

Chapter 1
GENERAL PROVISIONS

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1.01 HARVARD MUNICIPAL CODE

- A. Title: This code of ordinances may be known and cited as the Harvard Municipal Code.
- B. Amendments: Any additions or amendments to this Code are incorporated in this Code so that a reference to the Harvard Municipal Code includes such additions and amendments.

1.02 DEFINITIONS

Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms. Terms used in this Code, unless specifically defined elsewhere, are defined in Appendix A at the end of this Code.

1.03 REPEAL OF ORDINANCES

- A. All general ordinances or parts thereof heretofore adopted by the Mayor and City Council and not included in this Code are repealed, except the following which are hereby continued in full force and effect:
1. Ordinances authorizing contracts or the issue of municipal notes or bonds;
 2. Ordinances levying taxes or making special assessments or creating special service areas;

3. Ordinances appropriating funds or establishing salaries;
4. Ordinances granting franchises or rights to corporations;
5. Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening or vacating of any streets, alleys, sidewalks, parks or public grounds;
6. Ordinances respecting the annexation of territory to the City, or conveyance or acceptance of real property or easements in real property;
7. Ordinances authorizing or relating to particular public improvement;
8. Ordinances setting fees not found in this Code; and
9. Any other special ordinances not in conflict with the provisions of this Code and incorporated by reference into this Code.

B. The provisions of this Code, so far as they are the same in substance as those which previously existed, 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 has not been effected.

1.04 JURISDICTION

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the City. 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 City 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 the fine of not less than \$25.00 nor more than \$500.00 for each day that the violation exists, plus the costs of prosecution, including attorney fees incurred by the City, and the cost, if any, of abating the violation.

B. Each Day of Violation: Each act of violation and each day upon which a violation occurs constitutes a separate offense.

C. Applicability: The penalty provided by this Section applies to the amendment of any section of this Code or by code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance. Provided, however, where the particular Code section sets forth a specific penalty, this more specific penalty shall apply.

D. 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.

E. 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 City 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. (Ord. 96-129,§1)

1.06 CITY JAIL

A. The City Jail previously constructed in the City and located in the City Hall, is hereby established as the City Jail for the confinement of persons arrested and in police custody until such time as they may be lawfully released or transferred to the McHenry County Jail.

B. The Chief of Police shall be the keeper of the City Jail and shall have charge of all persons confined therein.

1.07 RESPONSIBILITY FOR ACTS

Every person involved in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

1.08 SEPARABILITY OF PROVISIONS

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

1.09 EFFECTIVE DATE

This Code of ordinances shall take effect immediately after passage and publication in book form under the authority of the Mayor and City Council, as provided by law.

1.10 CODE COPIES ON FILE

Copies of this Code shall be kept available at the City Clerk's Office for public inspection at all reasonable hours.

1.11 CITY SEAL

The following described seal shall be the official seal for the City:

A circular disc, so designated as to impress the words: "City of Harvard, McHenry County, Illinois" on the periphery thereof and "City Seal" in the center inner circle.

1.12 FISCAL YEAR

The fiscal year of the City shall begin on the first day of May of each year and end on the last day of April of the following year.

1.13 WARDS

The City is divided into four wards, Wards 1, 2, 3 and 4, and are bounded as follows and as depicted on Exhibit A of this Chapter 1:

WARD ONE

The boundaries of the Ward One shall begin at the intersection of the north city limits and the north line of the Southwest Quarter of Section 23, Township 46 North, Range 5 East; thence south along the west line of Section 23 and 26 to the southwest corner of the Northwest Quarter of Section 26, Township 46 North, Range 5 East; thence east along the south line of the Northwest Quarter of Section 26 to the Southeast corner of Northwest Quarter of Section 26; thence south to the southwest corner of the North Half of the Southeast Quarter of Section 26, Township 46 North, Range 5 East; thence east a distance of 660 feet, more or less; thence south to Northfield Avenue; thence continuing east along Northfield Avenue to the intersection of Northfield Avenue and North Division St.; thence south along North Division Street to the intersection of North Division Street and West McKinley Avenue; thence continuing west along West McKinley Avenue to the intersection of vacated 7th Street; thence continuing south along vacated 7th Street to West Burbank Street; thence continuing west along West Burbank Street to the intersection of West Burbank Street and the Union Pacific Railroad and continuing southeasterly along said Union Pacific Railroad to the intersection of Union Pacific Railroad and West Brown Street; thence continuing easterly along West Brown Street to the intersection of West Brown Street and North Division Street; thence continuing south along North Division Street to the intersection of Division Street and Diggins Street; thence continuing east along East Diggins Street to the east city limits; thence continuing north along the east city limits to the north city limits; thence continuing along the north city limits west to the place of beginning. (Ord. 2000-131,§1,2000; Ord. 2000-129,§1,2000)

