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**THE VILLAGE OF BLOOMINGDALE**  
DUPAGE COUNTY, ILLINOIS

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**ORDINANCE**  
NUMBER 2020-34

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**AN ORDINANCE AMENDING  
THE VILLAGE CODE AS IT RELATES  
TO THE FINE STRUCTURE**

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Village Board

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President and the Board of Trustees of the Village of Bloomingdale  
on this the 23rd day of November 2020

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**ORDINANCE NO. 2020-34**

**AN ORDINANCE AMENDING  
THE VILLAGE CODE AS IT RELATES  
TO THE FINE STRUCTURE**

**WHEREAS**, the Village of Bloomingdale (hereinafter referred to as "Village") is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

**WHEREAS**, any person found to have been in violation of any of the terms and provisions of the Village Code shall be fined according to the fine structure provided for therein;

**WHEREAS**, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the existing fine schedule should be amended to provide for similar fines as the surrounding communities; and

**WHEREAS**, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendments to the Village's Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois pursuant to its home rule powers as follows:

## **Section One - Recitals**

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

## **Section Two – Amendment to Village Code**

Title 4 Chapter 2 Section 30 shall be amended and restated as follows:

### **4-2-30: PENALTY:**

In addition to any other sanctions and remedies provided by statute, any person, firm or corporation who shall be convicted of violating any provisions of this chapter shall be punishable as provided in section 1-4-1 of this code for each offense. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 4 Chapter 5 Section 6 shall be amended and restated as follows:

### **4-5-6: VIOLATIONS; PENALTY:**

Any person who violates a provision of this chapter shall be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00). Any citation issued hereunder shall specify the section of this chapter which was allegedly violated. The burden of proof for such violations is by a preponderance of the evidence.

Title 4 Chapter 6 Section 12 shall be amended and restated as follows:

### **4-6-12: VIOLATION; PENALTY:**

Any person violating the terms and conditions of this chapter shall be subject to a penalty not less than one hundred fifty dollars (\$150.00) and not exceeding seven hundred fifty dollars (\$750.00), with each and every day that the violation of this chapter is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the village may take such other action as they deem proper to enforce the terms and conditions of this chapter, including, without limitation, an action in

equity to compel compliance with its terms. Any person violating the terms of this chapter shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorney fees.

Title 5 Chapter 1 Section 3 shall be amended and restated as follows:

**5-1-3: PENALTY:**

Any person, firm, or corporation who shall be convicted of a violation of any provision of this chapter shall be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 5 Chapter 2 Section 6 shall be amended and restated as follows:

**5-2-6: PENALTY:**

~~Unless otherwise provided herein, a~~ Any person, firm or corporation violating any of the provisions of this chapter shall, in addition to any license revocation or suspension, and one hundred percent (100%) payment of any unpaid fee, be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 5 Chapter 2 Article A Section 15 shall be amended and restated as follows:

**5-2A-15: VIOLATIONS PROHIBITED:**

No licensee shall dump or otherwise place or dispose of garbage or refuse, construction debris or recyclables in violation of the laws of the state or the ordinances of the village. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 5 Chapter 3 Section 10 Subsection F shall be amended and restated as follows:

**5-3-10: VIOLATIONS, ENFORCEMENT AND PENALTIES:**

F. Penalty: Any person violating any provision of this chapter shall be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 5 Chapter 4 Section 13 shall be amended and restated as follows:

**5-4-13: PENALTIES:**

Any person that has violated or continues to violate this chapter shall be subject to civil or criminal prosecution and imprisonment to the fullest extent permitted by the law, and shall be punishable as provided in section 1-4-1 of this Code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00). The Village may recover all attorney fees, court costs, administrative fees and expenses, and other associated expenses pursuant to provisions outlined in this chapter.

Title 5 Chapter 5 Section 3 shall be amended and restated as follows:

**5-5-3: PENALTY:**

Any person, firm, or corporation who shall be convicted of violating any provision of this chapter shall be punishable as provided in section 1-4-1 of this code ~~for each offense.~~ Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 4 Section 2 shall be amended and restated as follows:

**6-4-2: LIVESTOCK AND POULTRY:**

No person shall keep, or suffer to be kept, any cattle, goats, swine, or poultry in the village, except as necessarily incidental and directly related to the conduct of a licensed business establishment. Any person who shall be convicted of violating this section shall be punishable by fine in the amount of fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense; and one hundred twenty-five dollars (\$125.00) for the third offense and any additional offense thereafter.

