

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty**
- 1-4-2: Application of Provisions**
- 1-4-3: Liability of Officers**
- 1-4-4: Summons, Warrant for Violation**

1-4-1: GENERAL PENALTY: Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. (Ord. Amd. 10-3131-08, eff. 3/22/10)

The person upon whom any fine or penalty is imposed, for violation of this Code or any ordinance of the Village, upon the order of the court or magistrate before whom the conviction is had, may be committed to the County jail until the fine, penalty, and costs are full paid. No imprisonment, however, shall exceed six (6) months for any one offense.¹ (1971 Code, §1-7-3)

1-4-2: APPLICATION OF PROVISIONS: The penalty provided in this Chapter shall be applicable to every section of this Village Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Village Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

¹65 ILSC 5/1-2-1

In all cases where the same offense is made punishable or is created by different clauses or sections of this Village Code, 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 section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-3: LIABILITY OF OFFICERS: No provision of this Village Code designating the duties of any officer or employee 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 intention of the Village Board to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1984 Code)

1-4-4: SUMMONS, WARRANT FOR VIOLATION: In all actions for the violation of this Code or any ordinance of the Village, the first process shall be a summons or a warrant. A warrant for the arrest of an accused person may issue upon the affidavit of any person that this Code or an ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof. Every person arrested upon a warrant, without unnecessary delay, shall be taken before the proper officer for trial. (1971 Code, §1-7-4)