WARD TWO

The boundaries of the Ward Two shall begin at the intersection of the north city limits and the north line of the Southwest Quarter of Section 23, Township 46 North, Range 5 East; thence south along the west line of Section 23 and 26 to the southwest corner of the Northwest Quarter of Section 26, Township 46 North, Range 5 East; thence east along the south line of the Northwest Quarter of Section 26 to the Southeast corner of Northwest Quarter of Section 26; thence south to the

southwest corner of the North Half of the Southeast Quarter of Section 26, Township 46 North, Range 5 east; thence east a distance of 660 feet, more or less; thence south to Northfield Avenue; thence continuing east along Northfield Avenue to the intersection of Northfield Avenue and North Division St.; thence south along North Division Street to the intersection of North Division Street and West McKinley Avenue; thence continuing west along West McKinley Avenue to the intersection of vacated 7th Street; thence continuing south along vacated 7th Street to West Burbank Street; thence continuing west along West Burbank Street to the intersection of West Burbank Street and the Union Pacific Railroad and continuing southeasterly along said Union Pacific Railroad to the intersection of the Union Pacific Railroad and West Diggins Street and shall continue west along West Diggins Street to the west city limits; thence continuing north along the west city limits to the north city limits; thence continuing east along the north city limits to the place of beginning. (Ord. 2000-131,§1; Ord. 2000-129,§1)

WARD THREE

The boundaries of the Ward Three shall begin at the intersection of South Division Street and the south city limits; thence north along South Division Street to the intersection of South Division Street and East Washington Street and shall continue northwesterly along East Washington Street to the intersection of Campbell Street; thence northeasterly to the intersection of West Diggins Street, West Front Street and the Union Pacific Railroad and shall continue northwesterly along the Union Pacific Railroad to the intersection of the Union Pacific Railroad and West Brown Street; thence continuing east along West Brown Street to the intersection of West Brown Street and North Division Street; thence south along North Division Street to the intersection of North Division Street and Diggins Street; thence continuing east along East Diggins Street to the east city limits; thence continuing south along the east city limits to the south city limits; thence continuing west along the south city limits to the place of beginning. (Ord. 2011-127§1; Ord. 2000-131,§1; Ord. 2000-129,§1)

WARD FOUR

The boundaries of the Ward Four shall begin at the intersection of South Division Street and the south city limits; thence north along South Division Street to the intersection of South Division Street and East Washington Street and shall continue northwesterly along East Washington Street to the intersection of Campbell Street; thence northeasterly to the intersection of West Diggins Street, West Front Street and the Union Pacific Railroad; thence west along West Diggins Street to the west city limits; thence continuing south along the west city limits to the south city limits; thence continuing east along the south city limits to the place of beginning. (Ord. 2011-127§1; Ord. 2000-117, §1; Ord. 2000-131,§1; Ord. 2000-129,§1)

1.14 SETTLEMENT OF OFFENSES

A. Payments: Any of the following described offenses arising under the ordinances of the City of Harvard may be settled and compromised by the offender in the following manner: when settlement payment is made within seven days of the time a notice is delivered to the offender, settlement payment shall be those figures listed in Column A; when settlement payment is made within the eighth and 14th day of the time a notice is delivered to the offender, settlement payment shall be those figures listed in Column B.

