

Chapter 1
GENERAL PROVISIONS

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1.01 **ALGONQUIN MUNICIPAL CODE**

A. Title: This code of ordinances shall be known and cited as the Algonquin Municipal Code.

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

C. Numbering of Sections: Each section number of this Code shall consist of 2 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 position in 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** *Amended, 97-O-45*

Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms. Terms used in this Code, unless specifically defined elsewhere, can be found in Appendix A, found at the end of this Code.

1.03 **REPEAL OF ORDINANCES**

A. All general ordinances or parts thereof heretofore adopted by the President and Board of Trustees and not included in this Code are repealed, except the following which are hereby continued in full force and effect: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 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, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the Village, or conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvement;
8. Ordinances relating to water and sewer, zoning, subdivisions, liquor, building and traffic which are set forth separately in booklet or pamphlet form;
9. Any other special ordinances not in conflict with the provisions of this Code and incorporated by reference into this Code; and
10. Ordinances setting fees.

B. The provisions of this Code, so far as they are the same in substance as those heretofore existing, 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 has not been effected.

1.04 **ORDINANCES REPEALED NOT REENACTED**

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted 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 Village. 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 Village to regulate such particular acts outside the corporate limits.

1.06 **PENALTIES** *Amended. 12-O-03, 96-O-28*

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 the fine found in Appendix B and the costs of prosecution.

B. Each Day of Violation: Each act of violation and each day upon which a violation occurs constitutes a separate offense.

C. Applicability: The penalty provided by this Section applies to the amendment of any section of this Code or by code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

D. 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.

E. Failure of Officers to Perform Duties: The failure of an officer or an employee of the Village to perform an 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.

F. 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 Village 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.

G. Municipal Bond Fees: The Village may impose a fee of \$20 for bail processing against any person arrested for violating a bailable municipal ordinance or a state or federal law.

1.07 **VILLAGE JAIL**

A. The Village Jail, heretofore constructed in the Village and located in the Village Hall, is hereby established as the Village Jail for the confinement of persons arrested and in police custody until such time as they may be lawfully released or transferred to the McHenry County Jail and persons committed thereto by any judge or other lawful authority, for the violation of any ordinance of the Village and such other persons as may by law be confined therein.

B. The Chief of Police is appointed keeper of the Village Jail and shall have charge of all persons confined therein.

1.08 **RESPONSIBILITY FOR ACTS** *Amended, 2009-O-07*

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

1.09 **SEPARABILITY OF PROVISIONS**

Each section, paragraph, sentence, cause 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 provision.

1.10 **EFFECTIVE DATE**

This Code of ordinances shall take effect immediately after passage and publication in book form

under the authority of the Village Board, as provided by law.

1.11 CODE COPIES ON FILE

Copies of this Code shall be kept available at the Village Clerk's Office for public inspection at all reasonable hours.

1.12 VILLAGE FLAG

The following described flag shall be the official flag for the Village:

White Flag: outline of State of Illinois in gold with blue border in center of flag; multi-colored Indian head facing staff in center of State of Illinois; bottom of flag in gold numbering 1834, blue lettering Algonquin, Illinois, gold numbering 1890.

1.13 SETTLEMENT OF OFFENSES *Amended, 2014-O-46, 2009-O-07, 2007-O-38*

A. Payments: Any of the described offenses, found in Exhibit A and Exhibit B of this Chapter, arising under the ordinances of the Village may be settled and compromised by the offender in the following manner:

Exhibit A: When settlement payment is made within 10 days after the time a notice is delivered to the offender, settlement payment shall be those figures listed in Column A; when settlement payment is made between the 10th and 25th day after a notice is delivered, the offender settlement shall be those figures listed in Column B.

Exhibit B: When settlement payment is made within 48 hours of the time a notice is delivered to the offender, settlement payment shall be those figures listed in Column A; when settlement payment is made after 48 hours of the time a notice is delivered the offender, settlement shall be those figures listed in Column B.

B. Settlements: Settlement payments shall be made to the Village Police Department, who shall provide the alleged offender with a receipt in the amount of such payment. As a condition precedent to the right of an offender to settle under this Section, the offender may be required to have first corrected the violating offense (i.e. nuisance removed, appropriate license/permit purchased, etc.)

C. Disposition of Payments: The amounts paid to the Village Police Department in settlement of the foregoing claims shall be promptly deposited by the Village Police Department with the Collector. Upon receipt by the Treasurer the amounts shall be credited to the General Fund.

D. Prosecution: The Village shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment as provided in Section 1.13-A. If settlement payment is not received and the offense corrected pursuant to Section 1.13-A, the Village may have a sworn complaint issued and prosecute the matter in either the Village's municipal court or the Circuit Court and the respondent shall be responsible for the fine and court costs imposed by either the Administrative Law Judge or Circuit Court Judge. In addition to those fines in this Section, fines may be imposed as provided in Appendix B of this Code.

