

AN ORDINANCE AMENDING VARIOUS ZION MUNICIPAL CODE SECTIONS REGARDING FINES AND PENALTIES

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ZION, COUNTY OF LAKE, STATE OF ILLINOIS:

SECTION I. That the following Zion Municipal Code Sections are hereby amended by deleting the ~~stricken text~~ and adding the **bold typed text**.

Regarding Building Department Permits:

Sec. 10-20. - Removal or defacing of permits or notices prohibited.

(a)

It is unlawful for any person to remove or deface any permit required to be displayed in accordance with the provisions of this Code, or any notice posted by any enforcement officer of the city.

(b)

Any person who shall violate any provision of this section shall be punished by fine of not less than ~~\$50.00~~ **\$100.00** nor more than \$750.00. A separate and distinct offense shall be deemed committed each day upon which such person shall continue any such violation, or permit any such violation to exist after notification thereof.

Regarding Secondhand Store Business Licenses:

Sec. 14-280. - Late charge.

Any person not purchasing a required business license or permit within 30 days of the due date, being January 1 of any year, shall pay a late charge of ~~\$1.00~~ \$5.00 per day for each day the violation exists.

Regarding Business Licenses:

Sec. 14-764. - Late charge.

Any person not purchasing a required business license or permit within 30 days of the due date, being January 1 of any year, shall pay a late charge ~~of \$1.00 per day for each day the violation exists.~~ **as follows:**

- (1) **Within first 30 days of the due date, a late charge of ten percent of the business license fee will be added to the amount due, and**
- (2) **Over 30 days of the due date, a late charge of ten percent of the business license fee plus an additional \$5.00 per day for every day over 30 days will be added to the amount due.**

Regarding ATM Licenses:

Sec. 14-772. - Late charge.

Any person not purchasing a required business license or permit within 30 days of the due date, being January 1 of any year, shall pay a late charge ~~of \$1.00 per day for each day the violation exists.~~ **as follows:**

- (1) **Within first 30 days of the due date, a late charge of ten percent of the business license fee will be added to the amount due, and**
- (2) **Over 30 days of the due date, a late charge of ten percent of the business license fee plus an additional \$5.00 per day for every day over 30 days will be added to the amount due.**

Regarding Amusement Device/Vending Machine Licenses:

Sec. 14-777. - Late charge.

Any person not purchasing a required business license or permit within 30 days of the due date, being January 1 of any year, shall pay a late charge ~~of \$1.00 per day for each day the violation exists.~~ **as follows:**

- (1) **Within first 30 days of the due date, a late charge of ten percent of the business license fee will be added to the amount due, and**
- (2)

Over 30 days of the due date, a late charge of ten percent of the business license fee plus an additional \$5.00 per day for every day over 30 days will be added to the amount due.

Regarding Fire Alarms:

Sec. 22-43. - Misuses of alarm and false alarms

(d) Penalties for misuse of alarms or false alarms shall be punishable by a fine ~~not to exceed \$1,000 and shall be punishable~~ as follows:

- (1) For the first three false alarms in **any 12-month period** ~~one calendar year~~, no fine shall be assessed, unless the fire marshal shall show willful and wanton misconduct on the part of the fire alarm user, his employees or agents.
- (2) For a fourth and fifth false alarm in **any 12-month period** ~~one calendar year~~, a fine of \$75.00 may be assessed for each fire department response thereto.
- (3) For a sixth and seventh false alarm in **any 12-month period** ~~one calendar year~~, a fine of \$100.00 may be assessed for each fire department response thereto.
- (4) For an eighth and ninth false alarm in **any 12-month period** ~~one calendar year~~, a fine of \$200.00 may be assessed for each fire department response thereto.
- (5) For a tenth false alarm and for each and every succeeding false alarm in **any 12-month period** ~~one calendar year~~, a fine of \$300.00 may be assessed for each fire department response thereto.
- (6) For any false alarm emanating from a fire alarm user who has not received a permit or certificate of acceptance from the fire marshal for the operation of a fire alarm system in the City of Zion, a fine of **\$500.00** ~~\$400.00~~ may be assessed for each and every false alarm until the system has been authorized and a permit issued.
- (7) In addition to the fines set forth above, any fire alarm user who refuses or fails to pay within **30 days** of the date of any such false alarm fine assessment, said fire alarm user shall be deemed to have an additional violation of this article, punishable by an additional fine of not less than **\$5.00** ~~\$50.00~~ ~~nor more than \$500.00~~ for each day that said fines remain unpaid, and shall further pay all legal fees and costs of the City of Zion in connection with such false alarm(s).

