

CHAPTER 1 GENERAL PROVISIONS

- 1.01 Marengo Municipal Code
- 1.02 Definitions
- 1.03 Repeal of Ordinances
- 1.04 Ordinances Repealed Not Reenacted
- 1.05 Jurisdiction
- 1.06 Penalties
- 1.07 Citations or Hang On-Tickets
- 1.08 Responsibility for Acts
- 1.09 Separability of Provisions
- 1.10 Effective Date
- 1.11 Copies on File

1.01 MARENGO MUNICIPAL CODE

A. TITLE: This Code of ordinances may be known and cited as the Marengo Municipal Code. Any references to “this Code” or “Code” herein shall also mean the Marengo Municipal Code.

B. AMENDMENTS: Any additions or amendments to this Code are incorporated in this Code so that a reference to the Marengo Municipal Code includes such additions and amendments.

C. NUMBERING OF SECTIONS: Each section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the section within the chapter.

D. NUMBERING ADDITIONS: The decimal system shall be used for all additions and amendments to this Code. When a chapter or section is added the new chapter or section shall be given a decimal character.

1.02 DEFINITIONS

A. Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

B. Unless found elsewhere in this Code, terms used herein are defined in Appendix A.

1.03 REPEAL OF ORDINANCE

A. All general ordinances or parts previously adopted by the Mayor and City Council, inconsistent with those included in this Code are repealed and the following are specifically continued in full force and effect:

1. Ordinances authorizing contracts or the issue of municipal notes or bonds.
2. Ordinances levying taxes or making special assessments;
3. Ordinances budgeting and appropriating funds or establishing salaries.
4. Ordinances granting franchises or rights to corporations;
5. Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, railroad crossings, widening or vacating of any streets, alleys, sidewalks, parks or public grounds.
6. Ordinances respecting the annexation of territory to the City, or the conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvement;
8. Ordinances relating to zoning and subdivisions;
9. Any other special ordinances not in conflict with the provisions of this Code.

B. The provisions of this Code, so far as they are the same in substance as those of existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been effected.

1.04 ORDINANCES REPEALED NOT REENACTED

No ordinance or part of any ordinance previously repealed shall not be considered re-ordained or re-enacted by virtue of this Code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby.

1.05 JURISDICTION

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the City to regulate such particular acts outside the corporate limits.

1.06 PENALTIES

A. **STANDARD PENALTY:** Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted herein by reference, shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$750 and prosecution fees if allowable.

B. **COMMITMENT:** The person upon whom any fine or penalty is imposed for violation of any provision of this Code or any ordinance of the City, upon order of the court before whom the conviction is had, may be committed to the County or State jail, as provided by law, or to any other place provided by statute.

C. **EACH DAY OF VIOLATION:** Each act of violation and each day upon which a violation occurs constitutes a separate offense.

D. **APPLICABILITY:** The penalty provided by this section applies to the amendment of any section of this Code or a Code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

E. **REFERENCE TO SECTIONS:** Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

F. **FAILURE OF OFFICERS TO PERFORM DUTIES:** The failure of any officer or employee of the City to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty.

G. **COLLECTION:** In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the City and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

1.07**GENERAL PROVISIONS, CITATIONS OR HANG-ON TICKETS** *Amended, 23-5-08, 20-01-01, 09-7-2, 06-8-1, 02-2-2, 01-10-6*

A. **PAYMENTS:** Any of the following described offenses may be settled and compromised in the following manner: Settlement payment when made within seven days of the time a notice is delivered to the offender, as listed in Column A, and settlement payment when made within 14 days of the time a notice is delivered to the offender, as listed in Column B. Provided, however, this settlement and compromise procedure shall not be allowed where the offender has violated the same ordinance two previous times within 12 consecutive months.

