

ORDINANCE NO. 12-08-02

AN ORDINANCE CONCERNING THE ADJUDICATION OF  
ORDINANCE VIOLATIONS

WHEREAS, the Board of Trustees of the Village of Southern View, Illinois has investigated and determined that certain existing ordinance violations and minor criminal offenses may be appropriate for adjudication through the imposition and payment of a standard fine and has previously adopted an Ordinance to that effect, and:

WHEREAS, the Southern View Police Department has made recommendations as to additional ordinance violations and minor criminal offenses that may be more efficiently prosecuted as ordinance violations, thus freeing up time for other policing activities, and:

WHEREAS, the Village Board of Trustees' intention is for the Chief of the Southern View Police Department to have final discretion as to whether any minor criminal offense will be charged either as an ordinance violation or a criminal offense through the Office of the Sangamon County State's Attorney, and:

WHEREAS, the Village Attorney, or his designee, will prosecute any case charged as an ordinance violation case on behalf of the Village.

NOW THEN, BE IT ORDAINED by the President and Board of Trustees of the Village of Southern View, Sangamon County, Illinois:

**Section One:**

The following Sections are added to the Southern View Code of Ordinances following the existing "General Penalty" Section:

SETTLEMENT OF CERTAIN ORDINANCE VIOLATION CHARGES

Persons who have received a citation for violation of the Code sections hereafter listed may settle an initial ordinance violation charge by paying the amount set forth in this Section within 21 days of the date of the violation. Persons may not settle an ordinance violation charge pursuant to this Section if they have settled or been convicted of any Village of Southern View ordinance violation previously. The Village Attorney or his designee may withdraw this offer for settlement, refuse payment or refund payments previously made if the Village Attorney or his designee believes that such settlement would not be in the best interest of the Village of Southern View, would not lead to future compliance with the Municipal Code, or would deprecate the seriousness of the offense. Citations issued for first time violation of the following Sections of the Southern View Code of Ordinances, Southern View, Illinois, 1979, as amended, may be settled, compromised, and paid to the Village Clerk in the respective amount set forth in the following schedule:

Unlawful Possession of Cannabis: More Than 10 Grams but not More Than 30 Grams  
\$750.00

Unlawful Possession of Cannabis: More Than 2.5 Grams but not more than 10 Grams  
\$550.00

Unlawful Possession of Drug Paraphernalia \$500.00

Unlawful Possession of Cannabis: Not More Than 2.5 Grams \$350.00

Furnishing Alcohol to a Minor \$350.00

Unlawful Possession of Alcohol By a Person Under the Age of 21 \$250.00

Unlawful Consumption of Alcohol By a Person Under the Age of 21 \$250.00

Misrepresentation of Age \$250.00

Presenting False Identification \$250.00

Possession of Fraudulent I.D. \$250.00

Possession of Open Alcoholic Liquor in a Public Place \$150.00

Sale of Tobacco to Minors \$150.00

Possession of Tobacco by a Minor \$150.00

Disorderly Conduct (Breach of Peace) \$100.00

Disorderly Conduct (Public Urination) \$100.00

Curfew \$ 100.00

Truancy \$ 100.00

Unlawful Operation of a Sound Amplifying Device \$100.00

Inoperable Vehicle \$100.00

Littering \$100.00

Graffiti \$100.00

In the event timely payment is not received (within 21 days of the date of the violation) and an ordinance violation charge is filed with the Sangamon County Circuit Clerk's Office, the Village Attorney may settle the charge as set forth above, and may also collect the penalties, court costs and attorney's fees allowed pursuant to the Illinois Municipal

Code on behalf of the Village of Southern View. Nothing in this Section shall limit the discretion of the Village of Southern View Police Department to refer violations of the Illinois Criminal Code, Illinois Vehicle Code or any other Illinois statute to the Office of the Sangamon County State's Attorney for criminal prosecution.

SETTLEMENT OF SUBSEQUENT ORDINANCE VIOLATION CHARGES

An individual charged with a violation of a Village of Southern View ordinance who has previously settled a charge pursuant to this Chapter, or has received court supervision or been convicted of any Village of Southern View ordinance violation may settle the second violation by payment of double the first offense fine as set forth in this Chapter. Any subsequent violation after a conviction or settlement of a second violation may be settled by payment at Village Hall only with the approval of the Village Attorney. The Village Attorney or his designee may withdraw any offer for settlement, refuse payment or refund payments previously made if the Village Attorney or his designee believes that such settlement would not be in the best interest of the Village of Southern View, would not lead to future compliance with the Municipal Code, or would deprecate the seriousness of the offense. Nothing in this Section shall limit the discretion of the Village of Southern View Police Department to refer violations of the Illinois Criminal Code, Illinois Vehicle Code or any other Illinois statute to the Sangamon County State's Attorney for prosecution.

**Section Two:**

That if any part or parts of this Ordinance shall be held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this Ordinance. That any previous Ordinance containing provisions in conflict with this Ordinance is hereby superseded.

**Section Three:**

That this Ordinance shall take effect and be in full force and effect immediately on and after its passage, approval and publication pursuant to Illinois law.

Passed by the Board of Trustees this 28 day of AUGUST, 2012.

AYES: 4  
NAYS: 0  
PRESENT: 4  
ABSTAIN/ABSENT: 2

  
VILLAGE CLERK

Approved this 28<sup>th</sup> day of AUGUST, 2012.

  
VILLAGE PRESIDENT

ATTEST: