

070673

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 5, 2007 (BOT) Date: November 15, 2007

TITLE: An Ordinance Amending Title I, Chapters 10 and 12 of the Lombard Village Code in Regard to Penalty Provisions

SUBMITTED BY: Ray Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

This ordinance will provide clarification as to when a fine or penalty is applicable under the "General Penalty" and "Penalty for Violation" provisions of the current Village Code.

FISCAL IMPACT/FUNDING SOURCE: None

Review (as necessary):

Finance Director X

Village Manager X

W. T. Lichter

Date

11/6/07

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.

I would respectfully request that you forward this ordinance to the Village Board for approval. If you should have any questions, or would like additional information, please do not hesitate to contact me.

Specifically, this ordinance proposes to modify section 10.99 (General Penalty) and section 12.07 (Penalty for Violation) to remove any references to a "conviction" before a penalty or a fine is applicable. The issue that can arise is that some judges require a conviction before they will impose a penalty or a fine. Since some judges do not consider supervision a conviction, they will not impose a penalty even though a violation has occurred. Use of the term "violates" or "violation" removes this inconsistency and makes the penalty provisions applicable to supervision or convictions in court.

Attorney George Wagner from Klein, Thorpe & Jenkins has recently prepared an ordinance that amends the Village Code in regards to dangerous and vicious dogs. While drafting that ordinance, and in cooperation with Village Prosecutor Linda Pieczynski, a suggestion has been made to modify the penalty provisions of the Village Code.

**SUBJECT: Ordinance Amending the Penalty Provisions of the Village Code**

**FROM:** Ray Byrne  
Chief of Police

**TO:** William T. Lichter  
Village Manager

**DATE:** November 5, 2007



**LOMBARD POLICE DEPARTMENT**



**AN ORDINANCE AMENDING TITLE I, CHAPTERS 10 AND 12,  
OF THE VILLAGE OF LOMBARD VILLAGE CODE IN REGARD TO  
PENALTY PROVISIONS**

ORDINANCE NO. \_\_\_\_\_

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard,

DuPage County, Illinois, as follows:

**SECTION 1:** That Section 10.99, entitled "General Penalty," of Chapter 10 of Title I is

amended by deleting the phrase "upon conviction," to be and read 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 Fifty and No/100 Dollars (\$50.00) nor more than seven hundred and fifty and no/100 Dollars (\$750.00) and/or an order of the Court to correct the code violation by a time certain. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**SECTION 2:** That Section 12.07, entitled "Penalty for Violation," of Chapter 12 of Title

I is amended by deleting the phrase "on conviction," to be and read as follows:

12.07 Penalty for Violation.

Any person who violates any section, clause, or provision of any section of any ordinance for which there is no penalty provided, or shall fail to perform or omit to do any act or thing required by such section, clause or provision of any such ordinance shall be fined as set forth in §10.99.

**SECTION 3:** 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 \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_, 2007.

Passed on second reading this \_\_\_ day of \_\_\_\_\_, 2007, pursuant to a roll call vote

as follows:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Brigitte O'Brien, Village Clerk

ATTEST: William J. Mueller, Village President

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ABSENT: \_\_\_\_\_

NAYS: \_\_\_\_\_

AYES: \_\_\_\_\_