

CHAPTER 1
GENERAL PROVISIONS

1.01 MUNICIPAL CODE

(a) **Title.** This code of ordinances may be known and cited as the Hickory Hills Municipal Code.

(b) **Amendments.** Any additions or amendments to this code are incorporated in this code so that a reference to the Hickory Hills 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 Revised Statutes for the same terms.

(b) Terms used in this code have the following meanings:

1. City: City of Hickory Hills
2. County: Cook County
3. State: State of Illinois
4. City Council or Council: The City Council of the City of Hickory Hills, Illinois
5. City Clerk: The City Clerk of the City of Hickory Hills
6. Officer: Any person appointed by the Mayor with the advice and consent of the City Council.
7. Person: Any natural individual, firm, partnership, trust, estate, club, association, or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.
8. Illinois Revised Statutes: The latest edition of the Illinois Revised Statutes, as amended.
9. Illinois Municipal Code: Chapter 24 of the Illinois Revised Statutes.

1.03 REPEAL OF ORDINANCES

(a) All general ordinances or parts thereof heretofore adopted by the Council and not included in this code are repealed, except the following which are hereby continued in full force and effect: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, grade, naming, improvement, altering, widening or vacating of any streets, alleys, or sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the city, or the conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvements;
8. Any other special 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 heretofore 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 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 city. 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 city to regulate such particular acts outside the corporate limits.

1.06 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 more than \$500 and the costs of prosecution.

(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 city, upon order of the court before whom the conviction is had, may be committed to the city or county jail as provided by law, or to any other place provided by ordinance for the incarceration of offenders until the fine, penalty, and costs are fully paid. No imprisonment, however, shall exceed 6 months for any offense.

(c) **Incarceration, Bailable Offense.** Any person incarcerated on a charge of violating a bailable provision of this code or any ordinance, who does not supply bail and against whom a fine is levied upon conviction of such offense, shall be allowed a credit of \$2 for each day so incarcerated prior to conviction, but such credit shall not exceed the amount of the fine levied.

(d) **Each Day of Violation.** Each day of violation and each day upon which a violation occurs constitutes a separate offense.

(e) **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.

(f) **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.

(g) **Failure of Officers to Perform Duties.** The failure of an officer or employee of the city 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.

1.07 VIOLATION CITATIONS

(a) **Issuance of Citation.** Wherever a police officer is authorized to arrest a person without a warrant because of a violation of this code or any ordinance in respect of any of the following subjects:

1. Prohibiting the parking of a vehicle in a designated area;
2. Restricting the length of time a vehicle may be there parked;
3. Requiring the purchase and display of a vehicle sticker;
4. Regulating and licensing dogs;
5. Regulating and licensing businesses;
6. Regulating and licensing signs;
7. Regulating sprinkling;
8. Regulating swimming pools;
9. Regulating the construction of buildings and other structures;
10. Regulating weeds;

the police officer may, in lieu of the filing of a complaint in court, in the first instance issue to such alleged violator, a citation:

1. Advising said person that he has violated a specified ordinance;
2. Requesting him to make payment in the amount applicable to said alleged violation as set forth in Section 1.07 (e) as settlement of said violation claim;
3. Informing him that upon failure to so settle, a complaint will be filed in the Circuit Court of Cook County, charging him with such violation; and
4. All violation citations shall be served by officers of the Police Department or by auxiliary police when authorized to do so by the Chief of Police. The heads of department in the city, including the Building Commissioner, the Superintendent of Public Works and the Health Officer, shall not issue or serve violation citations.

(b) **Settlement of Claim.** Pursuant to this citation, the person so accused of the violation may settle and compromise the violation claim in respect of such violation by paying to the municipality the applicable amount as shown in the schedule set forth in Section 1.07(e) of this code, within a period to be specified in the citation, not more than 7 days of the time said alleged offense was committed.

Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the office of the City Clerk, who shall issue a receipt for the money so received and promptly remit said amount to the City Treasurer to be credited to the proper municipal fund.