SECTION	OFFENSE	COLUMN A	COLUMN B
21.15 A	Alcohol, allowing public consumption without a City license	1,000.00	2,000.00
27.17	Alcoholic liquor, transportation	250.00	500.00
25.08	Alcohol, closing hours	250.00	500.00
25.18	Alcohol, purchase, acceptance, etc.	500.00	1,000.00
25.16	Alcohol, public consumption	100.00	200.00
15.04	All Day Parking Permits	25.00	50.00
12.01	Animals at large	100.00	200.00
12.02	Animals, cruelty	500.00	1,000.00
12.03	Animal, dangerous/vicious, at large	500.00	1,000.00
12.05	Animals, housing	100.00	200.00
5.01	Architectural Review Commission, violation of	250.00	500.00
6.01	Barricades	100.00	200.00
15.01	Bicycles	20.00	40.00
19.11	Building permit, fee is:	Doubled	Tripled
19.04	Building permit schedule	250.00	500.00
19.04 (G)		Doubled	Tripled
27.02	Burning	250.00	500.00
27.03	Combustible refuse	50.00	100.00
6.02	Damage to Public Property	250.00	500.00
27.20	Defecation or urination in public	100.00	200.00
11.13-C	Depositing Garbage	500.00	1,000.00
2.05-E	Disturbing meetings	500.00	1,000.00
12.04	Dogs and cats (except 12.04-E)	50.00	100.00
12.04 E	Dogs and cats, vicious dogs	750.00	1,500.00
12.07	Dogs, licensing, when no license the fee is	Doubled	Tripled
19.15	Driveway, Private Parking Lot	50.00	100.00
19.15 A	Driveway, Private Parking Lot, no permit, permit fee is:	Doubled	Tripled
27.22	Drug Paraphernalia; Definitions	100.00	200.00
19.03-9	Exterior Maintenance	50.00	100.00
27.05	False alarm	50.00	100.00
26.09 C	Fighting	100.00	200.00
15.01	Firefighting equipment, obstructing	150.00	300.00
27.06	Fireworks	250.00	500.00
6.13-I	Fishing, no license	75.00	150.00
27.07	Gambling	250.00	500.00
21.11	Garage Sale	50.00	100.00
11.13	Garbage and Refuse	250.00	500.00
5.01	Harvard Historic Preservation, violation of	250.00	500.00
15.01	Horn, (motor vehicle, unlawful use)	25.00	50.00

19.03-9	House numbering (Exterior Structures, c)	50.00	100.00
27.09	Indecent conduct	250.00	500.00
11.13 H	Landscape Waste	250.00	500.00
21.03	License, amusement devices, the fee is	Doubled	Tripled
19.05	License, building	50.00	100.00
19.05	License, contractors, the fee is	Doubled	Tripled
22.02	License, peddler/solicitor, the fee is	Doubled	Tripled
21.07	License, raffle, the fee is	Doubled	Tripled
21.08	License, outdoor markets, the fee is	Doubled	Tripled
21.03	License, vending, the fee is	Doubled	Tripled
21.18	Licensing second-hand articles drop-off containers	250.00	500.00
11.03-K	Littering	25.00	50.00
15.14	Metra Parking Lots	25.00	50.00
11.08	Motor vehicle, abandoned	50.00	100.00
15.01	Muffler required (15.01 12-602)	75.00	150.00
27.04	Noise (Except 27.04-D2g)	100.00	200.00
27.04 D2g	Noise, Construction Traffic	200.00	400.00
27.15-G1	No smoking, person, corporation, etc.	100.00	200.00
27.15-G1	No smoking, individual	100.00	200.00
27.15-G2	No smoking, owner, operator, etc. first offense	250.00	500.00
27.15-G2	No smoking, owner, operator, etc. second offense within one calendar year of first violation	500.00	1,000.00
27.15-G2	No smoking, owner, operator, etc. third offense within one calendar year of first violation	2,500.00	2,500.00
11.03	Nuisance affecting health	50.00	100.00
11.05	Nuisance/peace, safety	50.00	100.00
11.04	Nuisance/plant, lawn, weed control	50.00	100.00
6.04	Obstructions, first offense	50.00	100.00
6.04	Obstructions, first and subsequent offense	100.00	200.00
15.03	Parking, 48 Hour Limit	25.00	50.00
15.02	Parking, General Provisions	25.00	50.00
15.07	Parking, Prohibitions	25.00	50.00
15.06	Parking, Resident	25.00	50.00
15.09	Parking, Snow Removal	25.00	50.00
15.10	Parking, Street Cleaning	25.00	50.00
15.02 B	Parking, tree banks, front lawns	25.00	50.00
15.05	Parking, Two Hour Limit	25.00	50.00
15.01	Parking, unauthorized use of parking places reserved for persons with disabilities (15.01 11-1301.2)	350.00	350.00
6.13	Parks (except 6.13-F,G and I)	50.00	100.00
6.13 F,G	Parks, Dogs	100.00	200.00
15.01	Pedestrians	10.00	20.00
19.01 D	Property Maintenance	100.00	200.00
6.05	Posting bills, utility poles	15.00	30.00
27.14	Posting bills	50.00	100.00

