

ORDINANCE NO. 3610

**AN ORDINANCE EMPOWERING AND AUTHORIZING CODE ENFORCEMENT
WITHIN THE CITY OF MARION WITH PENALTIES AND PROVISIONS**

WHEREAS The City finds it necessary, on occasion to amend and update sections of the Marion City Code; and

WHEREAS The City finds it necessary to amend Ordinance Number 2213 and previous sections codified in Title 1, Chapter 4, General Penalty, of the City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, ILLINOIS:

1-4-1 GENERAL PENALTY

A. General Penalty Imposed:

1. Fine: Imprisonment: Unless specifically provided elsewhere in this code, any person found to have been in violation of any of the terms and provisions of this code shall be fined in an amount of not less than twenty-five dollars (\$25.00), but not more than seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense. A violation hereof may be established by a preponderance of the evidence.
2. Additional penalties: In addition to the fine described in subsection A1 of this section, the Circuit Court may impose a period of “conditional discharge”, as defined in 730 Illinois Compiled Statutes 5/5-1-4, or “court supervision”, as defined in 730 Illinois Compiled Statutes 5/5-1-21, for a period of up to six (6) months, an order of restitution, an order to perform community service, an order to complete an education program and/or any other appropriate penalties or conditions authorized in any section of this code or stand-alone ordinance or any conditions for conditional discharge set forth in 730 Illinois Compiled Statutes 5/5-6-3 or for court supervision in 730 Illinois Compiled Statutes 5/5-6-3.1, as the foregoing are amended from time to time.
3. Costs and Fees: Any person violating the terms or provisions of this code may be subject, in addition to the penalties set out in this subsection, to the payment of court costs and reasonable attorney fees.
4. Default Payment: A default in the payment of a fine or any installment of a fine may be collected by any means authorized for the collection of monetary judgments. The City attorney may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or

installment of that fine. Any fees or costs incurred by the City with respect to attorneys or private collection agents retained by the City attorney under this subsection A4 shall be charged to the offender.

- B. Acts Consistent with Criminal Laws of the State of Illinois: If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the State is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than a penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the state, and the City shall be required to establish guilt beyond a reasonable doubt.

1-4-2: CODE ENFORCEMENT; CITATIONS

- A. Authority to Appoint Enforcement Officials: The Mayor shall have the authority to appoint such individuals as may be deemed necessary, including a code enforcement officer to enforce City ordinances and to issue citations for the violation of such ordinances.
- B. Citations:
1. Issuance: The individuals referenced in subsection A of this section, including the code enforcement officer, shall have authority to issue citations to any individual or entity for violation of any city ordinance pertaining to real estate and the use thereof including, but not limited to, failure to maintain rental property in compliance with city ordinances; allowing grass, weeds, or other non-decorative vegetation to grow more than the allotted height; allowing accumulation of debris and garbage, as defined by city ordinance, or other obnoxious material; allowing derelict, inoperable or abandoned vehicles to remain on the real estate; and allowing dogs, cats, or other animals to create a nuisance or health risk because of lack of cleanliness, noxious odors or failure to vaccinate against disease.
 2. All citations so issued shall be filed with the Williamson County Circuit Clerk's Office within 48 hours of being issued.
 3. Report to City Attorney: The code enforcement officer, upon issuing such a citation, shall report to the city attorney a copy of the citation so issued for prosecution and enforcement.

1-4-3 APPLICATION OF PROVISIONS

- A. Application of Penalty: The penalty provided in this Chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.
- B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this 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 be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Violation of Provisions: Whenever the doing of any act or the omission to do any act constitutes a violation of any section or provision of this code and there shall be no fine

or penalty specifically declared for such violation, the provisions of this chapter shall apply.

PASSED BY THE COUNCIL THE 13TH DAY OF APRIL, 2020.

SIGNED BY THE MAYOR THE 13TH DAY OF APRIL, 2020.

Michael W. Absher, Mayor

ATTEST:

Tammy Beasley, City Clerk