

120094

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

DISTRICT # All

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *dah*

DATE : February 17, 2012

B of T : March 1, 2012

SUBJECT: An Ordinance Amending Title I, Chapter 10 of the Village Code in Regard to the General Penalty Provision for Village Code Violations.

SUBMITTED BY: Raymond J. Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS: The Illinois Supreme Court has adopted certain rules which govern the prosecution of ordinance violations. Supreme Court Rule 579 will require a minor modification to the Village's current general penalty provision. The Village Attorney has reviewed the applicable Supreme Court Rule and is recommending that the following changes be made to our current Village Code to bring our ordinance into compliance with the new requirements. A waiver of first reading is being requested as the Supreme Court Rules are already in effect.

Fiscal Impact/Funding Source: None.

Review (as necessary):

Finance Director _____ Date _____
Village Manager *David A. Hulseberg* _____ Date 2/17/12

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda distribution.



LOMBARD POLICE DEPARTMENT



Date: February 17, 2012

To: David A. Hulseberg, AICP, ICMA-CM
Village Manager

From: Ray Byrne
Chief of Police

SUBJECT: Ordinance to Amend the General Penalty Provisions of the Village Code

Attached to this memorandum you will find an ordinance that modifies the language of the Village's General Penalty Provision found in Title I, Chapter 10. The Illinois Supreme Court has adopted certain rules which govern the prosecution of local ordinance violations. Specifically, Supreme Court Rule 579 requires that section 10.99 of the Village Code be amended to expand the disposition and penalty options.

Under the new Rule 579, a court can impose conditional discharge or court supervision as well as restitution or other appropriate penalties or conditions authorized by ordinance. However, the general penalty provisions need to reflect that language. This ordinance will bring the Village's General Penalty Provision in compliance with the new Supreme Court Rule. The ordinance has been prepared by Village Attorney, Tom Bayer.

A waiver of first reading is being requested as the new Supreme Court Rules are already in effect. If you should have any questions, or would like additional information, please do not hesitate to contact me.

U: Cover Memorandum – Amendment to General Penalty Provisions.docx

KTJ

KLEIN, THORPE & JENKINS, LTD.
Attorneys at Law

20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

MEMORANDUM

To: Ray Byrne, Chief of Police, Village of Lombard

Via e-mail only

From: Tom Bayer, Village Attorney

Date: February 14, 2012

**Re: Village Code General Penalty Provision for Village Code Violations –
New Illinois Supreme Court Rules**

As a follow-up to the Village Prosecutor's e-mail to you, attached please find the following Ordinance, relative to the above-captioned matter, for approval at the next available Village Board meeting:

**AN ORDINANCE AMENDING
TITLE 1, CHAPTER 10, SECTION 10.99
OF THE LOMBARD VILLAGE CODE IN REGARD TO THE
GENERAL PENALTY PROVISION FOR VILLAGE CODE VIOLATIONS**

The Ordinance expands the disposition/penalty options as allowed by new Illinois Supreme Court Rule 579.

If there are any questions, please feel free to contact me.

encl.

cc: Dave Hulseberg, Village Manager (w/ encl.; via e-mail)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
TITLE 1, CHAPTER 10, SECTION 10.99
OF THE LOMBARD VILLAGE CODE IN REGARD TO THE
GENERAL PENALTY PROVISION FOR VILLAGE CODE VIOLATIONS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 1, Chapter 10, Section 10.99 of the Lombard Village Code is amended to read in its entirety as follows:

“§ 10.99 GENERAL PENALTY.

Any person, firm or corporation who violates any provisions of this Code, for which another penalty is not specifically provided, shall be subject to a fine of not less than Seventy-Five and No/100 Dollars (\$75.00) nor more than Seven Hundred Fifty and No/100 Dollars (\$750.00). A separate offense shall be deemed committed upon each day during which a violation occurs or continues. In addition to a fine, the Court may impose a period of conditional discharge as defined in 730 ILCS 5/5-1-4 or court supervision as defined in 730 ILCS 5/5-1-21 for a period of up to six (6) months, an order of restitution, an order to perform community service, an order to correct the Code violation by a time certain, an order to complete an education program and/or any other appropriate penalties or conditions authorized in any section of this Code, or any conditions for conditional discharge set forth in 730 ILCS 5/5-6-3 or for court supervision set forth in 730 ILCS 5/5-6-3.1, as the foregoing are amended from time to time.”

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2012.

First reading waived by action of the Board of Trustees this ___ day of _____, 2012.

Passed on second reading this _____ day of _____, 2012, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2012.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2012.

Brigitte O'Brien, Village Clerk