

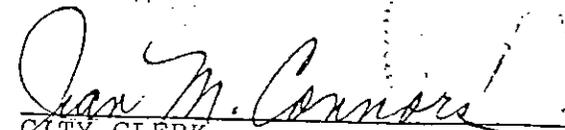
CITY OF ST. CHARLES

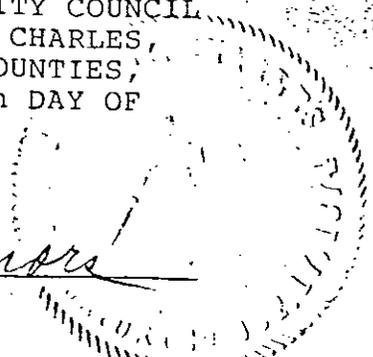
ORDINANCE NO. 1983-M-56

AN ORDINANCE ESTABLISHING FIRE LANES AT
THE VALLEY SHOPPING CENTER

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 7th DAY OF NOVEMBER, 1983

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 10th DAY OF
NOVEMBER, 1983


CITY CLERK



ORDINANCE NO. 1983-M- 56

AN ORDINANCE ESTABLISHING FIRE LANES AT
THE VALLEY SHOPPING CENTER

REFER TO:
MINUTES 11-7-83
PAGE

DATE OF PUBLICATION 11/10/83
NEWSPAPER *Democrat form*

WHEREAS, the CITY OF ST. CHARLES and AURORA NATIONAL BANK, as Trustee under a Trust Agreement dated September 12, 1975 and known as Trust No. 1474, have entered into an Agreement dated _____, whereby the City of St. Charles is authorized to designate fire lanes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, as follows:

1. That Title 10, "Vehicles and Traffic" of the St. Charles Municipal Code, be and is hereby amended by adding Chapter 10.44, "Valley Shopping Center Area" as follows:

"10.44.010 Fire Zone Areas.

The Valley Shopping Center as shown in Exhibit A attached hereto and made a part hereof, and being legally described as follows, shall have fire lanes as shown in said Exhibit A and as described in Section 10.44.020 hereof:

That part of the Southwest quarter of Section 28 and part of the Northwest quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of Evergreen Addition to St. Charles; thence North $1^{\circ} 04'$ West along the West line of Fourteenth Street 60 feet for the point of beginning; thence South $89^{\circ} 35'$ West, 856.85 feet to a point 60 feet East of the East line of Fairview Plaza Unit No. 1; thence North $1^{\circ} 25'$ East parallel with said East line 424.02 feet to the South line of Walnut Street extended from the East; thence South $89^{\circ} 17'$ East along said extended South line 20 feet; thence North $1^{\circ} 25'$ East parallel with the East line of Fairview Plaza Unit No. 1 aforesaid, 465.67 feet to a point 54 feet South of the center line of State Route No. 64; thence South $89^{\circ} 17'$ East parallel with said center line 778.44 feet; thence South $1^{\circ} 04'$ East parallel with the West line of Fourteenth Street 459.83 feet to the South line of Walnut Street extended from the East; thence South $89^{\circ} 17'$ East along said extended South line 20 feet to the West line of Fourteenth Street; thence South $1^{\circ} 04'$ East along said West line to the point of beginning, (excepting therefrom the following: That part of the Northwest quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of Evergreen Addition to St. Charles; thence North $1^{\circ} 04'$ West along the West line of Fourteenth Street 60 feet for the point of beginning; thence South $89^{\circ} 35'$ West 856.85 feet to a point 60 feet East of, measured along the last described line extended, the East line of Fairview Plaza Unit No. 1; thence North $1^{\circ} 25'$ East parallel with the East line of said Fairview Plaza Unit No. 1; 160 feet; thence North $89^{\circ} 35'$ East 849.16 feet to the West line of said Fourteenth Street; thence South $1^{\circ} 04'$ East along said West line 160 feet to the point of beginning), in the City of St. Charles, Kane County, Illinois;

Also, except following described parcel:

That part of the East half of the Northwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning

at the point of intersection of the South line of Main Street (Illinois Route #64) and the West line of 14th Street, as presently laid out; thence Southerly along said West line of 14th Street, 425.0 feet to a point; thence Westerly at right angles to said West line of 14th Street, 188.0 feet; thence Northerly along a line parallel with said West line of 14th Street, 430.54 feet to said Southerly line of Main Street; thence Easterly 188.08 feet to the point of beginning, all in the City of St. Charles, Kane County, Illinois.

10.44.020 Fire Lanes - Prohibition.

It is unlawful for any person to cause, allow, or permit any vehicle to be parked in a designated fire lane except as authorized by a police officer or fireman of the City.

10.44.030 Discharging claim.

Any person accused of a violation of any portion of Section 10.44.020 may settle and compromise the claim against him or her for such illegal parking by paying to the city the sum of five dollars. However, if the claim is not settled within seventy-two hours after the ticketing (exclusive of Saturday, Sunday and holidays), such person shall have an additional seventy-two hours to settle such claim, but at the sum of ten dollars. If the claim is not settled within one hundred forty-four hours, the police department shall initiate the appropriate legal action against the alleged violator. Such payment may be made at the Municipal Center of the city, located at 2 East Main Street, St. Charles, Illinois 60174. Payments received shall be promptly turned over and credited to the appropriate fund. This subsection shall not apply to any person charged with parking a vehicle so as to entirely obstruct traffic in the parking lot.

10.44.040 Illegally parked vehicles - Removal by police - Storage - Post storage hearings for impounded vehicles - Conduct of hearing - Decisions of hearing officer and their effect.

A. Any vehicle unlawfully parked may be towed by or at the direction of a police officer of the City.

B. Cars so towed away shall be stored on any city property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the city in removing and storing such vehicles.

C. Post-storage Hearings for Impounded Vehicles. As to any vehicle impounded pursuant to this chapter by or at the request of the city, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the city within ten days after such person has learned such vehicle has been impounded or within ten days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or their agent and to the garage where the vehicle is stored within forty-eight hours, excluding weekends and holidays, after impounding and storage of the vehicle.

D. Conduct of Hearing. A hearing shall be conducted before a hearing officer designated by the mayor within forty-eight hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing Saturdays, Sundays and city holidays are to be excluded from the calculation of the forty-eight-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question. "Probable cause to

impound" means such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not, the person requesting the hearing). The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner, or their agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

E. Decisions of the Hearing Officers and their Effect. The hearing officer shall only determine that, as to the vehicle in issue, either:

1. There was probable cause to impound the vehicle; or
2. There was no such probable cause. In the event that the hearing

officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the city in accordance with arrangements made between the city and the official police garages. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within twenty-four hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

10.44.050 Signs.

The Director of Public Works is authorized and directed to post or to erect and to maintain suitable signs bearing the inscription: "Fire Lane - No Parking". The Director of Public Works is also authorized and directed to designate the fire zone by painting the pavement.

10.44.060 Violation - Penalty.

Any person who violates this chapter shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) for each

offense. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

10.44.070 Automatic repeal.

This chapter shall automatically terminate and be repealed upon the termination of that certain agreement by and between the City of St. Charles and

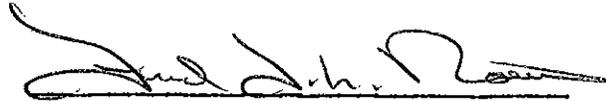
dated ."

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 7th day of November, 1983.

PASSED by the City Council of the City of St. Charles, Illinois, this 7th day of November, 1983.

APPROVED by the Mayor of the City of St. Charles,
Illinois, this 7th day of November, 1983.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 10

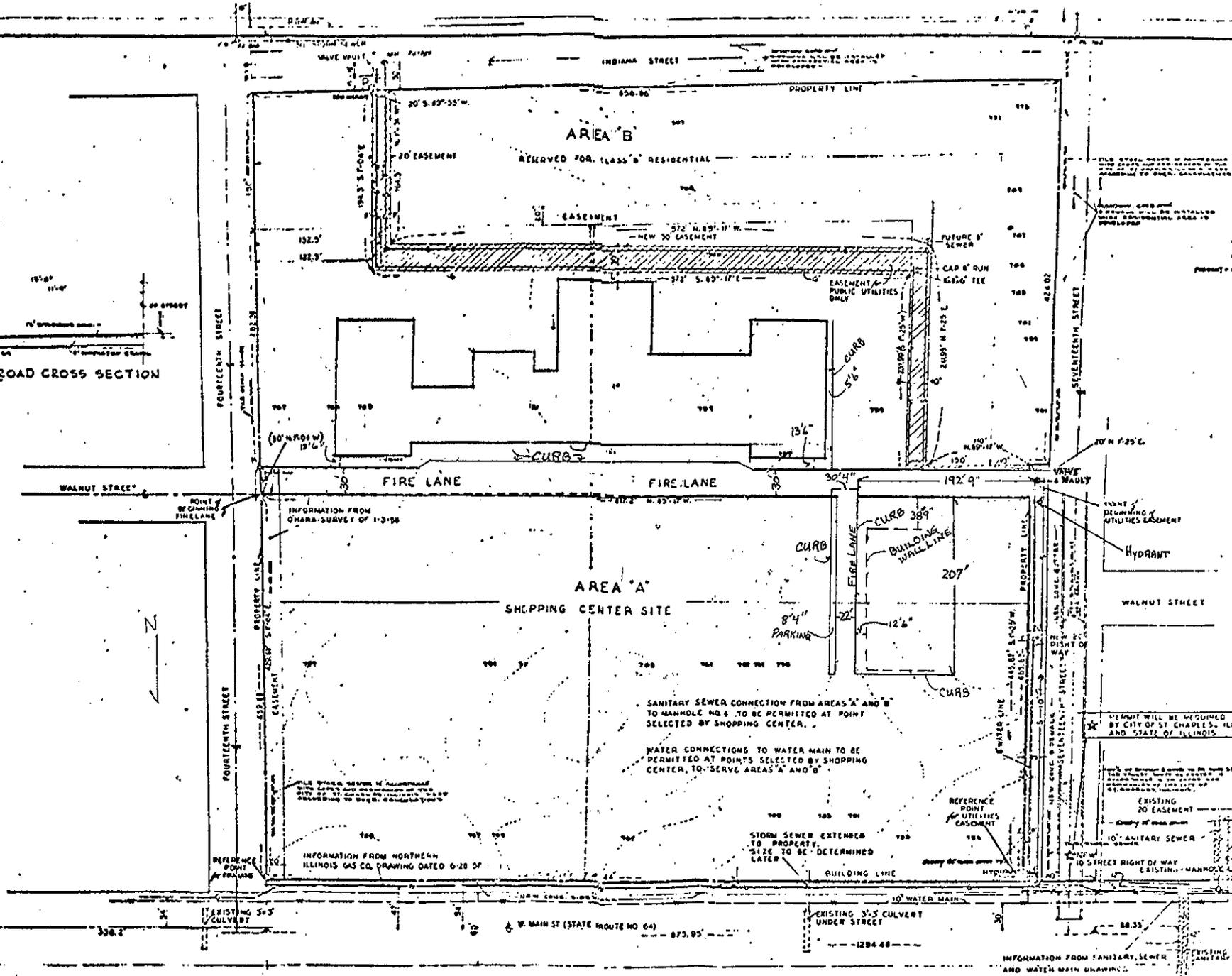
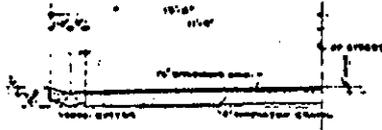
Nays: 0

Absent: 0

FILED FOR RECORD IN 15 INCHES AT 10 O'CLOCK P.M. AND DULY RECORDED IN BOOK OF 1934 PAGE 490

OF Charles E. Morris & Associates RECORDERS

TYPICAL ROAD CROSS SECTION



THIS DRAWING IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE CITY ENGINEER AND THE STATE ENGINEER.

PERMIT WILL BE REQUIRED BY CITY OF ST. CHARLES, ILL. AND STATE OF ILLINOIS

PERMIT WILL BE REQUIRED BY CITY OF ST. CHARLES, ILL. AND STATE OF ILLINOIS

EXISTING 20' EASEMENT
10' SANITARY SEWER
10' STREET RIGHT OF WAY
EXISTING MANHOLE

EXHIBIT A

SIDNEY H. MORRIS & ASSOCIATES
ARCHITECTS & ENGINEERS - 1218 S. LA SALLE ST. - CHICAGO 5, ILLINOIS

