

CHAPTER 16
PROCEDURE FOR OUT-OF-COURT SETTLEMENT FOR CERTAIN
NON-TRAFFIC ORDINANCE OFFENSES

1-16-1: Notice of Violation Instead of Complaint Authorized:

- A. Whenever any person violates any provisions of this Village Code, any police officer or other appropriate official of the Village, in lieu of filing a complaint in court, in the first instance may issue to the violator a notice of violation.
- B. Out-of-court settlement amounts authorized by this Code:
 - 1. Notwithstanding anything in this Village Code to the contrary, if payment of the out-of-court settlement amount is received by the Village within ten (10) days after the date of the Notice of Violation, the out-of-court settlement amount shall be one-half (50%) of the minimum fine otherwise applicable to the specific offense.
 - 2. If payment of the out-of-court settlement amount is not received by the Village within ten (10) days after the date of the Notice of Violation, but is received within twenty (20) days after the Notice, a late out-of-court settlement amount shall be due, consisting of the minimum fine otherwise applicable to the specific offense, as indicated on the Notice of Violation or in the written information explaining the out-of-court settlement procedure.

1-16-2: Procedure for Out-of-Court Settlement:

- A. Every person who is given a notice of a violation pursuant to this Chapter may resolve such matter by out-of-court settlement within the Village if such procedure is offered as available at the time the alleged violator is first served with the notice of violation. Each such alleged violator may, at the time he or she is first served with such notice, be given information in writing explaining the out-of-court settlement option hereunder.
- B. Such settlement may be accomplished by the alleged violator paying to the Village a specified out-of-court settlement within 10 day after the date of the notice of violation. The amount of such out-of-court settlement shall be indicated on the notice of violation or in the written information explaining the out-of-court settlement procedure and shall be consistent with the out-of-court settlement amount(s) specified in Section 1-16-1 above.
- C. Such payment may be made either in person at the office of the Village Clerk, in which case a receipt shall be issued upon such payment, or by mail. In the case of payment by mail, such out-of-court settlement payment must be actually received within 10 days after the date of the notice of violation, and no receipt shall be issued.

- D. If an out-of-court settlement payment is not made within 10 day after the date of the notice of violation as specified in paragraph C above, the alleged violator shall have the option, for an additional 10 days thereafter, to resolve the matter with the Village by the payment of a late out-of-court settlement amount (i.e., not received within 10 days but received within 20 days after the date of the notice of violation). The amount of such late out-of-court settlement shall be indicated on the notice of violation or in the written information explaining the out-of-court settlement procedure.
- E. Payment of the late out-of-court settlement may be made after the tenth day through and including the twentieth day after the date of the notice of violation was issued in accordance with the procedure specified in paragraph C above but must be received by the Village on or before said twentieth day after the date of the notice of violation.
- F. Payment of an out-of-court settlement or a late out-of-court settlement shall be without any admission of guilt by the alleged violator. Upon such payment the matter shall be closed, and no further action shall be taken to pursue the issue, including the filing of any complaint in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois.
- G. If no out-of-court settlement or late out-of-court settlement is received by the end of the twentieth day after the notice of violation is issued, customary procedures may then be followed to pursue enforcement action against the alleged violator, including, but not limited to, the filing of a complaint in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois.
- H. If payment of an out-of-court settlement hereunder is made by tender of any type of negotiable instrument, and the same is dishonored or payment thereof is refused for any reason, the Village may, in addition to exercise of any and all other remedies available to it, pursue the original notice of violation by all appropriate means, including, but not limited to, filing a complaint in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois.

1-16-3: Contents of Notices of Violation: Notices of violations issued pursuant to the preceding Section shall contain language:

- A. Advising said person that he or she has violated a specified ordinance;
- B. Requesting him or her to make payment in an amount applicable to said alleged violation as set forth in this Chapter as settlement of said violation claim; and
- C. Informing him or her upon that he or she failed to so settle said claim, and a complaint will be filed in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois, charging him or her with such violation.

1-16-4: Payment in Lieu of Fine Authorized:

- A. If he or she receives a notice of violation issued pursuant to this Chapter, the person so accused of such an ordinance violation may settle and compromise the violation claim with respect to such ordinance by paying to the Village the applicable amount(s) as set forth in Section 1-16-1 of this Chapter, within the time period therein specified.
- B. Such payment shall be made in accordance with the instructions contained in or accompanying the notice of violation, at the office of the Village Clerk who shall promptly remit said amount to the Village Treasurer to be credited to the Village fund.