EXHIBIT A

SECTION or CHAPTER	OFFENSE	COLUMN A (in dollars)	COLUMN B (in dollars)
31.10	Adult business license	300.00	600.00
33	Alcohol (except Sections 33.06-B1, 33.24 and 33.25)	100.00	200.00
31.02	Auctioneer's license	25.00	50.00
14.01	Animal cruelty	25.00	50.00
14.02	Animal, dangerous	25.00	50.00
14.05	Animal, diseased	25.00	50.00
43.20	Animal litter	50.00	500.00
14.03	Animal, noisy	25.00	50.00
35.14	Bicycles, penalty	25.00	50.00
31.01	Bill posting, advertising without a proper license	25.00	50.00
31.05	Bowling alley, billiard table, electronic amusement device, shooting gallery license	25.00	50.00
23	Building code, failure to purchase permit, applicable fees	doubled	tripled
43.08	Burning	25.00	50.00
41.14	Careless driving	25.00	50.00
16.09	Cemetery, rules and regulations	25.00	50.00
43.18	Curfew	100.00	200.00
43.11	Damaging property	100.00	200.00
43.01	Disorderly conduct	100.00	200.00
14.08	Dog, at large	25.00	50.00
14.07	Dog, dangerous	25.00	50.00
31.04	Entertainment license	25.00	50.00
43.27-F1	False alarm, 4 th through 10 th	75.00	150.00
43.27-F1	False alarm, 11 th through 20 th	150.00	300.00
43.27-F2	ALFPD false alarm, after 3 rd	150.00	300.00
43.26-F3	False alarm, negligence	150.00	300.00
43.27-F4	False alarm assessment	150.00	150.00
43.27-I	False alarm penalty	100.00	200.00
12.07	Fire hazard	25.00	50.00
43.07	Fireworks	25.00	50.00
43.29	Fox River no-wake zone	100.00	200.00
33.06-B1	Gambling	25.00	50.00
13.10	Garbage, refuse dumping	25.00	50.00
33.24	Liquor, purchase and acceptance	500.00	1,000.00
33.25	Liquor, sale, gift, delivery to persons under 21	500.00	1,000.00
43.12	Littering	100.00	200.00
43.06	Loitering	100.00	200.00
2.06	Meeting disturbance	25.00	50.00
31.03	Motion picture theater license	25.00	50.00
43.10	Noise	25.00	50.00
12.09	Noxious plants, weeds	25.00	50.00
12.02	Nuisance	25.00	50.00
11.07	Parks	50.00	500.00

SECTION or CHAPTER	OFFENSE	COLUMN A (in dollars)	COLUMN B (in dollars)
34.12	Peddling	25.00	50.00
24.23	Property maintenance, noncompliance	35.00	70.00
43.31	Public indecency	100.00	200.00
43.32	Public Nudity	300.00	600.00
31.07	Raffles	50.00	100.00
43.19	Seaplanes, Landing of	25.00	50.00
5.08	Sidewalks, snow and ice removal	25.00	50.00
43.25	Skateboarding	25.00	50.00
34	Soliciting	25.00	50.00
5.04	Streets, Damage	25.00	50.00
5.06	Streets, Debris	25.00	50.00
5.03	Streets, Encroachments	25.00	50.00
5.05	Streets, Obstructing	25.00	50.00
5.14	Street Number	1.00	2.00
43.28	Suspicious Activity	100.00	200.00
43.30	Tobacco Sales	100.00	200.00
43.30	Tobacco Sales: purchase by minor:, first offense	25.00	100.00
43.30	Tobacco Sales: purchase by minor, second and subsequent offenses	50.00	200.00
43.30	Tobacco sales: sale by employee and/or owner, first offense	200.00	400.00
43.30	Tobacco sales, sale by employee and/or minor, second and subsequent offenses	400.00	800.00
43.15	Trespass	25.00	50.00
5.15	Trees	25.00	50.00
12.06	Vehicle, Abandoned	25.00	50.00
12.05	Vehicle, Inoperable	25.00	50.00
31.06	Vending machine license	25.00	50.00
6A.16	Limitations of Use of Water	100.00	200.00
43.05	Weapons	100.00	200.00

EXHIBIT B

SECTION or CHAPTER	OFFENSE	COLUMN A*	COLUMN B *
29.15-G	Erecting off-site subdivision signs	\$500.00	Permit/construction moratorium pursuant to Section 29.15-G
41	Any parking violation with the exception of Unauthorized Use of Parking Places Reserved for Handicapped Persons	\$25.00	\$50.00
41.01	§11-1301.3 Unauthorized Use of Parking Places Reserved for Handicapped Persons	\$500.00	\$600.00

* In the event a fine is amended in the Illinois Compiled Statutes that is in excess of the above listed fines, the higher fine shall apply.

1.14 **HOME RULE AUTHORITY** *Ord. 2004-O-9*

The Algonquin Municipal Code and any amendments thereto constitute an exercise of the Village's home rule powers and functions as granted under Article VII, Section 6, of the Constitution of the State of Illinois.