

**VILLAGE OF PEORIA HEIGHTS
ORDINANCE NO. 2015-1428**

**"AN ORDINANCE REPEALING 2014-1404 AND
ESTABLISHING UPDATED, UNIFORM AND
CLEAR PENALTIES FOR THE VIOLATION
OF VARIOUS ORDINANCES EFFECTIVE WITHIN
THE VILLAGE OF PEORIA HEIGHTS"**

**ADOPTED BY THE BOARD OF TRUSTEES
THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS
ON January 20, 2015**

**Published in pamphlet form by authority of the Board of Trustees of the Village of
Peoria Heights, Peoria County, Illinois this 20th day of January, 2015.**

ORDINANCE NO. 2015 -1428

AN ORDINANCE REPEALING 2014-1404 AND ESTABLISHING UPDATED, UNIFORM AND CLEAR PENALTIES FOR THE VIOLATION OF VARIOUS ORDINANCES EFFECTIVE WITHIN THE VILLAGE OF PEORIA HEIGHTS

WHEREAS, the Village Board has over many years passed and approved numerous ordinances imposing penalties for various categories of prohibited conduct (the "Prior Ordinances"); and

WHEREAS, the penalties imposed by the Prior Ordinances are in some cases obsolete, not uniform and unclear; and

WHEREAS, the existence of obsolete, variable and unclear penalties complicates and impairs enforcement of the Prior Ordinances; and

WHEREAS, it is in the best interests of the Village and its citizens to establish updated, uniform and clear penalties which more accurately reflects the nature and seriousness of the offenses and facilitates the enforcement of Prior Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, THAT:

Section 1. Any other provision of the Prior Ordinances to the contrary notwithstanding and except as otherwise hereinafter set forth in this ordinance, whenever any of the Prior Ordinances imposes a penalty for violation of the ordinance, the minimum penalty for such violation shall be \$100 and the maximum penalty for such violation shall be \$500. Penalties for the violation of any such ordinances paid through the optional settlement procedure hereinafter described shall be \$75.

Section 2. Penalties in lieu of suspension or revocation under Section Thirty-Eight of Ordinance No. 1225 governing the sale of alcoholic beverages are unaffected by this ordinance and may be imposed as provided by Ordinance No. 1225. Any other provisions of Ordinance No. 1225 governing the sale of alcoholic beverages to the contrary notwithstanding, the minimum penalty for the violation of such ordinance shall be \$250 and the maximum penalty for the violation of such ordinance shall be \$1,000. Penalties for the violation of Ordinance No. 1225 paid through the optional settlement procedure hereinafter described shall be \$200.

Section 3. Any other provisions of Ordinance No. 1259 which prohibits disorderly conduct to the contrary notwithstanding, the minimum penalty for the violation of such ordinance shall be \$350 and the maximum penalty for violation of such ordinance shall be \$500. Penalties for the violation of Ordinance No. 1259 paid through the optional settlement procedure hereinafter described shall be \$250.

Section 4. Any other provisions of Ordinance No. 1280 prohibiting the possession of cannabis and drug paraphernalia to the contrary notwithstanding, the penalties for the violation of such ordinance shall be as follows:

For the possession of cannabis with no prior convictions of a possession of cannabis offense at any prior time:

Less than 2.5 grams	\$300.00
2.5 grams or more but less than 10 grams	\$400.00
10 grams or more but less than 30 grams	\$500.00
30 grams or more	\$900.00

For the possession of cannabis where previously convicted of a possession of cannabis offense at any prior time: Add \$100 to the then applicable penalty for each such prior conviction.

Penalties for possession of cannabis paid through the optional settlement procedure (if available under Section 6) as hereinafter described shall be 75% of the penalty otherwise applicable.

For the possession of drug paraphernalia with no prior convictions of a possession of drug paraphernalia at any prior time: \$350.00

For the possession of drug paraphernalia where previously convicted of a possession of drug paraphernalia offense at any prior time: Add \$100 to the then applicable penalty for each such prior conviction.

Penalties for possession of drug paraphernalia paid through the optional settlement procedure (if available under Section 6) as hereinafter described shall be 75% of the penalty otherwise applicable.

Any other provisions of Ordinance No. 1280 to the contrary notwithstanding, it shall not be unlawful for any individual who is a registered qualifying patient or a registered designated caregiver as those terms are defined in the Compassionate Use of Cannabis Pilot Program Act found at 410 ILCS 130/1 et. seq. (the "Act") to possess cannabis or drug paraphernalia for the purpose of engaging or assisting in the medical use of cannabis in accordance with the provisions of the Act.