Sec. 22-45. - Penalty.

~~Any person who violates any provision of this article shall be fined not less than \$25.00 nor more than \$1,000.00 for each offense, and each day that such offense continues shall be considered a separate and distinct offense. Any person,~~

who violates any provision of Article II Fire Alarms, shall be fined not less than the amount listed under the appropriate Section of this Article.

Regarding Fire Prevention Fee and Permit Schedule:

Sec. 34-45. - Fee and permit schedule.

EXHIBIT "A"

Fee and Permit Schedule

FIRE PREVENTION BUREAU

Fee and Permit Schedule

All of the fees listed below include a primary review and secondary review unless otherwise stated. Any project that requires more than two reviews to become approved will be billed at a rate of \$75.00 per hour in addition to the base fee.

USE PERMITS - \$10,000.00

Flammable Liquid Storage (750,000-1,000,000 gals) (Max Avail Storage)

USE PERMITS

Flammable Liquid Storage:

For all increments over 1,000,000 gals, refer to the above schedule to determine the additional fee (e.g., 1,250,000 gals = \$15,000).

PENALTY

Any invoices for items in Exhibit A — Fee and Permit Schedule more than 30 days past the date of invoice will be charged \$5.00 per day until the invoice is paid in full.

Regarding Fireworks Violations:

Sec. 34-43. - Codes adopted.

The 2006 International Fire Code, 2006 International Building Code, and the most current publication of the National Fire Prevention Association Standards are hereby adopted, by this reference thereto, to be in full force and effect within the City of Zion.

Exceptions and/or additions to the 2006 International Fire Code are as follows:

SECTION 3309 - Fireworks Violations

3309.1 General. A person shall not possess, manufacture, store, offer, or expose for sale, sell at retail, or discharge any fireworks within the City of Zion.

Exception:

1. Where approved for the supervised display of fireworks in accordance with Section 3308 of this Code.

3309.2 Fines for violations. Any person, firm, partnership, association, or corporation found violating any of the provisions of this chapter shall be fined not less than ~~one~~ **five** hundred and fifty dollars (~~\$150.00~~) (**\$500.00**). ~~but not more than seven hundred and fifty dollars (\$750.00).~~ All fines shall be paid to the City of Zion. **Any invoices more than 30 days past the date of invoice will be charged an additional \$5.00 per day until the invoice is paid in full.**

Regarding Fire Prevention Article or Fire Prevention Code:

Sec. 34-57. - Violations.

- (a) Any person who violates any provision of this article or the fire prevention code hereby adopted, or who violates or fails to comply with any order made hereunder or any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed therein, shall severally for each such violation and noncompliance respectively be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

- (c) Penalty. Any person who violates any provision of this article shall be fined not less than ~~\$25.00~~ **\$500.00** ~~nor more than \$1,000.00 for each offense~~. Any invoices more than 30 days past the date of invoice will be charged an additional \$5.00 per day until the invoice is paid in full.

Regarding Open Fires:

Sec. 34-58. - Open fires.

- (d) Violations of this section shall be punishable by a fine of not less than ~~\$50.00~~ ~~nor greater than \$750.00~~ **\$500.00**. Each day any violation of a provision of this section continues shall constitute a separate offense. A violation of this section is hereby declared to be a public nuisance and may be abated in the manner provided by law. **Any invoices more than 30 days past the date of invoice will be charged an additional \$5.00 per day until the invoice is paid in full.**

Regarding Smoke Detectors:

Sec. 34-59. - Smoke detectors.

- (d) Penalties. The penalty for violation of this section or any of its provisions shall be ~~for first offense a fine of not less than \$20.00 nor more than \$100.00; for the second offense a fine of not less than \$100.00 nor more than \$750.00; and for any subsequent offense imprisonment for not less than three days nor more than 90 days~~ **not less than \$500.00**. **Any invoices more than 30 days past the date of invoice will be charged an additional \$5.00 per day until the invoice is paid in full.**

Regarding Fire Hydrant Maintenance:

Sec. 34-60. - Maintenance of fire hydrants located on private property.

