

CHAPTER 1
GENERAL PROVISIONS

1.01 JOHNSBURG MUNICIPAL CODE

- A. Title. This Code of Ordinances may be known and cited as the Village of Johnsburg Municipal Code.
- B. Amendments. Any Additions or amendments to this Code are incorporated in this Code so that a reference to the Johnsburg Municipal Code includes such additions and amendments.
- C. Numbering Sections. Each section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the Chapter number and the figure after the period referring to the section within the Chapter.
- D. Numbering Additions. The decimal system shall be used for all additions and amendments to this Code. When a Chapter or section is added the new Chapter or section shall be given a decimal character.
- E. Review. The Village Board shall review Chapter 1; Section 7 entitled Settlement of Offenses to determine if any changes in Settlement Payments are necessary.

1.02 DEFINITIONS

- A. Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Revised Statutes for the same term.

- B. Terms used in this Code have the following meanings:

Village: The Village of Johnsburg, Illinois

County: McHenry County

State: State of Illinois

Village Board: The President and Board of Trustees of the Village of Johnsburg

Board of Trustees: The Board of Trustees of the Village of Johnsburg

Village Clerk: The Village Clerk and similarly any reference to any Officer, Board or Commission means such Officer, Board or Commission of the Village of Johnsburg unless otherwise stated.

Person: Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who

are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Illinois Revised Statutes: The 1981 edition of the Illinois Revised Statutes and when later editions are published the latest publication thereof.

Illinois Municipal Code: Chapter 24 of the Illinois Revised Statutes.

This Code: The Village of Johnsburg Municipal Code.

1.03 REPEAL OF ORDINANCES

- A. All general ordinances or parts thereof heretofore adopted by the President and Board of Trustees and not included in this Code are repealed, except the following which are hereby continued in full force and effect.
1. Ordinances authorizing contracts or the issuance of municipal notes or bonds;
 2. Ordinances levying taxes or making special assessments;
 3. Ordinances appropriating funds or establishing salaries;
 4. Ordinances granting franchises or rights to corporations;
 5. Ordinances relating to the establishment, dedication, opening, grading, naming, improving, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
 6. Ordinances respecting the annexation of territory to the Village, or the conveyance or acceptance of real property or easements in real property;
 7. Ordinances authorizing or relating to a particular public improvement.
 8. Ordinances relating to zoning and subdivisions;
 9. Any other special ordinances not in conflict with the provisions of this Code.
- B. The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing or acquired or liability, penalty, forfeiture or punishment enforced, prosecuted or inflicted shall exist as fully and to the same extent as if the repeal has not been affected.

1.04 ORDINANCES REPEALED AND NOT REENACTED No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this Code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or effect any cure or validation already effected thereby.

1.05 JURISDICTION Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Village to regulate such particular acts outside the corporate limits.

1.06 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 or similar disposition be subject to a fine not less than fifty dollars (\$50.00) nor more than seven hundred and fifty dollars (\$750.00) per offense.

- 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 Village, upon order of the Court before whom the conviction is had, may be committed to the Village, County or State jail as provided by law, or to any other place provided by statute.

- 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 Village 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.

- G. Municipal Bond Fees: The Village may impose a fee up to \$20 for bail processing against any person arrested for violating aailable municipal ordinance or a state or federal law.

- H. Enforcement and Collection. In the event that the Village brings an action in either its Office of Administrative Adjudication or in the Circuit Court to enforce any provision in

this Code or prosecute a violation of any ordinance in the Village and the offender is adjudicated liable or found guilty of the charge or violation, then the Village is entitled to a judgment against the offender for the amount of attorney's fees and costs expended in the enforcement. In the event any charge, fee or judgment, including, but not limited to those relating to water and sewer service charges, recording, retained personnel, fines, penalties, repair, abatement that is due the Village and is not paid, the cost of collecting said fee shall be added to the charge, fee or judgment. Collection costs shall include, but not be limited to, attorney fees and/or collection fees.

1.07 SETTLEMENT OF OFFENSES

- A. The purpose of this system is to give the public an opportunity to pay fine(s) without the addition of court costs or requirement of court appearance(s). Nothing in this Section shall limit the Village from initiating a complaint for ordinance violation or similar pleading that sets mandatory court appearances and/or does not provide for the opportunity to settle.
- B. Any offense arising under the Ordinances of the Village may be settled and compromised by the offender by a minimum payment to the Village, the sum of money stated by class, plus costs incurred (if any) or any higher amount as deemed appropriate.
- C. If not paid by close of business on the date of the Administration Adjudication Hearing, if applicable, as provided on the notice of violation, the fine(s) shall double.
- D. A fine shall be imposed on a daily basis for each day that a violation of an ordinance of the Johnsburg Municipal Code continues or occurs.
- E. Offense Classes:
 - Class A - \$ 50.00
 - Class B - \$175.00
 - Class C - \$200.00
 - Class D - \$400.00
 - Class E - \$750.00
 - Class F - \$750.00
 - Class G - \$750.00
 - Class H - \$750.00
- F. Any second or continued violation for the same offense shall increase penalty to the next offense classification.
- G. Settlement payments shall be made to the Village Clerk who shall provide the alleged offender with a receipt in the amount of such payment.

H. The amounts paid to the Village Clerk in settlement of the foregoing claims shall be promptly deposited by the Village Clerk with the Village Accountant and shall be credited by the Accountant to the General Fund.

I. The Village shall refrain from prosecuting any alleged offender for any offense for which the offender has successfully paid a settlement to the Village subject to section 1.07I.

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

1.09 SEPARABILITY OF PROVISIONS Each section, paragraph, sentence, clause or provision of this Code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code nor any part thereof, other than that part affected by such decision.

1.10 EFFECTIVE DATE This Code of Ordinances shall take effect ten (10) days after passage and publication in book form under the authority of the President and Board of Trustees, as provided by law.

1.11 LANGUAGE OF GOVERNMENT

The English language shall be the official language of the Village. As the official language, the English language shall be used for all public acts including every order, ordinance, resolution, vote and election, and for all records and judicial proceedings of the Village. In addition, all meetings, hearings, workshops and business of the Village shall be conducted in the English language.

The Village shall preserve, protect and enhance English as the official language.

1.12 COPIES ON FILE Copies of this Code shall be kept available at the Village Clerk's office for public inspection.