Title 6 Chapter 4 Section 7 shall be amended and restated as follows:

**6-4-7: PENALTY:**

Any person who shall be convicted of violating any provision of this chapter shall be punishable as provided in section 1-4-1 of this code for each offense. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 4 Section 7 shall be amended and restated as follows:

**6-4A-13: PENALTY; LIABILITY FOR DAMAGES:**

A. Any person violating any provision of this article shall be deemed to be guilty of an offense and shall be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

B. If any dog, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of the dog is liable for damages to such person for the full amount of the injury sustained and shall, in addition thereto, be in violation of this article for failure to control the dog and shall be subject to penalties as provided under this article.

Title 6 Chapter 5 Section 1 shall be amended and restated as follows:

**6-5-1: ASSAULT; FIGHTS:**

Whoever shall assault, strike, or fight another, or attempt to do so, shall be punishable as provided in section 1-4-1 of this Code. Each violation of this Section shall result in a fine in the amount not less than three hundred dollars (\$300.00).

Title 6 Chapter 5 Section 2 shall be amended and restated as follows:

**6-5-2: DISTURBING THE PEACE:**

Whoever shall disturb the peace and quiet of the Village or any neighborhood, family or person by loud and unusual noises, shouting, blowing horns, yelling, singing, or whistling, or by tumultuous and offensive carriage, or other boisterous and unseemly conduct shall

be punishable as provided in section 1-4-1 of this Code. Each violation of this Section shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 5 Section 3 shall be amended and restated as follows:

**6-5-3: DISORDERLY CONDUCT:**

C. Penalty: Any person found to violate any of the provisions of this section shall be punishable as provided in section 1-4-1 of this code for each offense. Each offense under 6-5-3(A)(16) and 6-5-3(A)(20) shall be punishable by a fine in the amount not less than one hundred fifty dollars (\$150.00). All other violations provided for in this Section shall be punishable by a fine in the amount not less than three hundred dollars (\$300.00). In addition to any other penalty which may be imposed, weapons used or found in violation of this section shall be forfeited to and confiscated by the village.

Title 6 Chapter 5 Section 4 shall be amended and restated as follows:

**6-5-4: UNLAWFUL ASSEMBLIES:**

Any three (3) or more persons who shall assemble for the purpose of disturbing the peace or of committing any unlawful act, and who shall not disperse when commanded or requested by any police officer, shall each and severally be punishable as provided in section 1-4-1 of this code. Each individual found to be in violation of this section shall be fined in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 5 Section 5 shall be amended and restated as follows:

**6-5-5: TRESPASS:**

D. Penalty: Any person convicted of any violation of the provisions of this section shall be punishable as provided in section 1-4-1 of this code, ~~for each offense.~~ Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 5 Section 6 shall be amended and restated as follows:

**6-5-6: POSSESSION OF CANNABIS OR CANNABIS PARAPHERNALIA:**

D. Violation; Penalties:

1. Cannabis Possession:

b. The penalty provided in section 1-4-1 of this code may be imposed upon persons found guilty of violating subsection ~~D1a~~(D)(1)(a) of this section. Each violation of this subsection (D)(1)(a) shall result in a fine in the amount not less than five hundred dollars (\$500.00).

2. Cannabis or Drug Paraphernalia Possession:

a. A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or other drugs into the human body, or in preparing ~~cannabis~~ any substance for that use, is guilty of a class A misdemeanor for which the court may impose the penalty provided in section 1-4-1 of this code. . Each violation of this subsection (D)(2)(a) shall result in a fine in the amount not less than seven hundred fifty dollars (\$750.00).

b. In determining intent under subsection ~~D2a~~(D)(2)(a) of this section, the proximity of the ~~cannabis~~-drug paraphernalia or the presence of cannabis or other substances on the drug-paraphernalia may be considered.

Title 6 Chapter 5 Section 7 shall be amended and restated as follows:

**6-5-7: SALE OR DISTRIBUTION OF DRUG PARAPHERNALIA:**

B. Penalty: Any person, firm or corporation violating the terms and provisions of this section shall be punishable as provided in section 1-4-1 of this code, ~~for each violation.~~ Each violation of this Section shall result in a fine in the amount not less than two hundred fifty dollars (\$250.00).

Title 6 Chapter 5 Section 8 shall be amended and restated as follows:

**6-5-8: RETAIL THEFT:**

F. Value Of Goods: This section shall apply only to goods having a value or full retail value of three hundred dollars (\$300.00) or under.



G. Penalty: Any person convicted of any violation of the provisions of this section shall be punishable as provided in section 1-4-1 of this code, ~~for each offense.~~ Each violation of this Section shall result in a fine in the amount not less than five hundred dollars (\$500.00).

Title 6 Chapter 5 Section 9 shall be amended and restated as follows:

**6-5-9: PUBLIC INDECENCY:**

C. Penalty: A person convicted of the offense of public indecency shall be punishable as provided in section 1-4-1 of this code ~~for each offense~~ and may be enjoined from continuing the conduct determined to be public indecency. Each offense shall result in a fine in the amount not less than two hundred fifty dollars (\$250.00).