(c) **Filing Complaint.** In the event that the person to whom the citation is issued fails to settle and pay said violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served upon him) then the peace officer is authorized to cause a notice to appear to be served upon said alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of Cook County.

(d) **Responsibility of Owner; Parking Violations.** The fact that an automobile or motor vehicle which is illegally operated or parked is registered with the Secretary of State in the name of said alleged violator, or, in the alternative, in the event that a vehicle sticker issued by the municipality has been issued in the name of and to the alleged violator, shall be considered prima facie proof that the alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of such alleged violation.

(e) **Schedule of Settlement Amounts.** The violation claim described in the citation, so to be issued pursuant to the terms of this Code, may be settled, compromised and paid in the respective amounts set forth in the following schedule:

1. In the event that said payment is made prior to the mailing by the municipality or by the peace officer of a final notice, the following amounts shall be accepted as settlement:

| | |
|-------------------------------------|-------|
| Improper parking | \$ 35 |
| Overnight parking | 35 |
| No dog license | 35 |
| No animal rabies shots | 35 |
| Violation of sprinkling regulations | 35 |
| No business license | 35 |
| Animal running at large | 35 |
| Illegal garbage burning | 35 |
| Nuisance ordinance | 35 |
| No sign license | 35 |
| No pool permit | 35 |
| No valid vehicle sticker | 35 |
| Handicapped parking | 250 |
| Food service/Chapter 15 | 100 |

2. In the event that payment has not been paid prior to the mailing of such final notice, and in fact, final notice has been mailed and no hearing has been requested or the defendant has failed to appear at the first hearing date, the following amounts shall be accepted as settlement:

| | |
|-------------------------------------|-------|
| Improper parking | \$ 70 |
| Overnight parking | 70 |
| No animal license | 70 |
| Violation of sprinkling regulations | 70 |
| No business license | 70 |
| Animal running at large | 70 |

| | |
|--------------------------|-----|
| Illegal garbage burning | 70 |
| Nuisance ordinance | 70 |
| No sign license | 70 |
| No pool permit | 70 |
| No valid vehicle sticker | 70 |
| Handicapped parking | 500 |
| Food service/Chapter 15 | 200 |

3. In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the Circuit Court of Cook County, the minimum fine for the following enumerated offenses shall be as follows:

| | |
|-------------------------------------|-------|
| Improper parking | \$140 |
| Overnight parking | 140 |
| No animal license | 140 |
| Violation of sprinkling regulations | 140 |
| No business license | 140 |
| Animal running at large | 140 |
| Illegal garbage burning | 140 |
| Nuisance ordinance | 140 |
| No sign license | 140 |
| No pool permit | 140 |
| No valid vehicle sticker | 140 |
| Handicapped parking | 750 |
| Food service/Chapter 15 | 300 |

4. With regard to the third and subsequent offenses under Section 14.05, pertaining to dogs or cats at large, the payment amount under subparagraph 1 shall be increased \$70, the payment amount under subparagraph 2 shall be increased \$140 and the payment amount under subparagraph 3 shall be increased \$210.

1.08 RESPONSIBILITY FOR ACTS

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

1.09 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.

1.10 EFFECTIVE DATE

This code of ordinances shall take effect 10 days after passage and publication in book form under the authority of the Council as provided by law.

1.11 ALTERNATIVE PENALTIES - COMPLIANCE WARNING TICKETS

(a) Any person who is accused of a violation of any section of Chapter 37 or Chapter 41, pursuant to the issuance of a Compliance Warning Ticket, except a traffic offense for which a court appearance is required pursuant to Supreme Court Rule 551, may settle and compromise that ticket by paying to the City a fee of \$15.00 within 10 days from the date such alleged violation was committed or by paying to the City the sum of \$30.00 subsequent to said 10-day period and prior to said person being issued a Uniform Traffic Complaint or Notice to Appear.

(b) Compliance Warning Tickets shall be issued as a courtesy in lieu of instituting a prosecution for the alleged offense. If the person accused of the violation does not settle the claim, a Uniform Traffic Complaint or Notice to Appear will be issued for that violation and that person shall be subject to the general penalties set forth in Section 1.06.