19.03-8	Required Outdoor Lighting	100.00	200.00
19.10	Residential Occupancy	500.00	1,000.00
14.02	Sign, R-1, R-2, R-3	50.00	100.00
14.03	Sign, B-1	50.00	100.00
14.04	Sign, B-2	50.00	100.00
14.05	Sign, B-3	50.00	100.00
14.06	Sign, B-4	50.00	100.00
14.07	Sign, M-1, M-2, B-P	50.00	100.00
14.08	Sign, non-conforming	50.00	100.00
14.09	Sign, off premises	50.00	100.00
14.10	Sign, temporary, portable	50.00	100.00
15.15	Skateboards	20.00	40.00
6.08	Snow	50.00	100.00
15.19	Snowmobiles	75.00	150.00
27.16	Tobacco Regulations	50.00	100.00
21.13	Tobacco Sales License, the fee is	Doubled	Tripled
27.16 D	Tobacco, selling to minors	100.00	200.00
15.16	Toy vehicles	20.00	40.00
27.18	Trespass	100.00	200.00
27.23	Unlawful Possession of Cannabis, up to 2.5 grams per 720 ILCS 550/4(a)	250.00	500.00
15.01	Vehicle Code violations other than those referenced in this Section	25.00	50.00
15.17	Vehicle Registration	200.00	400.00
13B.02	Water, emergency	100.00	200.00
26.12	Weapons (Offenses Against Organized Activities)	100.00	200.00
27.13	Weapons (Offenses Against Public Peace, Safety and Morals)	100.00	200.00
15.13	Weights on Streets	300.00	600.00
17	Zoning, except Sect. 17.130	500.00	1,000.00

B. Settlements: Settlement payments shall be made to the City Police Department, who shall provide the alleged offender with a receipt in the amount of such payment. As a condition precedent to the right of an offender to settle under this section, the offender may be required to first correct the violating offense (i.e. nuisance removed, appropriate license or permit purchased, etc.)

C. Disposition of Payments: The amounts paid to the City Police Department in settlement of the foregoing claims shall be promptly deposited by the City Police Department with the City Clerk. Upon receipt by the City Treasurer the amounts shall be credited to the General Fund.

D. Prosecution: The City shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment as provided in Section 1.14-A. If settlement payment is not received and the offense is not corrected pursuant to Section 1.14-A, the City may have a sworn complaint issued and prosecute the matter in the Circuit Court.

E. If the Mayor, Chief of Police or City Administrator determine it is in the best interests of the City, they may warn the offender about the violation and settle the offense or offer the offender a settlement payment in a lesser amount than that outlined in Section 1.14-A. (Ord 2008-123,§3)

1.15 VARIATIONS (Ord. 2001-134,§4, 2001)

The City Council may authorize variations from the provisions of this code (except for Chapter 17) where there are practical difficulties or particular hardships in the way of carrying out the provisions of this ordinance.

A. Standards: The City Council shall not recommend a variation unless it has made findings of fact in each specific case that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the existing regulations;
2. The plight of the owner is due to unique circumstances;
3. The variation, if granted, will not alter the essential character of the locality; and
4. For the purpose of implementing the provisions of this section, the City Council shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:
 - a. The particular surroundings, shape or topographical condition of the specific property would result in a particular

hardship upon the owner, as distinguished from a mere inconvenience.

- b. The conditions upon which the petition for a variation is based would not be applicable, generally to other property within the City.
- c. The alleged difficulty or hardship has not been created by the owner of the property or by a previous owner.
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located and will, in general, conform to the intent and purpose of this ordinance.

5. Conditions: The City Council may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon the property in the neighborhood, and better to carry out the general intent of this ordinance.

B. Fees Established: There are hereby established fees for the review of variation proceedings by the City in the amount of \$100.00. (Ord. 2006-129,§1)