

ORDINANCE NO. O-2022-16

AN ORDINANCE AMENDING CHAPTER 30 "FIRE PREVENTION AND PROTECTION" SECTION 30-2 AND CHAPTER 70 "TRAFFIC AND VEHICLES" SECTIONS 70-148, 70-387 AND 70-517 OF THE CODE OF ORDINANCES, CITY OF WHEATON, ILLINOIS

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois Home Rule Municipality pursuant to the 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, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, the Corporate authorities of the City of Wheaton find that under Section 4 of City Ordinance O-2021-26, which adopted the City's system of administrative adjudication, all ordinances or parts of ordinances in conflict with O-2021-26 were repealed; and

WHEREAS, City Staff has carefully evaluated the City Code and believes certain amendments to Chapter 30, Section 30-2 and Chapter 70, Sections 70-148, 70-387 and 70-517 of the Code of Ordinances are necessary to align with O-2021-26 for consistency.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, by its home rule authority as follows:

Section 1: That Chapter 30, Fire Prevention and Protection, Article I. – In General, Sec. 30-2. – Fire lanes—Generally, subsection (b) is hereby repealed and rescinded in its entirety and replaced with a new Sec. 30-2(b) which shall read as follows:

(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 a \$75.00 fine.

Section 2: That Chapter 70, Traffic and Vehicles, Article II. – Administration and Enforcement, Division 4. – Parking Violations, Sec. 70-148. – Overtime parking notices; how and when payable; fines, is hereby repealed and rescinded in its entirety and replaced with a new Sec. 70-148 which shall read as follows:

Sec. 70-148. Overtime parking notices; how and when payable; fines.

(a) *Definitions.* The following words and phrases when used in this section shall have the meanings ascribed to them as set forth below:

Central business district or *CBD* means the area within the City of Wheaton bounded by Wesley Street on the north, West Street on the west, Willow Avenue on the south, and Cross Street on the east.

Commuter parking lot(s) means City Parking Lot Number 3 which is the 100 block of East Liberty Drive, City Parking Lot Number 4 which is the 100 block of West Liberty Drive, City Parking Lot Number 5 which is the 200 and 300 block of West Liberty Drive, City Parking Lot Number 6 located along Crescent Street near the College Avenue train station, City Parking Lot Number 7 located on the southeast corner of Williston and Crescent Street, City Parking

Lot Number 8 located on the southwest corner of Blanchard and Crescent Street, and City Parking Lot Number 9 located at Carlton Avenue and Liberty Drive.

Daily fee parking areas means the daily fee parking spots located in or on City Parking Lot Number 10 which is located adjacent to the College Avenue Train Station, Crescent Street between Williston Street and Chase Street, Front Street between Bridge Street and Gary Avenue, Liberty Drive between Bridge Street and Carlton Avenue, Carlton Avenue between Liberty Drive and the 500 block of South Childs Street, the Wheaton Place Parking Garage located at 232 West Wesley Street, and the Willow Avenue Parking Garage located at 220 South Cross Street.

Metered Parking areas means the metered parking spots located on the 400-700 block of West Liberty Drive between Carlton Avenue and West Street, the 300 block of North Hale Street between Seminary Avenue and Union Avenue, and the 500-600 block of West Front Street between Bridge Street and Gary Avenue.

- (b) *Administrative adjudication.* The city's system of administrative adjudication as set forth in chapter 2, article X of the city code, shall not apply to the city code parking violations listed in the schedule of parking fines in subsection (c) of this section when such code violations occur in the central business district, the city's commuter parking lots, the city's daily fee parking areas and the city's metered parking areas. Violations of the city code provisions listed in subsection (d) of this section which occur outside the central business district and not within the city's commuter parking lots, daily fee parking areas or metered parking areas shall be subject to the city's system of administrative adjudication set forth in chapter 2, article X of the City Code.
- (c) *Schedule of parking fines for central business district, commuter parking lots, daily fee parking areas and metered parking areas.* The following fines are imposed for the violations listed below which occur in the central business district, commuter parking lots, daily fee parking areas, and metered parking areas:

Section Describing Violation	Description of Violation	Fine
70-147	Removing chalk marks	\$30.00
70-338(a)(4)	Parking within 15 feet of a fire hydrant	\$50.00
70-338 [except 70-338(a)(4)]	Parking in all other prohibited places	\$30.00
70-339	Parking wrong way, head-in or too close	\$30.00
70-340	Vehicle left with motor running	\$30.00
70-341	Parking to obstruct traffic	\$30.00
70-342	Parking in prohibited alleys	\$30.00
70-343	Parking on street at night	\$30.00
70-344	Parking during snow removal	\$30.00
70-345	Parking in CBD during snow removal hours	\$30.00
70-346(1)	Parking vehicle for sale on street	\$30.00
70-346(2)	Parking on street while working on vehicle	\$30.00
70-347	Disobedience to angle parking signs or markings	\$30.00
70-348	Violating loading permit	\$30.00
70-349	Parking in passenger loading zone	\$30.00
70-350	Parking in freight loading zone	\$30.00