Section 5. Penalties for the violation of the Zoning Ordinance of the Village of Peoria Heights as established by Ordinance No. 2013-1393 approved on October 8, 2013 are unaffected by this ordinance and shall be imposed as provided by Ordinance No. 2013-1393. Penalties for the violation of Ordinance No. 2013-1393 paid through the optional settlement hereinafter described shall be \$100.

Section 6. Except as otherwise provided herein, any person having been issued a citation or notice of violation of any Prior Ordinance may, at the option of such person, settle the violation by paying the appropriate optional settlement amount hereinabove indicated within fourteen (14) days of the date of receiving the citation or notice of the violation. Payments shall be made at the office of the Village Clerk in the Village of Peoria Heights, 4901 North Prospect Road, Peoria Heights, Illinois. Upon the failure of a recipient of a citation or notice of violation to timely pay an available optional settlement amount, a complaint charging the recipient with the violation shall be filed in the Circuit Court of Peoria County, Illinois. The recipient of a citation or notice of violation filed in said Circuit Court shall be required to appear at the time and date and place set forth in the citation or notice. If the recipient shall fail to appear at the time and place so noticed, a Judgment of Guilty and fine and costs shall be entered against the recipient who fails to appear.

Except as otherwise provided herein, the Village of Peoria Heights may agree, at a first (or continued first) court appearance, to settle a violation of any Prior Ordinance by accepting the appropriate optional settlement amount pursuant to a Court order. Optional settlement payments made pursuant to Court order may be made at the office of the Village Clerk in the Village of Peoria Heights, 4901 North Prospect Road, Peoria Heights, Illinois or at another location designated in the order. A Defendant shall be required to appear at the time and date and place set forth in said Court order if the optional settlement amount is not paid as agreed. If the Defendant shall fail to appear at the time and place so noticed or if s/he shall fail to pay the optional settlement amount as agreed, a Judgment of Guilty and fine and costs shall be entered against him or her.

The above notwithstanding, the optional settlement procedure shall not in any event be available in any form to any person charged with a subsequent violation of the same ordinance alleged to have occurred within twelve (12) months from the date of the first alleged violation, whether or not said person was convicted of the first violation.

Section 7. Any Ordinance containing the number 2014-1404 is hereby repealed.

Section 8. Should a court of competent jurisdiction determine that any section or sub-section of this Ordinance is or are invalid, the remaining sections and sub-sections shall remain in full force and effect.

Section 9. This Ordinance is hereby ordered to be published in pamphlet form by the Peoria Heights Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 10. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

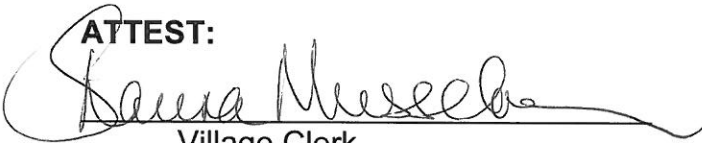
Section 11. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION AND APPROVED BY ITS PRESIDENT THIS 20th DAY OF JANUARY, 2015.

AYES 6
NAYS 0
ABSTENTIONS 0

APPROVED: 

President

ATTEST: 

Village Clerk

CERTIFICATION OF DOCUMENTS

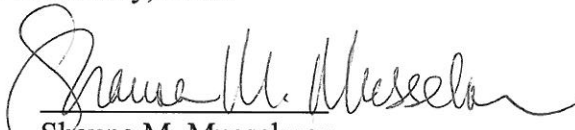
**STATE OF ILLINOIS
COUNTY OF PEORIA
VILLAGE OF PEORIA HEIGHTS**

I, Shauna Musselman, certify that I am the duly elected Municipal Clerk of the Village of Peoria Heights, Peoria County, Illinois which is a municipality organized under the laws of the State of Illinois.

By law I have custody of the seal and all of the records, books, ordinances, documents and papers pertaining to the Village of Peoria Heights, Illinois. The Ordinance attached to this Certificate is a true copy of said Ordinance on file and of record in the office of the Village Clerk of the Village of Peoria Heights. I further certify that on January 20th, 2015, the Corporate Authorities of the Village of Peoria Heights, Peoria County, Illinois passed and approved Ordinance Number 2015-1428 entitled **“AN ORDINANCE REPEALING 2014-1404 AND ESTABLISHING UPDATED, UNIFORM AND CLEAR PENALTIES FOR THE VIOLATION OF VARIOUS ORDINANCES EFFECTIVE WITHIN THE VILLAGE OF PEORIA HEIGHTS”**, which Ordinance by its terms provided that it was to be published in pamphlet form as provided by law.

I have compared the attached copy of Ordinance 2015-1428 with the original in the office of the Village Clerk and such copy comprises a true full, true and correct copy of the Ordinance and the whole of such Ordinance of which is a copy.

Witness under my hand and seal this 20th day of January, 2015.


Shauna M. Musselman
Village Clerk

[Seal]