

10-O-18

AN ORDINANCE

**Amending City Code Section 1-4-1, "General Penalty,"
to Include Civil Restitution**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: City Code Section 1-4-1, "General Penalty," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

1-4-1. - GENERAL PENALTY.

- (A)** Whenever any provision of this Code or any ordinance of the City: 1) prohibits an act or makes or declares an act unlawful or an offense; or 2) requires an act to be performed or declares the failure to perform an act to be unlawful or an offense, and the Code is silent with respect to the penalty to be imposed upon a finding of liable, the penalty shall be a fine of not less than twenty dollars (\$20.00) but not more than seven hundred fifty dollars (\$750.00) and/or compliance with or community service orders as specified in Subsection 11-1-9(F) of this Code. Where applicable, each day a Code provision is found to have been violated shall constitute a separate offense and when the Code is silent as to penalty, each separate offense subjects the violator to the penalty provided for in this Subsection.
- (B)** In addition to any fine imposed under subsection (A) of this section, a violator may be required to pay administrative costs and enforcement costs and may be ordered to cease violating and/or comply with the Code provision(s) found to have been violated and/or ordered to post a compliance bond as provided by Title 11 of this Code. The Manager of the Division of Administrative Adjudication shall establish a uniform schedule of administrative costs and enforcement costs.
- (C)** In addition to any fine imposed under Subsection (A) of this Section, whenever a finding of guilty is entered by the Circuit Court or a plea of guilty is entered by a defendant, the Court may order a defendant to pay restitution. The Court will determine the amount and conditions of the restitution payment.

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and will be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.


SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance will be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity will not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: February 12, 2018

Adopted: February 26, 2018

Attest: 

Devon Reid, City Clerk

Deputy Clerk Eduardo Gomez

Approved:

March 8, 2018


Stephen H. Hagerty, Mayor

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel