

City of St. Charles, Illinois

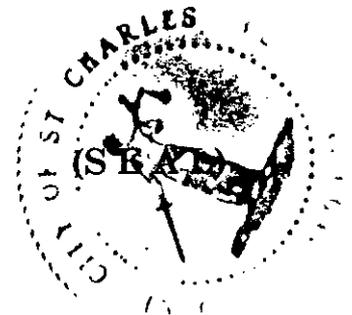
Ordinance No. 2005-M-63

**An Ordinance Amending Chapter 10 (Vehicles and
Traffic) of the St. Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois,**


City Clerk



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ORDINANCE NO. 2005-M-63

CITY OF ST. CHARLES, ILLINOIS

AN ORDINANCE AMENDING CHAPTER 10 (VEHICLES AND TRAFFIC) OF THE ST. CHARLES MUNICIPAL CODE

WHEREAS, the CITY OF ST. CHARLES (hereinafter the "CITY") has adopted numerous ordinances collectively known as the "Municipal Code" of the City of St. Charles; and

WHEREAS, the CITY is authorized by Section 11-40-1 of the Illinois Municipal Code (65 ILCS 5/11-40-1 et seq.) to regulate the speed, safety, and disposition of vehicles; and

WHEREAS, the CITY finds that it is in the best interests of THE CITY to adopt certain regulations regarding the speed, safety, and disposition of vehicles;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the CITY OF ST. CHARLES, as follows:

SECTION ONE: The "Municipal Code" of the City of St. Charles is hereby amended by deleting the following provisions in their entirety:

- 10.40.035
- 10.40.055
- 10.40.056
- 10.40.075
- 10.42.010 through 10.42.130

SECTION TWO: That Title X, Chapter 4, Section 020 is hereby amended as follows:

10.04.020 Rules of the road.

The following provisions of 625 ILCS 5/11, as amended, be and are hereby adopted by reference:

Article 1 "Special Definitions"

Article 2 "Obedience to and Effect of Traffic Laws," Paragraphs 11-201 through 11-203 and Paragraphs 11-205 through 11-211.

Article 3 "Traffic Signs, Signals and Markings," Paragraphs 11-302 through 11-313.

Article 4 "Accidents," Paragraph 11-415.

Article 5 "Driving While Intoxicated, Transporting Alcoholic Liquor, and Reckless Driving," Paragraphs 11-500 et seq.

Article 6 "Speed Restrictions," Paragraphs 11-601 through 11-611.

Article 7 "Driving on Right Side of Roadway - Overtaking and Passing, etc.," Paragraphs 11-701 through 11-711.

Article 8 "Turning and Starting and Signals on Stopping and Turning," Paragraphs 11-801 through 11-806.

Article 9 "Right-of-Way," Paragraphs 11-901 through 11-908.

Article 10 "Pedestrians' Rights and Duties," Paragraphs 11-1001 through 11-1011.

Article 11 "Street Cars and Safety Zones," Paragraphs 11-1101 through 11-1104.

Article 12 "Special Stops Required," Paragraphs 11-1201 through 11-1205.

Article 14 "Miscellaneous Laws," Paragraphs 11-1401 through 11-1425.

Article 15 "Bicycles," Paragraphs 11-1501 through 11-1514.

SECTION THREE: That Title X, Chapter 4, is hereby amended by the addition of Section 021 as follows:

10-04-021. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

The following provisions of 625 ILCS 5/6, as amended, be and are hereby adopted by reference:

Article III "Violation of License Provisions," Paragraph 6-303.

SECTION FOUR: That Title X, Chapter 4, is hereby amended by the addition of Section 022 as follows:

10-04-022. Vehicle Seizure and Impoundment-Use of Motor Vehicles for Unlawful purposes.

A. Definitions:

"Business day." Any day in which the office of the City Clerk of the City of St. Charles is open to the public for a minimum of seven (7) hours.

“Motor vehicle.” Every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles and motor scooters.

“Owner of record.” The record title holder(s) of the vehicle as registered with the Secretary of State, State of Illinois or if not registered in Illinois, the particular state where the vehicle is registered.

B. Conduct Prohibited. A motor vehicle that is used in connection with any of the following violations may be subject to seizure and impoundment by the City, and the owner of record of said vehicle shall be liable to the City for an administrative penalty of \$500.00 plus any applicable towing fees:

1. Driving under the influence of alcohol, other drug or drugs, intoxicating compound(s) or any combination thereof, as provided in Section 10.04.020 of the St. Charles Municipal Code, or section 5/11-501(a) of the Illinois Vehicle Code (625 ILCS 5/11-501(a));
or
2. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, as provided in Section 10.04.021 of the St. Charles Municipal Code, or section 5/6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303).

C. Seizure and Impoundment.

1. Whenever a police officer has reason to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility approved by the Chief of Police. This Section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered.
2. The police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request an administrative hearing to be conducted under this Section.

D. Administrative Hearing. All administrative hearings pursuant to this Section shall be conducted in accordance with Section 09.65.010, et seq. of the St. Charles Municipal Code.

1. Within five (5) business days after a vehicle is seized and impounded pursuant to this Section, the City shall notify, by certified mail, the owner of record of the owner's right to request a hearing to challenge whether a violation of this Section has occurred.

2. The owner of record seeking a hearing must file a written request for a hearing with the Administrative Hearing Officer or his designee no later than ten (10) business days after notice was mailed. The hearing date must be no more than ten (10) business days after a request for a hearing has been filed.

3. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in violation of this Section, then the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the City for the administrative penalty of \$500.00.

4. If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, the hearing officer shall enter an order finding for the owner and for the return of the vehicle.

5. If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and the hearing officer shall enter a default order in favor of the City in the amount of the administrative penalty. However, if the owner of record pays such penalty and the vehicle is returned to the owner, no default order need be entered if the owner is informed of his or her right to a hearing and signs a written waiver, in which case an order of liability shall be deemed to have been made when the City receives the written waiver.

E. Disposition of impounded vehicle. A penalty imposed pursuant to this Section shall constitute a debt due and owing the City. A vehicle impounded pursuant to this Section shall remain impounded until:

1. the penalty of \$500.00 is paid to the City and all applicable towing fees are paid to the towing agent, in which case the owner of record shall be given possession of the vehicle, or

2. a bond in the amount of \$500.00 is posted with the Police Department and all applicable towing fees are paid to the towing agent, at which time the vehicle will be released to the owner of record, or 3. the vehicle is deemed abandoned, in which case the

vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

F. Posting of bond. If a bond in the amount of \$500.00 is posted with the Police Department, the impounded vehicle shall be released to the owner of record; the owner of the vehicle shall still be liable to the towing agent for any applicable towing fees. If a \$500.00 penalty is imposed for violation of this Section, the \$500.00 bond will be forfeited to the City; however if a violation of this Section is not proven by a preponderance of the evidence, the \$500.00 bond will be returned to the person posting the bond. All bond money posted pursuant to this Section shall be held by the City until the hearing officer issues a decision, or, if there is a judicial review, until the court issues its decision.

G. Vehicle Possession. Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek judicial review of the City's action under this Section, or the time at which a final judgment is rendered in favor of the City, or the time a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an unclaimed vehicle as provided by law, provided, however, that where proceedings have been instituted under state or federal drug asset forfeiture laws, the subject vehicle may not be disposed of by the City except as consistent with those proceedings.

SECTION FIVE: That Title X, Chapter 60, Section 010 is hereby deleted in its entirety, and the following language is inserted in lieu thereof:

10.60.010 Violation - Penalties .

A. Schedule of penalties . Any person who violates this Title shall be fined in accordance with the following schedule:

Ordinance	Description	Fine if paid within 14 Days	Fine and Penalty if paid after 14 Days
10.15.400-10.15.420	Size and load	\$50.00	\$75.00
10.04.020	Rules of the Road (General)	\$50.00	\$75.00
10.04.021	Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked	\$250	\$750

10.04.035	Failure to obtain safety certificate	\$50.00	\$75.00
10.40.010	Overtime Parking	As provided in Section 10.40.015	
10.40.040(K)	Prohibited Parking in front of Fire Stations	\$100.00	\$110.00
10.40.042	Parking in Bus Loading Zone on School Day	\$25.00	\$35.00
10.40.043	Parking Where Prohibited on School Days	\$25.00	\$35.00
10.40.044	Resident Only Parking	\$25.00	\$35.00
10.40.050	Permit Parking	\$25.00	\$35.00
10.40.052	Private Use of Public Place	\$25.00	\$35.00
10.40.060	Snow Routes	\$25.00	\$35.00
10.40.070	Snow Conditions		
10.41.040	Handicap Parking	\$100.00	\$120.00
10.43.020	Fire Lanes	\$50.00	\$100.00
10.12.1000 and 10.12.1010	Equipment of Vehicles	\$50.00	\$75.00

b. Any person convicted of driving while intoxicated, transporting alcoholic liquor, and reckless driving shall be fined in accordance with the following schedule:

Ordinance	Description	Minimum fine	Maximum fine
10-04-20	Driving while intoxicated	\$750.00	\$750.00
10-04-20	Transporting alcoholic liquor	\$75.00	\$100.00
10-04-20	Reckless driving	\$500.00	\$750.00

c. General penalty. In all other instances, any person who violates this Title shall be fined not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00), or as otherwise provided in the St. Charles Municipal Code for each offense.

