

## **CHAPTER 29: ORDINANCE - VIOLATIONS - PENALTIES**

**Flagg Creek Water Reclamation District - Ordinance - Violations - Penalties**

## **CHAPTER 29: ORDINANCE - VIOLATIONS - PENALTIES**

### **Section**

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### **' 29-1.01 PROSECUTION.**

Any person who is apprehended in the violation of the provisions of this Ordinance or any other ordinance of the District shall be taken before the circuit court in the county in which the violation occurs and shall be prosecuted in the corporate name of the District as plaintiff in compliance with 70 ILCS 2405/6.1, as is in such cases made and provided.

(Prior Code, ' 29-1.01)

### **' 29-1.02 VIOLATION - PERSON.**

(A) Any person found to be violating any of the provisions hereof, except ' 22-1.13(B) or (C), and who fails, neglects or refuses to comply with the provisions hereof shall be prosecuted in an action for a misdemeanor instituted on the complaint of the Trustees or the Executive Director of the District in the circuit court of the county within the District where such an offense occurs and, upon conviction, shall be fined not less than \$25 nor more than \$200 per day of violation and costs.

(B) Violation of ' 22-1.13(B) shall carry the following penalty: if the user is found to have violated the permissible chemical discharge levels, the court shall assess a penalty in an amount of from \$50 to \$500 plus ten times the normal charge for treatment of the chemical pollutants discharged by the user.

(C) Violation of ' 22-1.13(C) shall carry the following penalty: if the user is found to have violated the permissible chemical discharge levels, the court shall assess a penalty in an amount of from \$500 to \$10,000 plus 100 times the normal charge for treatment of the chemical pollutants discharged by the user.

(D) Each day in which any violation shall continue shall be deemed a separate offense.

(E) The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release or waiver by the District to the prosecution by the District for any civil damages that it may sustain because of any violation by any person of the provisions hereof where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, sewers and buildings under the jurisdiction of the District.

(F) In all cases where the same offense is made punishable or is created by different clauses or sections of this Ordinance, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; except where the fine is related to actual costs incurred by the District, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(G) Whenever in this Ordinance a minimum but no maximum fine or penalty is imposed, the court may, in its discretion, fine the offender any sum exceeding the minimum fine or penalty but not exceeding \$500.

(H) Whenever in this Ordinance the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Ordinance, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than \$5 nor more than \$500 for such offense.

(Prior Code, ' 29-1.02)

### **' 29-1.03 VIOLATION - SEWER CONSTRUCTOR, PLUMBER, SEWER BUILDER, DRAIN LAYER.**

Any sewer constructor or plumber licensed by the state, or any sewer builder or drain layer who has obtained a permit under this Ordinance and who fails to abide by the terms of this Ordinance shall be subject, at the election of the District, to have his or her certification of approval revoked. Upon revocation of such certificate, said sewer constructor, plumber or sewer builder or drain layer shall be required to re-apply to the District for a certificate of approval, or be further prevented from performing any construction, maintenance or other work on facilities of the District.

(Prior Code, ' 29-1.03)

### **' 29-1.04 VIOLATION - ILLEGAL DISCHARGE.**

Any person found to be discharging substances prohibited to be discharged under this or any other ordinances of the District shall, in addition to the penalties set forth herein, be fined three times the cost of removal of the prohibited discharges from the District system and cost of repair, if any.

## **Ordinance - Violations - Penalties**

(Prior Code, ' 29-1.04)

### **' 29-1.05 VIOLATION - STOP ORDER.**

Any person, firm or corporation who shall continue work in violation of a stop order shall, upon conviction, be fined not less than \$100 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation of a stop order occurs or continues.

(Prior Code, ' 29-1.05)

### **' 29-1.06 VIOLATION - OCCUPANCY WITHOUT OCCUPANCY PERMIT.**

Any person, firm or corporation who shall occupy any building within the District, prior to the issuance of an occupancy permit by the District, shall, upon conviction, be fined not less than \$100 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which the premises are occupied in violation of this Ordinance. In addition to said penalty, the violator shall be charged with the costs of verification of removal from the premises and termination of occupancy. Such charge shall be the equivalent of an inspection charge.

(Prior Code, ' 29-1.06)

### **' 29-1.07 VIOLATION - SIGN REMOVAL - DEFACEMENT.**

Any person found to have removed or defaced any sign required to be in place under this Ordinance shall, upon conviction, be fined for the first offense \$200 and for each subsequent offense the fine shall be double the previous fine and for each offense the fine shall also include the cost of restoration of the removed or defaced sign.

(Prior Code, ' 29-1.07)

### **' 29-1.08 VIOLATION - FATS, OILS AND GREASES.**

(A) The fees and charges established by this Ordinance 821 shall be payable monthly. If a user fails to pay all fees, charges and fines imposed under this Ordinance 821 by the due date, a penalty of 10% of the amount so billed shall be added thereto. Thereafter, if the amount so billed, or any portion thereof, remains unpaid, a penalty of 1.5% of the amount remaining unpaid shall be added 30 days after the due date, and 1.5% shall be added for each additional 30 days or portion thereof.

(B) In addition to the penalty herein provided, the District may assess such additional administrative and other costs as may be necessary to collect amounts not paid by the due date.

(Ord. 821, passed 5-27-2022)

**Flagg Creek Water Reclamation District - Ordinance - Violations - Penalties****' 29-1.09 VIOLATION - STATE GIFT BAN.**

(A) A person who intentionally violates any provision of ' 50-1.03 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(B) A person who intentionally violates any provision of " 50-1.04 through 50-1.06 is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance 858 to the local enforcement authorities, the state=s attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(D) (1) A violation of ' 50-1.03 shall be prosecuted as a criminal offense by an attorney for the District by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(2) A violation of " 50-1.04 through 50-1.06 may be prosecuted as a quasi-criminal offense by an attorney for the District, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of " 50-1.03 or 50-1.04 through 50-1.06 is subject to discipline or discharge.

(Ord. 858, passed 5-18-2012)