Title 6 Chapter 5 Section 10 shall be amended and restated as follows:

**6-5-10: OBSCENE PUBLICATIONS:**

Whoever shall bring within the limits of the village for the purpose of sale or exhibition and shall sell or offer to sell, or shall give away or offer to give away, or shall in any manner exhibit any obscene, indecent or scandalous book, pamphlet, newspaper, journal, print, publication, paper or writing of any kind, or any obscene, indecent or lewd picture, drawing, engraving, card, photograph, model, cast or instrument shall, on conviction, be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than two hundred fifty dollars (\$250.00).

Title 6 Chapter 5 Section 11 shall be amended and restated as follows:

**6-5-11: DISCHARGING FIREARMS:**

It shall be unlawful for any person to fire or discharge any cannon, gun or fowling piece, pistol or firearm of any description within the limits of the village without permission in writing of the president, which permission shall limit the time and place of such firing; provided, however, that this section shall not apply to persons engaged in trap shooting, nor to persons engaged in the sport of hunting during the hunting season, all such hunting to be confined to the open farming lands upon which the person so hunting shall have the

permission of the owner or occupant as required by law. Whoever shall violate any of the provisions of this section shall be punishable as provided in section 1-4-1 of this code, ~~for each offense.~~ Each offense shall result in a fine in the amount not less than two hundred fifty dollars (\$250.00).

Title 6 Chapter 5 Section 12 shall be amended and restated as follows:

**6-5-12: POSTING BILLS AND ADVERTISEMENTS:**

It shall be unlawful for any person, firm or corporation to post any bills, political posters, or advertisements on any public property, and it shall be unlawful to post any bill, political posters, or advertisement on any property without the written consent of the owner thereof. Any person or corporation violating any provision of this section shall be punishable as provided in section 1-4-1 of this code ~~for each offense.~~ Each offense shall result in a fine in the amount not less than fifty dollars (\$50.00).

Title 6 Chapter 5 Section 13 shall be amended and restated as follows:

**6-5-13: PUBLIC INTOXICATION:**

Whoever shall be drunk or shall be in a state of intoxication in any public place or in any private home or place so as to cause an offense in connection therewith, ~~in addition to the penalty for such offense,~~ may be punishable for public intoxication as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 6 Section 1 shall be amended and restated as follows:

**6-6-1: CURFEW:**

E. Penalties:

1. A person convicted of a violation of any provision of this section shall be punishable as provided in section 1-4-1 of this code; except, that neither a person who has been made a ward of the court under the juvenile court act of 1987<sup>2</sup>, nor

that person's legal guardian, shall be subject to the penalty. Each violation shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

2. In addition to or instead of the penalty imposed by subsection ~~E4~~ (E)(1) of this section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection B of this section to perform community service as determined by the court; except, that the legal guardian of a person who has been made a ward of the court under the juvenile court act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection B of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

Title 6 Chapter 6 Section 2 shall be amended and restated as follows:

**6-6-2: VANDALISM:**

D. Penalty: Any person convicted of any violation of the provisions of this section shall be punishable as provided in section 1-4-1 of this code ~~for each offense~~. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 6 Chapter 7 Section 5 shall be amended and restated as follows:

**6-7-5: PENALTIES:**

A. General Penalty; Other Sanctions: Upon a finding of guilty for violation of the provisions of this chapter, there shall be imposed a penalty as provided in section 1-4-1 of this Code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00). In addition to any other relief, the Village may seek an injunction, or mandatory injunction, or a court order directing the removal of any graffiti and for the court order to include an award of attorney fees.

Title 6 Chapter 8 shall be amended and restated as follows:

**6-8-1: FIREWORKS:**

A. Definitions: As used in this section, the following terms shall have the meanings ascribed to them in this subsection:

FIREWORKS: Means and includes any explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include snake or glow worm pellets; smoke devices; sparklers; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads" and "auto burglar alarms"; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty five hundredths grain or less of explosive compound is used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty five hundredths grain of explosive mixture.

SUPERVISED PUBLIC PYROTECHNICAL DISPLAY: A pyrotechnical display sponsored by a public taxing body and conducted by an experienced pyrotechnician.

B. Possession, Sale, Distribution Prohibited:

1. It shall be unlawful for any person to knowingly possess, ~~offer for sale, sell at retail,~~ keep, ~~expose for sale, loan or give away~~ or store any fireworks anywhere in the village.

3. Insurance Requirements: No pyrotechnical exhibition shall be held unless the proprietor thereof has in force a public liability insurance policy in the amount of one million dollars (\$1,000,000.00). A certificate showing such insurance shall be filed with the clerk at least five (5) days prior to such exhibitions.

