) Whoever violates any provision of § 94.30 through 94.37 for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day that a violation continues shall be deemed a separate offense.

(C) Where the Village itself corrects a violation or causes a violation to be corrected on its behalf, the violator shall be subject to both the provisions of subparagraph (A) and (B) of this section.

SECTION 5: § 97.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 97.99 and inserting in its place a new § 97.99 which shall be as follows:

§ 97.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 6: §110.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing §110.99 and inserting in its place a new §110.99 which shall be as follows:

§ 110.99 PENALTY.

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than \$150.00 and not more than \$750.00, or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment.

SECTION 7: § 111.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 111.99 and inserting in its place a new § 111.99 which shall be as follows:

§ 111.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 8: § 130.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 130.99 and inserting in its place a new § 130.99 which shall be as follows:

§ 130.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 9: §136.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing §136.99 and inserting in its place a new §136.99 which shall be as follows:

§ 136.99 PENALTY.

Any person, firm or corporation violating any of the provisions of § 136.09 through 136.10 shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day that a violation continues shall be deemed a separate offense.

SECTION 10: §137.06(E) of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing subparagraph (E) and inserting in its place a new subparagraph (E) which shall be as follows:

(E) *Penalty.* Violation of any provision of this section shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day that a violation continues shall be deemed a separate offense.

SECTION 11: §150.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 150.99 and inserting in its place a new § 150.99 which shall be as follows:

§ 150.99 PENALTY.

Any person, partnership, corporation or other legal entity violating any of the provisions of §§ 150.04, 150.05 or 150.06 shall be subject to the general penalty provision, § 10.99 of the Village Code. However, there shall be no fine imposed under § 150.05 as long as the owner is proceeding to repair or demolish fully in accordance with § 150.06. The fact that a complaint is filed against any person seeking a fine or penalty, or that any fine or penalty is imposed shall not in any way prevent the Village from proceeding, or waive any right of the Village to proceed under, 65 ILCS 5/11-31-1. Each day that a violation of §§ 150.04, 150.05 or 150.06 continues shall be deemed a separate offense.

SECTION 12: § 151.99 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 151.99 and inserting in its place a new § 151.99 which shall be as follows:

§ 151.99 PENALTY.

Whoever violates of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 13: § 153.999 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing § 153.999 and inserting in its place a new § 153.999 which shall be as follows:

§ 153.999 PENALTY.

Whoever violates of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99 of the Village Code. Each day a violation continues shall be deemed a separate offense.

SECTION 14: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 15: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 16: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 12th day of September, 2011.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES: 6
NAYS: 0
ABSENT: 0