

Chapter 1
GENERAL PROVISIONS

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1.01 PRAIRIE GROVE MUNICIPAL CODE

A. TITLE: This Code of ordinances may be known and cited as the Prairie Grove Municipal Code. Any references to “this Code” or “Code” herein shall also mean the Prairie Grove Municipal Code.

B. AMENDMENTS: Any additions or amendments to this Code are incorporated into this Code so that a reference to the Prairie Grove Municipal Code includes such additions and amendments.

1.02 DEFINITIONS

A. Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

B. Unless found elsewhere in this Code, terms used herein are defined in Appendix A.

1.03 REPEAL OF ORDINANCE

A. All general ordinances or parts previously adopted by the President and Village Board, inconsistent with those included in this Code are repealed and the following are specifically continued in full force and effect:

1. Ordinances authorizing contracts or the issuance of municipal notes or bonds;
2. Ordinances levying taxes or making special assessments;
3. Ordinances budgeting and appropriating funds or establishing salaries;
4. Ordinances granting franchises;

5. Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, railroad crossings, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the Village, or the conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvements;
8. Ordinances relating to zoning, map amendments, zoning classifications and subdivisions;
9. Ordinances relating to intergovernmental agreements;
10. Ordinances relating to temporary planning moratoriums;
11. Any other ordinances not in conflict with the provisions of this Code.

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

1.04 ORDINANCES REPEALED NOT REENACTED

No ordinance or part of any ordinance previously repealed shall now be considered re-ordained or re-enacted 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 HOME RULE AUTHORITY

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

1.06 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.

1.07 RESPONSIBILITY FOR ACTS

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

1.08 SEPARABILITY OF PROVISIONS

Each section, paragraph, sentence, clause 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 decision.

1.09 EFFECTIVE DATE

This Code shall take effect immediately upon its passage. Publication shall be in book form under the authority of the President and Village Board, as provided by law.

1.10 COPIES ON FILE

Copies of this Code shall be kept available at Village Hall for public inspection or purchase during Village Hall business hours. The cost of said Code shall be determined from time to time by the Village Board.

1.11 PENALTIES

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 a fine of not less than \$25 nor more than \$750 and prosecution fees incurred by the Village.

B. **COMMITMENT:** The person upon whom any fine or penalty is imposed for violation of any provision of this Code or any ordinance of the Village, upon order of the court before whom the conviction is had, may be committed to the county or State jail, as provided by law, or to any other place provided by statute.

C. **EACH DAY OF VIOLATION:** Each act of violation and each day upon which a violation occurs constitutes a separate offense.

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

E. **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.

F. **FAILURE OF OFFICERS TO PERFORM DUTIES:** The failure of any officer or employee of the Village to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code.

G. **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 is due the Village and is not paid, the cost of collecting said fee shall be

added to the fee or fine. Collection costs shall include, but not be limited to, prosecution and attorney fees.

1.12 CITATIONS OR HANG-ON TICKETS *Amended, 620, 512, 471, 464, 454*

A. PAYMENTS: Any of the following described offenses may be settled and compromised in the following manner: Settlement payment when made within 10 days of the time a notice is delivered to the offender, as listed in Column A. Provided, however, this settlement and compromise procedure shall not be allowed where the offender has violated the same ordinance 2 previous times within 12 consecutive months. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

| OFFENSE | Column A in Dollars |
|--|---|
| Alarms, Section 9.07 | 25 |
| Alcoholic Beverages (park lands), Section 7.08 | 100 |
| Building numbering, per day, Section 5.16 | 25 |
| Building violations, other than listed in Chapter 23 | 100 |
| Burning Leaves and Rubbish, Section 5.12 | 25 |
| Curfew, Section 9.17 | 100 |
| Damage to (Park) Property, Section 7.02-A | 100 |
| Damage to Public Property, Section 5.02 | 100 |
| Damaging property, Section 9.12 | 100 |
| Debris on public property, Section 5.06 | 50 |
| Deposit of snow or ice upon public streets, Section 5.21 | 25 |
| Disorderly conduct, Section 9.08 | 100 |
| Dogs and other animals, Chapter 11 | 25 |
| Equipment on vehicles, Section 15.01 (625 ILCS 5/12-101 <i>et seq.</i>) | 55 |
| Failure to display company name on commercial truck (625 ILCS 5/12-713), Section 15.01 | 200 |
| Firearms, Weapons and Fireworks, Section 7.07 | 100 |
| Failure to have a building permit, Chapter 23 | 150 |
| Garbage, Chapter 10 | 25 |
| Liquor, purchase or acceptance under age of 21, Section 14.17 | 100 |
| Liquor, sale, gift or delivery to persons under 21 years | 200 |
| Littering, Section 9.13 | 25 |
| Noise, Section 9.11 | 75 |
| Noxious plants and weeds, Section 9.06 | 25 |
| Obstructing Street, Section 5.04 | 25 |
| Operation without certificate of safety attached (625 ILCS 5/13-111), Section 15.01 | 250 (see Section 15.20 for allocation of fine). |
| Overweight Vehicles, Section 15.17 | 100 |
| Parental responsibility, Section 9.18 | 100 |
| Parking after snowfall, Section 5.22 | 25 |

| OFFENSE | Column A in Dollars |
|--|----------------------------|
| Parking, Chapter 15 (except Section 15.10) | 25 |
| Parking Places Reserved for Persons with Disabilities, Section 15.10 | 250 |
| Parks and playgrounds, Chapter 7 (except Sections 7.02, 7.07, 7.08, 7.14) | 25 |
| Persons responsible for unlawful activities on their premises, Section 9.24 | 100 |
| Possession of Cannabis, Section 9.25 | 100 |
| Possession of drug paraphernalia seized during a violation of Section 9.25, Section 9.26 | 100 |
| Street gang activity, Section 9.23 | 100 |
| Tobacco Products, Section 9.16-C (underage possession) | 100 |
| Traffic, other than listed in Chapter 15, Section 15.10 | 25 |
| Trespass (public property), Section 7.14 | 75 |
| Unauthorized use of persons with disabilities parking space, Section 15.10 | 100 |
| Weapons, Section 9.09 | 100 |

B. **SETTLEMENTS:** Settlement payments shall be made at the Village Hall. A receipt shall be provided to the alleged offender in the amount of such payment.

C. **DISPOSITION OF PAYMENTS:** The amounts paid in settlement of the foregoing claims shall be promptly deposited with the Treasurer and 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.

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