

ORDINANCE NO. F-0319

AN ORDINANCE AMENDING THE TEXT OF THE WHEATON CITY CODE -
CHAPTER 30, ARTICLE I, SECTION 2
FIRE LANES - GENERALLY

WHEREAS, the City of Wheaton, Illinois ("City"), is an Illinois home rule municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and, as such, the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, it is desirable to safeguard the health and safety of citizens of the City to extend fire lane regulations to privately owned property when requested by the owners; and

WHEREAS, the means of enforcing fire lanes on privately owned property is by the use of agreements entered into between property owners and the City; and

WHEREAS, penalties for the violation of the City's fire lane regulations on private property are necessary to promote compliance with said ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Wheaton City Code text is amended by deleting and repealing Chapter 30, Article I, Section 2, *Fire Lanes - Generally* in its entirety and replacing it with new Section 2 as follows:

"Section 30-2 Fire Lanes - Generally.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Fire lane means travel lanes for firefighting equipment upon which there shall be no standing or parking of motor vehicles at any time so that firefighting equipment can move freely thereon and gain access to buildings, structures, fire hydrants, wall hydrants, or fire department connections supplying automatic sprinkler or standpipe systems.

(b) *Prohibitions.* No person shall stand or park a motor vehicle within any area designated a fire lane, and such violations shall be subject to the penalties provided in this section.

(c) *Designation of fire lanes.* Fire lanes may be designated:

- (1) By the City Council, pursuant to the recommendation of the City Fire Chief, by ordinance on public property which shall include any highway, roadway, alleyway, driveway, parking area, pathway, cul-de-sac, or any other area which is dedicated to a public use.
- (2) By written agreement between the City and any school board, hospital, church, condominium complex unit owners' association, commercial and industrial facility, shopping center or apartment complex owner, which controls a parking area located within the City limits, empowering the City to designate and enforce fire lanes on such parking area, including City enforcement of the maintenance of the designated fire lanes. Such agreement shall be approved and executed by the City Manager, shall not exceed a period of twenty (20) years, and shall be recorded in the office of the Recorder of Deeds. The agreement shall become effective and enforceable three (3) days after it is recorded.
- (3) By the City Council, pursuant to the recommendation of the City Fire Chief, and by ordinance, resolution or written agreement, within any residential subdivision, development, or single-family residences upon semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas or other roadways open to or used by the public, tenants, owners and employees for purposes of vehicular traffic, pursuant to the filing of a written request by the individual or board of directors owning or operating such subdivision, development, or single-family residence. Such written request must contain the name and post office address of the individual, corporation, or association and must designate with reasonable accuracy the semipublic or private roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas or other roadways open to or used by the vehicular traffic to be regulated.
- (4) By the City Council, pursuant to the recommendation of the City Fire Chief, and by ordinance, resolution or written agreement, on any private or semipublic roads, streets, driveways, trails, terraces, bridle paths, parkways, parking areas or other roadways open to or used by vehicular traffic where the City Council has, pursuant to a condition in a planned unit development zoning classification, special use permit, or variation or pursuant to a condition in an annexation agreement required the designation of fire lanes.

(d) *Methods of posting fire lanes.* Fire lanes shall be posted in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices. Additionally, in the discretion of the Fire Marshall, curbing within any designated fire lane may be painted yellow.

(e) *Penalty.* Any person violating the provisions contained in this section shall be

punished by a fine of not less than \$50.00 or greater than \$500.00. Each day that such a violation occurs shall be a separate and new offense.

(f) *Tow zone.* The Fire Chief, pursuant to the passage of an ordinance designating a fire lane, or pursuant to the recording of a written agreement empowering the City to designate and enforce fire lanes, may have such lane posted as a tow zone. Any motor vehicle within such tow zone shall be subject to removal by a towing service, and the owner will be responsible for all towing costs.

(g) *Maintenance.* Owners of property on which fire lanes are designated are responsible for providing required pavement markings and for obtaining appropriate signage at owner's expense, in accordance with City standards, to give the public reasonable notice of the location of the fire lane, the parking and standing prohibition, and that fines may be imposed by the City against violators.

(h) *Citations.* City fire inspectors, City police officers, community service officers, and/or building code officials are hereby authorized to issue citations for violations of the parking and standing prohibitions and for maintenance violations, as provided for in this section."

Section 2: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in a manner prescribed by law.

Attested by:

Mayor

City Clerk

Ayes:

Roll Call Vote:

Councilwoman Davenport

Councilman Eckhoff

Councilman Gresk

Major Carr

Mayor Carr
Councilman Johnson

Councilman Johnson
Councilwoman Johnson

**Councilwoman Jules
Councilman Mark...**

Navy:

None

Nays.
Absent:

None

Motion Carried Unanimously

Passed: March 1, 1999
Published: March 2, 1999