- (a) Adoption of code. The City of Zion hereby adopts, and incorporates by reference, the 2006 International Fire Code, Section 508, Fire Protection, Water Supply, relating to the maintenance and inspection of fire hydrants located on private property.
- (b) Penalties. Any person found to have violated any provision of the Codes so adopted herein or any of the additional regulations shall be liable for a fine **not less than \$500.00**. ~~not less than \$100.00 and no more than \$750.00 per offense, each day on which a violation continues to persist shall be considered a separate offense~~. Nothing herein shall be construed

to limit the ability of the fire marshal to seek injunctive relief to enforce the provisions of these regulations. **Any invoices more than 30 days past the date of invoice will be charged an additional \$5.00 per day until the invoice is paid in full.**

Regarding Sign Permits and Fees:

Sec. 70-36. - Penalty fee.

(a)

Whenever a sign requiring a permit is put in place or construction or erection is started without a sign permit, the sign permit fee shall be ~~\$100.00~~ **\$200.00** and not ~~\$50.00~~ **\$100.00**.

(b)

A sign located or constructed after the effective date of this chapter that does not comply with this chapter shall be relocated or reconstructed to comply with this chapter within 30 days after written notice from the building inspector. An additional fee of \$20.00 per day shall be assessed for each day beyond such 30-day period that a sign continues to fail to comply with this chapter, but such additional fee shall not exceed \$750.00.

Regarding Traffic and Vehicles – Parking, Stopping and Standing:

Sec. 90-145. - Penalties; avoidance of prosecution.

The owner or operator of any vehicle which is parked in violation of the provisions of this division who removes the vehicle from the place where the violation occurred before it has been removed therefrom or impounded upon order of a police officer, may avoid prosecution for violating these sections as follows:

(1)

Within five days from the date of issuance of the notice of violation (excluding Saturdays, Sundays and holidays), by paying to the appropriate court or to the traffic bureau of the police department the sum of ~~\$25.00~~ **\$30.00**.

(2)

Within 21 days from the date of issuance of the notice of violation (excluding Saturdays, Sundays and holidays), by paying to the appropriate

court or to the traffic bureau of the police department the sum of ~~\$135.00~~
\$140.00.

(3)

If the ~~\$135.00~~ **\$140.00** fine has not been paid by the owner or operator within a period of 21 days, the matter will be given to a collection agency, at which time an additional 35 percent fee will be added.

(4)

All remittances of fines set forth in this section may be made by check, money order, credit card or currency.

Regarding Traffic and Vehicles – City License to be Displayed:

Sec. 90-245. - Penalty for violation of section 90-243.

(a)

The owner or operator of any vehicle in violation of [Section 90-243](#)(a) may pay a fine in the amount of ~~\$60.00~~ **\$70.00** by check, money order or currency to the police department. Unless such payment is made within ten days after receipt of the notice of violation, the penalty for violation of [Section 90-243](#) shall be ~~\$160.00~~ **\$170.00**. If payment is not made within 21 days after receipt of the notice of violation, the violation will be sent to the city's collection agency, at which time an additional 35 percent fee will be added.

(b)

The owner or operator of any vehicle in violation of [Section 90-243](#)(b) may pay a fine in the amount of ~~\$60.00~~ **\$70.00** by check, money order or currency to the police department. Unless such payment is made within ten days after receipt of the notice of violation, the penalty for violation of [Section 90-243](#) shall be ~~\$160.00~~ **\$170.00**. If payment is not made within 21 days after receipt of the notice of violation, the violation will be sent to the city's collection agency, at which time an additional 35 percent fee will be added.

(c)

Any owner or operator who is required to obtain a vehicle sticker as defined in [Section 90-237](#) and fails to do so will be charged a \$10.00 penalty upon purchase of the sticker to bring the vehicle into compliance.

Regarding Zoning Ordinance – Chapter 102:

Sec. 102-240. - Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be fined not less than ~~\$25.00~~ **\$100.00** nor more than \$750.00. Each day such violation or failure to comply is permitted to exist shall constitute a separate offense.

Section II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain to be valid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in full force and effect.

Section III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City of Zion prior to the effective date of this ordinance.

Section IV. Effective Date. This ordinance shall be in full force and effect, after its approval and passage, no less than 10 (ten) days after its publication in pamphlet form in the manner provided by law.

Section V. Ordinance Number. This ordinance shall be known as Ordinance Number 16-O-.

Adopted by roll call vote as follows:

AYES:

NAYS:

ABSENT AND NOT VOTING:

Albert W. Hill, Mayor

PASSED:

APPROVED:

PUBLISHED:

ATTEST:

City Clerk