SECTION SIX: Title 10, Chapter 40, Section 015 is hereby amended as follows:

10.40.015. Penalties for multiple violations of Section 10.40.010.

If any person receives more than five (5) and less than eleven (11) parking tickets in a twelve (12) calendar month period, the fine shall be twenty-five (\$25.00) dollars for tickets 6-10. If any person receives more than ten (10) tickets in a twelve (12) calendar month period, the fine shall be fifty (\$50.00) dollars for every occurrence over ten (10) tickets.

This subsection shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block any emergency entrance to a hospital; nor shall it apply to any person charged with parking a vehicle so as to entirely obstruct traffic on any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses, at the request of any member of the police department, to move a vehicle illegally parked.

SECTION SEVEN: Title 10, Chapter 40, Section 110 is hereby amended as follows:

10.40.110 Penalty for violation of sections.

Any person who violates any section of this chapter shall, upon conviction, be fined in accordance with the general penalty provision set forth in Section 10.60.010 of the Municipal Code of the City of St. Charles. Each period of parking, whether it is for the time the vehicle remains motionless where there is no time limit, or for fifteen (15) minutes, one (1) hour, ninety (90) minutes, two (2) hours, twelve (12) hours, eighteen (18) hours, or twenty-four (24) hours, as the case may be, shall each be considered a separate offense.

SECTION EIGHT: Title 10, Chapter 41, Section 040 is hereby amended as follows:

Any person who violates any section of this chapter shall, upon conviction, be fined in accordance with the schedule set forth in Section 10.60.010 of the Municipal Code of the City of St. Charles. Each day upon which a violation occurs or continues shall constitute a separate offense.

B. Any person accused of a violation of this chapter may settle and compromise the claim against him or her for such illegal parking by paying to the City of St. Charles the sum of One Hundred (\$100.00) Dollars. If the claim is not settled within fourteen (14) calendar days after the ticketing, such person shall have an additional fourteen (14) days to settle the claim, but at the sum of One Hundred Twenty (\$120.00) Dollars. If the claim is not settled within the twenty-eight (28) day calendar period, the Police Department shall initiate the appropriate legal action against the alleged violator. The payment may be made at the Municipal Center of the City of St. Charles 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 persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block any emergency entrance to a hospital; nor shall this subsection apply to any person charged with parking a vehicle so as to entirely obstruct traffic on any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor shall it apply to any person charged with double parking or parking in a tow-away zone; nor shall it apply to any person who refuses at the request of any member of the police department to move a vehicle illegally parked.

SECTION NINE: Title 10, Chapter 43, Section 060 is hereby amended as follows:

10.43.060 Violation - Penalty.

Any person who violates any section of this chapter shall, upon conviction, be fined in accordance with the general penalty set forth in Section 10.60.010 of the Municipal Code of the City of St. Charles. Each day upon which a violation occurs or continues shall constitute a separate offense.

SECTION TEN: Title 10, Chapter 04, is hereby amended by the addition of Section 035 as follows:

10.04.035. Submission to safety test; Certificate of safety

The following provision of 625 ILCS 5/13, as amended, be and is hereby adopted by reference:

Chapter 13, Paragraph 13-111.

SECTION ELEVEN: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION TWELVE: This Ordinance shall be in full force and effect ten (10) days after publication as required by Law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 7 day of November, 2005.

PASSED by the City Council of the City of St. Charles, Illinois, this 7 day of November, 2005.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 7 day of November, 2005.

Donald P. DeWitte
Donald P. DeWitte, Mayor



Nancy Garrison
Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : 9
Nays : 0
Absent : 1

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on , the Corporate Authorities of such municipality passed and approved Ordinance No. 2005-M-63, entitled

"An Ordinance Amending Chapter 10 (Vehicles and Traffic) of the St. Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2005-M-63, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on , and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 7 day of November 2005.



Municipal Clerk