4. Inspection Of Premises; Issuance Of Permit; Fee: The president shall, upon receipt of such applicant's statement, refer the same to the chief of police and the chief of the fire protection district, who shall have an inspection made of the premises at the location given in said application where it is proposed to give such public display of fireworks, and if, in the judgment of the chief of police and the chief of the fire protection district, it would not be hazardous to surrounding property or dangerous to any person or persons to permit such public display of fireworks at such location, they shall approve such application and return the same to the president and board, whereupon the president shall issue a permit, giving the applicant permission to conduct such public display of fireworks. The size and explosive power of the fireworks used, in proximity to residential or commercial buildings, the experience and safety history of the pyrotechnician and fireworks provider, the ability to keep the public outside the restricted area, and the ability of emergency equipment to access the site if an emergency arises will be just some of the issues considered in evaluating the application. Such permits shall designate the kinds and quantities of fireworks to be used at such public display, and no other kinds and no greater quantities of fireworks than therein specified shall be used at such public display.

5. Protected Areas: No fireworks shall be discharged, ignited or exploded at any point in the village within six hundred feet (600') of any hospital, asylum, infirmary, nursing home or nursing facility.

**6-8-2: NITROGLYCERINE AND TNT:**

It shall be unlawful to possess, keep, or store, offer for sale, sell at retail, expose for sale, loan, or give away any nitroglycerine or the explosive commonly known as "TNT" in the village in any quantities, excepting for medicinal or laboratory purposes, and for such purposes, no more than one-fourth (1/4) ounce shall be stored in any one building or premises.

**6-8-3: RULES OF STATE FIRE MARSHAL GOVERN:**

All explosives must be kept, stored, transported, or discharged in accordance with the rules of the state fire marshal, subject to the provisions of this chapter.

**6-8-4: PENALTIES:**

Whoever fails to comply with or violates any of the provisions of this chapter shall be punishable as provided in section 1-4-1 of this code. Unless otherwise provided herein, each violation of this Chapter shall result in a fine in the amount not less than seven hundred fifty dollars (\$750.00). Each violation of Section 6-8-1(B)(1) shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00). Moreover, the village shall have the right to seek equitable legal relief to enforce this chapter and to protect the public safety and welfare.

Title 7 Chapter 1 Section 2 shall be amended and restated as follows:

**7-1-2: EQUIPMENT TO COMPLY WITH STATE LAW:**

No person shall operate a vehicle in the village unless it is equipped with all the equipment required by 625 Illinois Compiled Statutes ~~5/12-100~~ 5/12-101 et seq., and all such equipment is in good working order. Any failure to comply with the requirements of this section shall be punishable as provided in section 1-4-1 of this code. Each violation shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

Title 7 Chapter 2 Section 11 shall be amended and restated as follows:

**7-2-11: PARKING VIOLATIONS:**

(10) days following the issuance, the owner or operator of the vehicle who has been charged with committing any of the offenses in this subsection shall be punishable as provided in section 1-4-1 of this code. At hearing, each convicted violation shall result in a fine in the amount not less than five hundred dollars (\$500.00).

~~2. The sum of five hundred dollars (\$500.00), if paid after ten (10) days from the issuance of said complaint.~~

Title 11 Chapter 5 Section 14 shall be amended and restated as follows:

**11-5-14: GARAGE AND RUMMAGE SALES:**

The following are regulations for garage and rummage sales:

A. No sale items shall be located and no activities shall be conducted on a public sidewalk, parkway area or other public property. Further, no sale items shall be left out for display later than seven o'clock (7:00) P.M. on any day.

B. No more than three (3) rummage or garage sales shall be conducted on the same premises in any calendar year. One rummage or garage sale shall be limited to a period of not more than three (3) consecutive days and shall be conducted only during the hours between nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. The sale shall be conducted without the use of outdoor speakers, other amplification equipment, or illuminated advertising devices.

C. The person conducting the garage sale must notify the chief of police or his designee of the sale prior to the commencement of the sale.

D. Each violation of this section shall result in a fine in the amount not less than fifty dollars (\$50.00).

**Section Three – Codification**

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

**Section Four – Home Rule Preemption**

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

**Section Five – Effective Date:**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Section Six - Publication**

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**Section Seven - Conflict Clause**

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

**Section Eight – Saving Clause**

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village’s Municipal Code, which are hereby declared to be separable.

**Section Nine - Recording**

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

***[Remainder of page intentionally left blank; roll call to follow]***



**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro			X	
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 23rd day of November 2020.

  
\_\_\_\_\_  
Franco A. Coladipietro  
Village President

ATTEST:

  
\_\_\_\_\_  
Jane E. Michelotti  
Village Clerk