70-351	Bus parking not at bus stand	\$30.00
70-352	Taxi parking not at taxi stand	\$30.00
70-353	Parking in taxi or bus stand	\$30.00
70-354(c)	Parking prohibited at all times	\$30.00
70-354(d)	Parking prohibited at certain times	\$30.00
70-354(e)	Parking on street over limit of three hours or more	\$30.00
70-354(f)	Parking off street over time limit	\$30.00
70-354(g)	Parking on street over one-hour and two-hour limits	\$30.00
70-354(i)	Moving between spaces CBD lots 1 and 2	\$30.00
70-379	Parking so not within limits of the space	\$30.00
70-382(a)	Overtime parking meter, chalked tires	\$30.00
70-383(1)	Expired meter	\$15.00
70-383(2)	Remaining overtime in meter parking	\$15.00
70-383(3)	Parking over marking in meter spaces	\$15.00
70-383(5)	Depositing a slug in meter	\$15.00
70-383(6)	Matter not legal tender in notice envelope	\$15.00
70-383(7)	Meter feeding	\$30.00
70-387(b)	Unauthorized use of parking spaces reserved for persons with disabilities	\$350.00
70-414	Improperly parked in leased space	\$30.00
70-416	Failure to display authorization	\$6.00
70-356	Improperly parked in customer designated area	\$30.00

(d) *Schedule of parking fines for violations outside the central business district, commuter parking lots, daily fee parking areas and metered parking areas.* The following fines are imposed for the violations listed below which occur outside of the central business district, commuter parking lots, daily fee parking areas and metered parking areas.

Section Describing Violation	Description of Violation	Fine
70-338	Parking in prohibited places	\$30.00
70-339	Parking wrong way, head-in or too close	\$30.00
70-340	Vehicle left with motor running	\$30.00
70-341	Parking to obstruct traffic	\$30.00
70-342	Parking in prohibited alleys	\$30.00
70-343	Parking on street at night	\$30.00
70-344	Parking during snow removal	\$30.00
70-346(1)	Parking vehicle for sale on street	\$30.00
70-346(2)	Parking on street while working on vehicle	\$30.00
70-347	Disobedience to angle parking signs or markings	\$30.00
70-348	Violating loading permit	\$30.00
70-349	Parking in passenger loading zone	\$30.00
70-350	Parking in freight loading zone	\$30.00
70-351	Bus parking not at bus stand	\$30.00
70-352	Taxi parking not at taxi stand	\$30.00
70-353	Parking in taxi or bus stand	\$30.00
70-354(c)	Parking prohibited at all times	\$30.00
70-354(d)	Parking prohibited at certain times	\$30.00

70-354(e)	Parking on street over limit of three hours or more	\$30.00
70-379	Parking so not within limits of the space	\$30.00
70-383(6)	Matter not legal tender in notice envelope	\$15.00
70-387(b)	Unauthorized use of parking spaces reserved for persons with disabilities	\$350.00

- (e) If the owner or operator of a vehicle receiving a violation notice for a violation listed under subsection (c) or (d) of this section continues to park his vehicle in the same location for a period of time which again exceeds the designated time limit, such owner shall be subject to an additional fine. Each continued time limit violation shall constitute a separate offense.
- (f) Administrative ticket processing fees shall be paid in accordance with Appendix B (Fee Schedule) to this Code.

Section 3: That Chapter 70, Traffic and Vehicles, Article IV. – Stopping, Standing and Parking, Division 2. – Parking Meters, Sec. 70-387. – Unauthorized use of parking spaces reserved for persons with disabilities, subsection (e) is hereby repealed and rescinded in its entirety and subsection (f) becomes subsection (e).

Section 4: That Chapter 70, Traffic and Vehicles, Article VII. – Bicycles, Sec. 70-517. – Schedule of fines is hereby repealed and rescinded in its entirety and replaced with a new Sec. 70-517 which shall read as follows:

Sec. 70-517. - Schedule of fines.

The penalty for violation of these sections will result in a \$30.00 fine.

Section 5: Violations pending at the effective date of this ordinance shall be subject to the provisions of the City Code, including appendices, which were in force at the time of the violation.

Section 6: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

Section 7: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Philip J. Suer
Mayor

ATTEST:

Andrea Rensedale

City Clerk

Roll Call Vote

Ayes: Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Weller
Councilman Barbier

Nays: None

Absent: Councilman Brown
Councilwoman Fitch

Motion Carried Unanimously

Passed: 04/18/2022

Published: 04/19/2022

