

ORDINANCE NO. F-1792

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON: CHAPTER 70 "TRAFFIC AND VEHICLES"

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

WHEREAS, it is necessary for the general health, welfare and safety of the public and the citizens of the City that parking be regulated within the City; and

WHEREAS, it is appropriate for the City to establish parking regulations and a schedule of fines for violation of those regulations; and

WHEREAS, the Wheaton City Code vests in City Council the authority to impose fines and penalties; and

WHEREAS, the Illinois General Assembly enacted Public Act 98-0463 which as of August 16, 2013 permits all municipalities to increase their fines for violations of the handicapped persons and disabled persons' parking ordinance from a minimum of two hundred fifty dollars (\$250.00) to a new minimum of three hundred and fifty dollars (\$350.00); and

WHEREAS, this City Council finds it is fully justified and in the best interests of all of the citizens of the City to amend the provisions of the City's handicapped persons parking ordinance to include the changes permitted by this amended State law.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, pursuant to its home rule authority, that subsection (d) of Section 70-387 "Unauthorized use of parking spaces used for handicapped persons" of Chapter 70 "Traffic and Vehicles" is hereby repealed and rescinded in its entirety and replaced with a new subsection (d) of 70-387 which shall read as follows:

Section 1:

"(d) Any person charged with a violation of this section may settle and compromise the citation by paying to the city the sum of **\$300.00** provided that the payment is made within 15 days of the issue date recited on the violation notice. In the event the person charged with a violation of this section fails to make payment within 15 days as provided herein, the city shall direct a notice to the person, setting forth the date, time and place of the violation and further advising the person must appear in court or shall be cause for the issuance of a warrant for the arrest of the person.

Any person determined to be guilty of violating any provision of this section shall be fined not less than **\$350.00** in addition to court costs and attorney fees, if any."

Section 2: That the section describing violation 70-387 (b) of subsection c "Schedule of parking fines" of Section 70-148 "Overtime parking notices; how and when payable; fines" of Chapter 70 "Traffic and Vehicles" is hereby amended by repealing and rescinding the fine amount of \$100.00 and replacing it with the minimum fine of \$350.00. In all other respects, subsection c of Section 70-148 of Chapter 70 is hereby reaffirmed.

Section 3: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 4: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner provided by law.



Michael J. Gresk
Mayor

ATTEST:



Shelly Banettagon
City Clerk

Roll Call Vote:

Ayes:	Councilman Prendiville
	Councilman Rutledge
	Councilman Saline
	Mayor Pro Tem Suess
	Councilwoman Pacino Sanguinetti
	Councilman Scalzo

Nays:	None
Absent:	Mayor Gresk

Motion Carried Unanimously

Passed: June 16, 2014

Published: June 17, 2014