

VILLAGE OF MT. AUBURN

ORDINANCE NO. 89

AN ORDINANCE AMENDING SECTIONS 1-1-20 and 1-1-22 OF DIVISION IV,
ARTICLE I, CHAPTER I OF THE VILLAGE CODE OF MT. AUBURN
(Re: General Penalty)

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN
THIS 1st DAY OF JULY, 2003.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS,
THIS 1st DAY OF JULY, 2003.

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(Re: General Penalty)

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Section 1-1-20 of Division IV, Article I, Chapter I of the Mt. Auburn
Village Code is hereby amended and shall now read, as follows:

1-1-20: IMPOSITION OF PENALTY: Except as otherwise specifically stated elsewhere in this Village Code, any person or persons found to have been in violation of any of the terms and provisions of this Village Code shall be fined an amount of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or costs shall exceed six (6) months for each offense. Each day upon which a violation occurs or continues shall be deemed to be a separate offense. A violation hereof may be established by a preponderance of the evidence.

If, by the terms of an ordinance or of any provisions of this Village Code, an act that would be consistent with the criminal laws of the state is declared in this Village Code to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than the penitentiary not to exceed six (6) months. Such matters may be prosecuted as criminal offenses by the Village Attorney in the circuit court of competent jurisdiction, by an information, or complaint sworn to, charging such criminal offense and shall be prosecuted under and conform to the rules of criminal procedure of the State of Illinois. In such matters, the Village shall be required to establish the guilt of the defendant beyond reasonable doubt.

A penalty imposed for each violation of this Village Code may include, or consist of, a requirement that the offending party perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.

Section 2: Section 1-1-22 of Division IV, Article I, Chapter I of the Mt. Auburn
Village Code is hereby amended and shall now read, as follows:

1-1-22: APPLICATION OF PENALTY: The penalty provided in this Division IV shall be applicable to every section of this Village Code the same as though it were a part of each and every separate section.

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 each such breach, the provisions of this Division IV shall apply.

Section 3. That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

Section 4. This Ordinance shall be effective upon its passage, approval and publication in pamphlet form as provided by law.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call vote, this Ordinance was passed, approved and adopted, this 1st day of July, 2003.

JERRY SEYMOUR, Village President

ATTEST:


TAMMY HAMELIS, Village Clerk

(MUNICIPAL SEAL)

AYES: Copenbarger, Hakenstein, Simmons,
Smith, St. Louis

NAYS: _____

ABSENT: Henderson

FILED IN THE OFFICE OF THE VILLAGE CLERK, VILLAGE OF MT. AUBURN,
ILLINOIS THIS 13th DAY OF JULY, 2003.

PUBLISHED IN PAMPHLET FORM ON JULY 1, 2003.

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF CHRISTIAN)

I, TAMMY HAMELL, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on July 1, 2003, the Board of Trustees of said Village passed and approved Ordinance No. _____ entitled "AN ORDINANCE AMENDING SECTIONS 1-1-20 and 1-1-22 OF DIVISION IV, ARTICLE I, CHAPTER I OF THE VILLAGE CODE OF MT. AUBURN (Re: General Penalty)".

The pamphlet form of Ordinance No. 89, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on July 1, 2003, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois, this 1st day of July, 2003.



TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)