



LOMBARD POLICE DEPARTMENT



DATE: November 5, 2007

TO: William T. Lichter
Village Manager

FROM: Ray Byrne
Chief of Police

SUBJECT: Ordinance Amending the Penalty Provisions of the Village Code

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.

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.

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.