OFFENSE	Column A in \$	Column B in \$
Alcoholic Beverages, Section 40.02	100	200
Building Violations, other than listed in Chapter 24	100	300
Cannabis, Possession Under 21 Years of Age, Section 43.25-A-1	100	200
Cannabis, Possession Over 21 Years of Age, Section 43.25-A-2 and A-3		
First offense	100	200
Second offense in a 12-month period	200	400
Third and any subsequent offense in a 12-month period	300	600
Cannabis, Use, Section 43.25-C		
First offense	100	200
Second offense in a 12-month period	200	400
Third and any subsequent offense in a 12-month period	300	600
Consumption on Premises, Drinking on Public Streets, Section 33.24B	50	100
Curfew, Section 43.16	25	50
Damaging Property, Section 43.09	100	200
Disorderly Conduct, Section 43.01	100	200
Dogs and Other Animals, Chapter 14	50	100
Drug Paraphernalia, Section 40.03	100	200
Failure to Have a Building Permit, Chapter 24	150	300
Failure to Have a Vehicle License, Chapter 42	150	300
Failure to Display a Vehicle License, Chapter 42	150	300
False Alarm, Section 12.10	25	50
Garage Sale, Section 31.01	25	50
Scavengers, Recyclables, and Refuse, Chapter 13	25	50
Numbering Buildings, per day, Section 6.21	25	50
Liquor, Sale to Persons Under 21 Years of Age, Section 33.27	200	400
Littering, Section 43.10	25	50
Noise, Section 43.08	75	150

OFFENSE	Column A in \$	Column B in \$
Open Burning, Section 12.09	100	200
Parental Responsibility, Section 43.17	100	200
Parking, Chapter 15, except for Sections 15.06-A, 15.06-E, 15.06-F	25	50
Parking, Sections 15.06-A, 15.06-E and 15.06-F	10	25
Parks and Playgrounds, Chapter 8, except for Sections 8.02-8.06	25	50
Parks and Playgrounds, Chapter 8, Sections 8.02-8.06	100	200
Persons Responsible for Unlawful Activities on their Premises, Section 40.04	100	200
Raffle, Section 31.02	50	100
Fireworks, Section 43.06	25	50
Sign Code, Chapter 16	25	50
Streets, Deposit of Dirt and Mud, Section 24.17-C	50	100
Street Gang Activity, Section 40.01	100	200
Soliciting Without a Permit, Section 35.03	500	750
Tobacco Products, Possession Under 21 Years of Age, Section 43.15-C-1		
First offense	25	50
Second offense in a 12-month period, after first offense	50	100
Third and any subsequent offense in a 12-month period, after first offense	100	200
Alt. Tobacco Products, Possession Under 21 Years of Age, 43.15-E-1 or 43.15-E-4		
First offense	25	50
Second offense in a 12-month period, after first offense	50	100
Third and any subsequent offense in a 12-month period, after first offense	100	200
Traffic, Chapter 15, except moving and parking violations	25	50
Trespassing, Section 43.11	25	50
Water, Emergency Limitations, Section 25.17	25	50
Weapons, Section 43.05	100	200
Unauthorized Use of Parking Space for Persons with Disabilities, Section 15.08	250	500
Weed, Grass Nuisance, Section 12.08	25	50

B. SETTLEMENTS: Settlement payments shall be made to the City Police Department who shall provide the alleged offender with a receipt in the amount of such payment.

C. **DISPOSITION OF PAYMENTS:** The amounts paid to the City Police Department in settlement of the foregoing claims shall be promptly deposited by the City Police Department with the City Treasurer and shall be credited by the Treasurer to the General Fund.

D. **PROSECUTION:** The City shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment.

1.08 RESPONSIBILITY FOR ACTS

Every person concerned in the commission of an act prohibited by this Code, whether he/she directly commits the act, or prosecutes, counsels, aids or abets in its commission, may be prosecuted and on conviction is punishable as if he/she had directly committed such act.

1.09 SEPARABILITY OF PROVISIONS

Each section, paragraph, sentence, clause and provision of this Code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code nor any part thereof, other than that part affected by such decision.

1.10 EFFECTIVE DATE

This Code of ordinances shall take effect immediately upon its passage. Publication shall be in book form under the authority of the Mayor and City Council, as provided by law.

1.11 COPIES ON FILE

Copies of this Code shall be kept available at City Hall for public inspection or purchase during City Hall business hours. The cost of said Code shall be determined from time to time by the City Council.