

ORDINANCE 17,664

**AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO GARBAGE, LITTER, VEGETATION, AND INOPERABLE MOTOR
VEHICLES**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1. Chapter 13 of the Code of the City of Peoria is hereby amended by adding the following underlined words and deleting the following stricken words:

ARTICLE 1. – IN GENERAL

Sec. 13-8. – Lien and personal judgement.

(a)The cost, administration fee not to exceed ~~\$125.00~~ \$160.00, mailing cost, recording and releasing of lien fees, service of process fees, and any attorney fees, of cutting the weeds and the removal of the litter or motor vehicle parts from private property shall be recoverable from the owner or person in control of the real estate and is a lien thereon. A late administrative fee of \$40 will be added on to fees not paid with 45 days of invoice date. The lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however that within one year after completion of the cutting of the weeds, or the removal and disposal of the litter or motor vehicle parts, the corporation counsel shall file a notice of lien for the all cost and expenses as stated above incurred by the city in the office of the recorder of deeds of the county. Upon payment of the all cost and expenses as stated above, the lien shall be released by the corporation counsel.

(Code 1957, § 14-8; Ord. No. 15662, § 1, 8-2-04; Ord. No. 16648, § 1, 1-11-11; Ord. No. 17326 , § 1, 2-9-16)

Sec. 13-10. – Penalty and settlement option.

(a) *Penalty for conviction:* Anyone convicted in a court of law of a violation of any act prohibited or declared to be unlawful by this chapter, except section 13-41, 13-45 and 13-46, shall be punished by a fine of not less than ~~\$50.00~~ \$100.00 for the first offense, not less than \$200.00 for the second offense, and not less than \$500.00 for third or subsequent offense within any two-year period. No one shall be punished by a fine in excess of the amount provided for in section 1-5 of this Code for each violation. The court shall have discretion to modify the penalties as stated in this paragraph (a) based on exigent circumstances. An administrative fee of \$25 will be added to anyone convicted of a violation of this chapter.

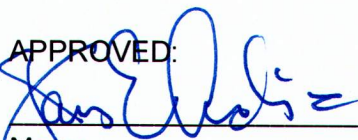
(b) *Pre-court settlement:* For the violation of any section of this chapter, except sections 13-41, 13-45 and 13-46, a person may settle the violation by making a payment of the fine amount as outlined in section 13-10(a) to the city treasurer for each violation indicated on the complaint, ~~at least seven calendar days prior to the court appearance date indicated on the complaint.~~ Said payment must be actually received by the city at least seven days prior to the court date. Payment shall be made by cash, certified check, cashier's

check or money order made payable to the City of Peoria. The \$25 administrative fee is not applicable to anyone who pays the pre-court settlement amount.

(Code 1957, § 14-10; Ord. No. 14473, § 1, 3-24-98; Ord. No. 14508, § 1, 6-9-98; Ord. No. 14622, § 1, 12-8-98; Ord. No. 15268, § 1, 1-29-02; Ord. No. 15719, § 1, 12-7-04; Ord. No. 16648, § 1, 1-11-11; Ord. No. 17326, § 1, 2-9-16)

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 12th day of March, 2019.

APPROVED:


Mayor

ATTEST:


City Clerk

EXAMINED AND APPROVED:


Corporation Counsel