

VILLAGE OF SAN JOSE

ORDINANCE NO. 24-004

AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 1-4-1A OF THE
SAN JOSE VILLAGE CODE GENERAL PENALTY IN THE VILLAGE OF SAN JOSE
IN MASON AND LOGAN COUNTY, ILLINOIS.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE VILLAGE BOARD OF THE
VILLAGE OF SAN JOSE, MASON AND LOGAN COUNTIES, ILLINOIS THIS 16th DAY OF
OCTOBER 2023.

PASSED BY THE BOARD OF TRUSTEES


THE VILLAGE OF SAN JOSE

March 1, 2024

EFFECTIVE March 11, 2024

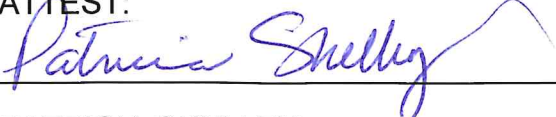
APPROVED: VOTE: AYES: 6

NAYES: 0



DUANE WORLOW PRESIDENT OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF SAN JOSE, ILLINOIS

ATTEST:



PATRICIA SHELLEY

VILLAGE CLERK

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 the terms and provisions of this code shall be fined in an amount not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) for said any one violation. No imprisonment for failure to pay such fine, penalty of cost shall exceed six (6) months for each offense. Each day that such violation continues or exists after the expiration of the specified notice period shall be deemed to be a separate offense. The penalty for a second or subsequent offense committed within a twelve (12) month period beginning on the date of the first offense shall follow the penalty schedule listed below:

1st and 2nd offense - \$250.00.

3rd, 4th and 5th offense - \$500.00.

6th offense and over - \$750.00.

This General Penalty applies to the following penalties in the Code Book of the Village of San Jose:

5-2B-7

5-3-2C

5-3A-7

5-4-3L 1

5-4-3L 3

5-4-4F

5-4A-1C

5-4A-2D

5-4A-3

5-5-3

5-5B-11 B1

5-5D-2B

5-6-1 D4

6-1-7

6-2-4D
6-4-16C
6-4-19C
6-4-20C
6-4-21C
6-5-6B
6-5-7F
6-5-12
6-5-14C
6-7-7 B3
6-9-12
6-10-11
7-1-4
7-2-8
7-3-4
8-1-11
8-2-8C
9-1-8
9-2-8
9-3-7
9-4-8B
9-4-12C
10-1-5A
10-4A-6

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 shall be subject, in addition to the penalties set out in this subsection A, to the payment of court costs and reasonable attorney fees.

4. **Default In 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 village 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 village with respect to attorneys or private collection agents retained by the village attorney under this subsection A4 shall be charged to the offender.

B. **Acts Consistent With Criminal Laws Of State:** If, by the terms of this code or any 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, and the matter shall be prosecuted under the rules of criminal procedure of the state, and the village shall be required to establish guilt beyond a reasonable doubt. This subsection shall not apply to village code provisions adopted pursuant to 65 Illinois Compiled Statutes 5/11-5-1, 5/11-5-2, 5/11-5-3, 5/11-5-4, 5/11-5-5, 5/11-5-6, 5/11-40-1, 5/11-40-2, 5/11-40-2a, 5/11-40-3, 5/11-80-9 and 5/11-80-16.

C. **Limitation; Compliance With Statute:** The provisions of subsection A of this section notwithstanding, no penalty shall be greater than that established by state statute for the same offense. (2016 Code; amd. Ord. 21-562, 4-19-2021, eff. 4-29-2021)