

PROPOSED SUBSTITUTION TO 23-0362

PROPOSED ORDINANCE AMENDMENT

RESTITUTION

BE IT ORDAINED, by the Forest Preserve District of Cook County Board of Commissioners, that TITLE 1 - ADMINISTRATIVE, CHAPTER 4 - GENERAL PENALTY, Section 1-4-1 - GENERAL PENALTY AND LATE FEE of the Forest Preserve District of Cook County Code of Ordinances is hereby amended as Follows:

1-4-1: GENERAL PENALTY AND LATE FEE.

- A. Whenever in any provision of this Code the doing of any act or the omission to do any act or duty is declared to be a breach thereof, and there shall be no specific fine or penalty declared for such breach or where the penalty provision specifically references this ~~§~~Section 1-4-1, any person who shall be convicted of any such breach shall be fined not less than seventy-five dollars (\$75.00) or more than five hundred dollars (\$500.00) for each such breach (notwithstanding any applicable restitution costs as described in Section 1-4-1(D) below).
- B. In determining the amount of the fine, the following factors may be taken into consideration:
1. The gravity of the offense;
 2. The respondent's past history with respect to compliance with the provisions of this chapter;
 3. The respondent's financial situation, if known;
 4. The extent of respondent's cooperation;
 5. The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine; and
 6. Any other factors relevant to the circumstances relating to the violation.
- C. A late fee shall be assessed against a respondent who fails to fully pay any fine and costs assessed pursuant to this Code, within thirty-five (35) days after service of the order assessing the fine. Where the respondent appeals an order to the Circuit Court, the thirty-five-day period shall be tolled during pendency of the appeal. The Director of Department of Revenue or the Director's designate may in his or her discretion waive the late fee where the respondent has entered into a payment plan and is in compliance with that plan. The amount of the late fee shall be based on the total amount of the fines and costs assessed against the respondent, using the following formula:
1. Seventy-five dollars (\$75.00) or less: The late fee shall be equal to the total amount of the fine, where the fine is seventy-five dollars (\$75.00) or less.
 2. More than seventy-five dollars (\$75.00): The late fee shall be seventy-five dollars (\$75.00), plus twenty (20) percent of the total amount of the fine in excess of seventy-five dollars (\$75.00), where the amount of the fine is more than seventy-five dollars (\$75.00).

D. In addition to the above, any person deemed to be in breach of the provisions of this Code shall be liable for the cost or expense incurred by the District, ~~as determined by the General Superintendent or his designee~~, to repair, replace or restore the item or property damaged as a result of such person's breach.

Effective date: This ordinance amendment shall be in effect August 1, 2023.