

ORDINANCE NO. 2021- 04

**AN ORDINANCE UPDATING PENALTY PROVISION FOR VIOLATIONS OF ORDINANCES IN THE VILLAGE OF SECOR**

**WHEREAS**, the Village Board for the Village of Secor has reviewed the penalty provisions of the Village ordinances and determined that such penalty provisions need to be updated and made more consistent addressing; and

**WHEREAS**, the Village Board hereby finds that it is in the best interests of the Village to update the provisions of the Village ordinances addressing penalties for violation such ordinances as provided herein;

**BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOIS, THAT:**

**Section 1.** The Ordinances of the Village of Secor are hereby amended as follows

**1.1 Penalties.**

- A. **General Penalty.** Any person, business, or entity violating any provision of a Village ordinance, or any rule or regulation adopted or issued in pursuance thereof, shall upon conviction be subject to a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00), and the costs of prosecution.
- B. **Each Day of Violation.** Each day that any violation of an ordinance is committed, or is found to exist, or continues to exist, shall constitute a separate violation.
- C. **Available Remedies.** In addition to any monetary fine or other penalty which may be imposed for a violation of any provision of a Village ordinance, the village attorney is authorized to proceed in circuit court (or other court of competent jurisdiction) to enjoin, abate, correct, or prohibit continued, further, or threatened violation(s).
- D. **Optional Settlement.** Prior to commencement of any action in circuit court which alleges a violation of a Village ordinance for which a fine may be imposed, a law enforcement officer on behalf of the village, may in their discretion, provide any person alleged to have violated any provision of a Village ordinance with notice of such alleged violation and an opportunity to settle the alleged violation through payment of a fine at village hall. Such notice shall be in writing in a format approved by the Village President in consultation with the village attorney. Such notice shall provide an opportunity for

payment within a period of not less than fourteen (14) days after service of such notice. The offer of settlement shall be in the amount of one hundred dollars (\$100.00) for first offenders and two hundred dollars (\$200.00) for all successive offenses in the same twelve-month period. Should an alleged offender fail to accept the offer of settlement within the period of time set forth in the written notice, such offer of settlement shall automatically expire. Upon expiration of an offer of settlement, any officer may, without further notice to the alleged offender, file a complaint in the Woodford County Circuit Court charging the alleged offender with one or more violations of the Village ordinances. The settlement procedure authorized by this section shall not be available for any alleged violation of any state or federal statute, or any alleged violation of the Village ordinances which governs vehicles and traffic.

- E. **Applicability.** The penalty provided by this Ordinance applies to all Village ordinances the same as though it were a part of each and every separate section of such ordinance. In all cases where the same offense is made punishable or is created by different provisions or a Village ordinance, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. Whenever the doing of any act or the omission to do any act constitutes a breach of any provision or section of a Village ordinance and there shall be no fine or penalty specifically declared for such breach, the provisions of this section shall apply.
- F. **Liability of Officers.** No provision of this Ordinance designating the duties of any officer or employee of the village shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intent of the council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**Section 2.** This Ordinance is hereby ordered to be published in pamphlet form by the Clerk of the Village of Secor and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection.

**Section 3.** This Ordinance shall supersede and replace in their entirety all penalty provision of any ordinances, resolutions, motions, or orders adopted prior to this Ordinance by the Village of Secor and any other provisions in such prior ordinances, resolutions, motions, or orders that address any other subject contained and addressed herein.

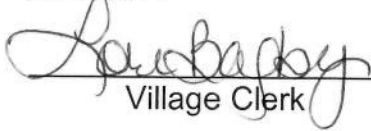
**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SECOR,  
WOODFORD COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 14  
DAY OF June, 2021.**

**APPROVED:**

  
Village President

**ATTEST:**

  
Village Clerk