

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-19-3

AN ORDINANCE AMENDING CERTAIN PENALTY PROVISIONS OF THE VILLAGE CODE IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, STATE OF ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 22nd DAY OF April, 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 22nd day of April, 2019

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AN ORDINANCE AMENDING CERTAIN PENALTY PROVISIONS OF THE VILLAGE CODE IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, STATE OF ILLINOIS

WHEREAS, the Village President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1 of the Illinois Municipal Code, the Village may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper, so long as the maximum fine or penalty, except civil penalties provided for failure to make returns or to pay any taxes levied, does not exceed \$750 and six (6) months of imprisonment; and

WHEREAS, the Village has previously adopted 65 ILCS 5/1-2.2-1 of the Illinois Municipal Code providing for the administrative adjudication of certain violations of the Village's municipal code, penalties for said violations being limited as provided in 65 ILCS 5/1-2-1; and

WHEREAS, pursuant to 625 ILCS 5/11-208.3 of the Illinois Vehicle Code, the Village previously adopted a system of administrative adjudication for standing and parking violations and vehicle compliance violations; and

WHEREAS, pursuant to 625 ILCS 5/11-208.3, the Village's ordinance providing for such administrative adjudication must provide a schedule of civil fines and penalties for late payments; and

WHEREAS, the Village of Bradley wishes to update certain penalty provisions in the Village Code to clarify the fines and penalties to be imposed within administrative adjudications, including general penalty provisions and penalty provisions for violations of stopping, standing, parking, and compliance provisions of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. INCORPORATION OF PREAMBLE: The preamble to this Ordinance is incorporated herein as if fully set forth in this Section 1.

SECTION 2. AMENDMENT: That section 1-6 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Sec. 1-6. – “General penalty for violation of Code; continuing violations,” paragraphs (1) and (2) shall be deleted and replaced with the following:

Sec. 1-6. - General penalty for violation of Code; continuing violations.

Unless otherwise specified in this Code or limited by state statute:

(1) Whenever in this Code or in any village ordinance any act is prohibited or is made or declared to be unlawful or a violation or an offense, or whenever in this Code or village 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, the violation of any of the provisions of this Code or any village ordinance shall be punished by fines in the amounts below with respect to the Code provision violated:

First offense:	\$50.00
Second Offense:	\$100.00
Third Offense:	\$250.00
Subsequent Offenses:	\$500.00 to \$750.00

(2) Whenever in this Code or in any village ordinance any act or omission is declared to be a misdemeanor, the violation of that provision of this Code or any ordinance shall be a misdemeanor punishable by incarceration for a period not exceeding six months and a fine for the Code provision or ordinance violated to be imposed as follows:

First offense:	\$125.00
Second Offense:	\$250.00
Third Offense:	\$500.00
Subsequent Offenses:	\$500.00 to \$750.00

SECTION 3. AMENDMENT: That section 18-2 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Sec. 18-2. – “Penalty; fines,” Chapter 1 – “General Provisions” shall be deleted and replaced with the following:

<i>Chapter 1—General Provisions</i>			
1-6	General penalty	50.00	750.00
1-6(1)	First Offense	50.00	50.00
	Second Offense	100.00	100.00

	Third Offense	250.00	250.00
	Subsequent Offenses	500.00	750.00
1-6(2)	First Offense	125.00	125.00
	Second Offense	250.00	250.00
	Third Offense	500.00	500.00
	Subsequent Offenses	500.00	750.00

SECTION 4. AMENDMENT: That section 52-2 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Sec. 52-2. - “Adoption of state vehicle code provisions by reference” paragraph (e) shall be deleted and replaced with the following:

(e) All provisions of the Illinois Vehicle Code as adopted in this chapter shall be subject to the penalties provided by the applicable Illinois Vehicle Code section or as delineated in 730 ILCS 5/5-4.5-5 et seq., of the Unified Code of Corrections, except that violations of the provisions of Chapter 52. – “Traffic and Vehicles” Article IV. – “Stopping, Standing, Parking and Compliance” shall be subject to those penalties provided in Sec. 18-2. – “Penalty; fines” of this Code.

SECTION 5. AMENDMENT: That section 52-98 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Section 52-98. – “Penalties for violations” shall be deleted and replaced with the following:

Sec. 52-98. - Blank

SECTION 6. AMENDMENT: That section 18-2 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Sec. 18-2. – “Penalty; fines,” Chapter 52 – “Traffic and Vehicles” shall be deleted and replaced with the following:

Chapter 52 – Traffic and Vehicles

52-131-139	Stopping, standing and parking....	
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	(if paid within 10 days)	50.00
	(if paid more than 10 days from issuance or upon a finding of liability)	75.00
52-140	Parking on restricted portions of certain named streets...	
	(if paid within time set forth on ticket)	25.00
	(thereafter or upon a finding of liability)	50.00
52-168	Unauthorized use of handicapped parking...	
	(if paid within 10 days of issuance)	250.00
	(thereafter or upon a finding of liability)	350.00
52-166	Certain vehicles prohibited to park on Village streets...	
	(if paid within 10 days)	100.00
	(if paid more than 10 days from issuance or upon finding of liability)	150.00
52-207	Compliance...	
	(if paid within 10 days)	75.00
	(if paid after 10 days or upon a finding of liability)	100.00

SECTION 7. SEVERABILITY: Each Section and part thereof of this Ordinance is deemed to be severable and should any section or part thereof be held invalid or unconstitutional by any court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 8. REPEAL OF INCONSISTENT ORDINANCES: All ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed and of no further force and effect to the extent of such conflict.

SECTION 9. EFFECTIVE DATE: That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 22nd day of April, 2019.

TRUSTEES:

GERALD BALTHAZOR	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
ROBERT REDMOND	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
LORI GADBOIS	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
MICHAEL WATSON	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
NICK ALLEN	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
DONALD BARBER	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>

BRUCE ADAMS Aye – ____ Nay – ____ Absent – ____

TOTALS: Aye – 0 Nay – 0 Absent – ____

Yerome Richard
MICHAEL J. LAGESSE, VILLAGE CLERK

Deputy
APPROVED this 22nd day of April, 2019.

Bruce W. Adams
BRUCE ADAMS, VILLAGE PRESIDENT

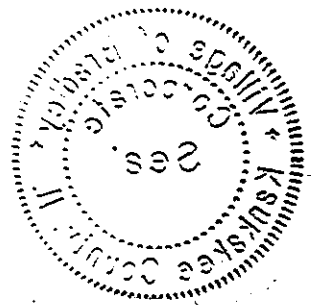


ATTEST:

Yerome Richard
MICHAEL J. LAGESSE, VILLAGE CLERK
Deputy

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