

ORDINANCE NO. F-1448

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-8
GENERAL PENALTY FOR VIOLATION OF CODE, SUBSECTIONS (a), (b) (1); (c) (1)
AND (2); AND (d) (1) (2) OF THE WHEATON CITY CODE**

WHEREAS, it is impractical for the court's, outside their contempt authority, to impose a sentence of incarceration for violation of general ordinances of the City of Wheaton; and

WHEREAS, minimum general fines for violation of provisions the Code of Ordinances of the City of Wheaton (hereinafter City Codes) have not been amended for a significant period of time; and

WHEREAS, the overhead to enforce City Codes has substantially increased since the date of last amendment of the general fines section of the City Code; and

WHEREAS, fines act as an appropriate deterrent to the commission of City Code violations and can further be used to encourage compliance; and

WHEREAS, Corporate Authorities of the City of Wheaton deem it in the best interest of the public health safety and welfare to increase the minimum fine imposed for the violation of Ordinances not containing specific penalty provisions.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its Home Rule Authority, that Subsections (a); (b) (1); (c) (1) and (2); and (d) (1) (2), of Chapter 1, General Provisions, Section 1-8, General Penalty for Violation of Code, are hereby repeal and rescinded in their entirety and replaced with new Subsections (a); (b) (1); and (c) (1) and (2) only; which shall read as follows:

"SECTION 1: Section 1-8. General penalty for violation of Code; continuing violations; judicial enforcement of Code upon conviction.

(a) Whenever in this Code or any other ordinances of the City any act is prohibited, or is made or declared to be unlawful or an offense or whenever in such code or ordinance doing of any act is required or the failure to do any act is declared to be unlawful, and where no specific penalty is provided therefore, the violation of any such provision of this code shall be a petty offense and punished by a fine in accordance with subsection b 1, c 1 or c 2 of this ordinance. Each day of any violation of any provision of this code or ordinance subject to this penalty section shall constitute a separate offense. Any penalty imposed for violation of this code or ordinance and subject to this provision may include: some reasonable public service work, such as, but not limited to, the picking of litter in public parks or along public highways or the maintenance of public facilities; or where applicable the abatement of the condition which is the basis for the conviction.

(b) (1) Where the violation is a single day offense impose a fine of not less than one hundred dollars (\$100.00), nor more than nine hundred fifty dollars (\$950.00); or

(c) (1) Where the violation occurs over multiple days but has terminated by the date of conviction shall impose a fine of not less than one hundred dollars (\$100.00) nor more than nine hundred fifty dollars (\$950.00) for each day of the offense, from the date of the offense through the date of upon which the violation terminated; or

(c) (2) where a violation continues to exist as of the date of conviction shall retain jurisdiction for imposition of a continued daily fine of not less than one hundred dollars (\$100.00) nor more than nine hundred fifty dollars (\$950.00) per day for each day of the violation until there is compliance with this Code or abatement of the condition which is the basis for the conviction.”

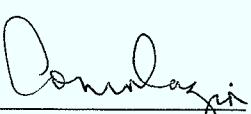
SECTION 2: Other than as specifically amended herein all other sections and subsections of Section 1-8 of Chapter 1 of the Code of Ordinances of the City of Wheaton are hereby reaffirmed.

SECTION 3: That if any part of part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

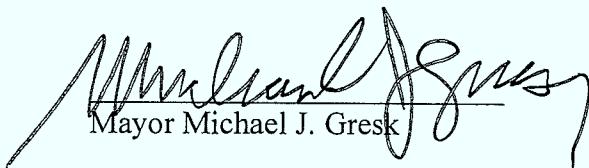
SECTION 4: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the Mayor and City Council.

ATTEST:


Emily M. Consolazio, City Clerk

Ayes:


Mayor Michael J. Gresk

Roll Call Vote:

Councilman Prendiville
Councilman Scalzo
Councilman Suess
Councilwoman Corry
Councilman Levine
Councilman Mouhelis
Mayor Gresk

Nays: None
Absent: None

Motion Carried Unanimously

Passed: October 5, 2009
Published: October 6, 2009