



Legislation Details (With Text)

File #: 21-270 **Version:** 2 **Name:** Ordinance Regarding Chapter 5
Type: Ordinance **Status:** Adopted
File created: 8/24/2021 **In control:** City Council
On agenda: 9/28/2021 **Final action:** 9/28/2021
Title: Communication from Corporation Counsel with a Request to ADOPT an ORDINANCE Amending CHAPTER 5 (Building and Building Regulations), ARTICLE VI (Property Maintenance Code), DIVISION 2 (Administration and Enforcement) of the CODE of the City of Peoria.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance updating language in 292 and 293, 2. ORD 17883

Date	Ver.	Action By	Action	Result
9/28/2021	2	City Council	adopted	Pass
9/14/2021	1	City Council	received and filed	Pass

ACTION REQUESTED:

Communication from Corporation Counsel with a Request to ADOPT an ORDINANCE Amending CHAPTER 5 (Building and Building Regulations), ARTICLE VI (Property Maintenance Code), DIVISION 2 (Administration and Enforcement) of the CODE of the City of Peoria.

BACKGROUND:

The City of Peoria Municipal Code, as codified in 1957 contained provisions regarding Reckless Criminal Damage by Occupant (Section 5-292) and Willful Criminal Damage by Occupant (Section 5-293) that allow incarceration as a penalty for violating the ordinances. Since the codification of these two code sections, the State of Illinois has developed the Illinois Municipal Code and addressed the authority of municipalities to assess incarceration as a penalty.

65 ILCS 5/1-2-1 of the Illinois Municipal Code allows imprisonment for failure to pay a fine, penalty or cost. If Section 2-292 and Section 2-293 were violated, the defendants could only be incarcerated after fines were assessed by the Court and the defendant failed to pay said fines. The attached ordinance deletes the incarceration language from the existing ordinances to bring them into compliance with state statute.

NEIGHBORHOOD CONCERNS: None.

IMPACT IF APPROVED: Ordinance will be brought into compliance.

IMPACT IF DENIED: Ordinance language will be non-compliant with state statute, potentially subjecting it to challenges if utilized by the City.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2017 - 2032 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

1. Safe Peoria

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?

1. Have an efficient government.

DEPARTMENT: Legal