

CHAPTER 1
GENERAL PROVISIONS

1.01	Lake in the Hills Municipal Code
1.02	Definitions
1.03	Continuity
1.04	Jurisdiction
1.05	Penalties
1.06	Settlement of Offenses
1.07	Returned Payment Fees
1.08	Separability of Provisions
1.09	Copies on File
1.10	Home Rule Authority

1.01 LAKE IN THE HILLS MUNICIPAL CODE

A. TITLE: This Code shall be known and cited as the Lake in the Hills Municipal Code. Any references herein shall mean this Lake in the Hills Municipal Code.

B. AMENDMENTS: Any additions or amendments to this Code are incorporated in this Code so that a reference to the Lake in the Hills Municipal Code includes such additions and amendments.

C. NUMBERING ADDITIONS: The decimal system shall be used for all additions and amendments to this Code. When a chapter or section is added the new chapter or section shall be given a decimal character.

1.02 DEFINITIONS

A. Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

B. Unless found elsewhere in this Code, terms used herein are defined in Appendix A.

1.03 CONTINUITY

The provisions of this Code, so far as they are the same in substance as those of existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been effected.

1.04 JURISDICTION

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Village to regulate such particular acts outside the corporate limits.

1.05 PENALTIES

A. **STANDARD PENALTY:** Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted herein by reference, shall, upon conviction, be subject to a fine not to exceed \$750.00 and prosecution fees if allowable.

B. **LATE PENALTY:** In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Village (i) has not been fully paid within 21 calendar days after the rendition of an invoice or notice, and (ii) no adjudication of the violation has been requested, such fee shall be deemed and is hereby declared to be delinquent, and, thereafter, the Village may assess a late penalty in an amount equal to the fee.

C. **COMMITMENT:** The person upon whom any fine or penalty is imposed for violation of any provision of this Code or any ordinance of the Village, upon order of the court before whom the conviction is had, may be committed to the County or State jail, as provided by law, or to any other place provided by statute.

D. **EACH DAY OF VIOLATION:** Each act of violation and each day upon which a violation occurs constitutes a separate offense.

E. **APPLICABILITY:** The penalty provided by Appendix B, Comprehensive Fine and Fee Schedule, applies to the amendment of any section of this Code or a Code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

F. **REFERENCE TO SECTIONS:** Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

G. FAILURE OF OFFICERS TO PERFORM DUTIES: The failure of any officer or employee of the Village to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty.

H. COLLECTION: In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Village and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

In the event the fee, including any penalty then due is not fully paid within 90 calendar days after the rendition of an invoice or notice, the Village may file a lien claim with the McHenry County Recorder of Deeds, collect or attempt to collect the debt, and/or assign to a collection agency for collection on the debt. This statement of lien claim shall include the legal description of the property and the amount of the unpaid charges and penalties. A lien recording fee of \$50.00 shall be assessed to cover the costs of recording the lien.

1.06 SETTLEMENT OF OFFENSES

A. PAYMENTS: Any offenses arising under the ordinances of the Village of Lake in the Hills eligible for adjudication may be settled and compromised by the offender in accordance with Appendix B, Comprehensive Fine and Fee Schedule, with the exception of Notice to Appear citations.

B. SETTLEMENTS: Settlement payments shall be made to the Village of Lake in the Hills, or its designated agent, which shall provide the alleged offender with a receipt in the amount of such payment.

C. DISPOSITION OF PAYMENTS: The amounts paid to the Village of Lake in the Hills, or its designated agent, in settlement of the foregoing claims shall be promptly deposited by the Police Department with the Village Treasurer and shall be credited by the Treasurer to the appropriate Fund.

D. PROSECUTION: The Village shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment.

1.07 RETURNED PAYMENT FEES

Any payment made to the Village which is returned by the financial institution in which it was either deposited into or drawn against shall be assessed a returned payment fee to cover the

labor and material costs required to research the origin of the returned payment, record the transaction, and provide notification of the returned payment to the person or organization responsible for payment. The returned payment fee shall be applicable for all types of returned payments including but not limited to checks, electronic checks, ach payments, wire transfers, and credit cards.

1. If the Village is notified of the returned payment by the responsible party prior to receiving the check back from the financial institution, then the returned payment fee shall be \$5.00 per returned payment.
2. If the Village is not notified of the returned payment by the responsible party prior to receiving the payment back from the financial institution, then the returned payment fee shall be \$25.00 per returned payment.

1.08 SEPARABILITY OF PROVISIONS

Each section, paragraph, sentence, clause and provision of this Code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code nor any part thereof, other than that part affected by such decision.

1.09 COPIES ON FILE

Copies of this Code shall be kept available at the Village Clerk's office for public inspection during Village Hall business hours.

1.10 HOME RULE AUTHORITY

The Lake in the Hills Municipal Code and any amendments thereto constitute an exercise of the Village's home rule powers and functions as granted under Article VII, Section 6, of the Constitution of the State of Illinois.

Recodified September 13, 2001

Amended December 12, 2002

Amended January 22, 2004

Amended May 22, 2008

Amended June 12, 2008

Amended March 26, 2009

Amended July 12, 2012

Amended May 24, 2018

Amended September 26, 2019