

ORDINANCE NO. 1818

**AN ORDINANCE AMENDING SECTIONS 10.01.3-103, 10.01.10-618 AND 10.01.10-602(D) REGARDING PARKING VIOLATIONS, SPECIAL PARKING PROHIBITIONS, AND PARKING DURING AND AFTER A 2 INCH SNOWFALL, AND ADDING SECTION 10.01.10-615 PROHIBITING FIRE LANE PARKING, AMENDING SECTIONS 9.42.030 AND 9.42.040 REGARDING LOUD OR UNNECESSARY NOISES, AND ADDING SECTION 7.32.50, A VIOLATIONS/PENALTY PROVISION TO CHAPTER 7.32 FIREWORKS TO THE CODE OF ORDINANCES OF THE CITY OF CREST HILL, ILLINOIS**

WHEREAS, the City of Crest Hill is authorized by Section 11-20-5 of the Illinois Municipal Code to make regulations which may be necessary or expedient for the promotion of health (65 ILCS 5/11-20-5) as well as ordinances which pertain to its government and affairs and which will protect the public health, safety and welfare of its citizens; and s citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1 of the Illinois Municipal Code, the City may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, pursuant to 625 ILCS 5/11-208 of the Illinois Vehicle Code, the City may exercise reasonable police powers over streets and highways within its jurisdiction; and

WHEREAS, pursuant to 625 ILCS 5/20-204 of the Illinois Vehicle Code, the City may adopt all or a portion of the Illinois Vehicle Code by reference; and

WHEREAS, the City of Crest Hill is authorized by Section 11-1-1 and 11-60-2 of the Illinois Municipal Code to pass and enforce all necessary police ordinances and may define, prevent and abate excessive noise and nuisances (65 ILCS 5/11-1-1, 65 ILCS 5/11-60-2, and 65 ILCS 5/11-5-2); and

WHEREAS, the City of Crest Hill is desirous of enacting ordinances which are in Compliance with the Constitutions of the United States and the State of Illinois; and

WHEREAS, the City of Crest Hill has determined that to protect the safety and welfare of the Citizens of Crest Hill, its Code of Ordinances regarding the fines and penalties for parking violations, including special City parking prohibitions, should be amended and the fine for unlawful parking in handicapped spaces should be amended consistent with 625 ILCS 5/11-1301.3.

WHEREAS, pursuant to its express authority granted by the Illinois Municipal Code, the City of Crest Hill has from time to time deemed it necessary to amend its Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Illinois, as follows:

SECTION 1: PREAMBLE. The preamble of this Ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

SECTION 2: APPROVAL. That Sections 10.01.3-103, 10.01.10-618, and 10.01.10-602(D) regarding parking violations, special parking prohibitions and parking during and after a two inch snowfall are hereby replaced and amended as follows:

**10.01.3-103. PENALTIES FOR PARKING VIOLATIONS.**

Whenever any motor vehicle is found to be parked in violation of this chapter with respect to rules prohibiting parking a vehicle in a designated area or according to a designated manner, or with respect to rules restricting the time a vehicle may be parked in a certain location, or with respect to parking in a metered area to cover the required time for the parking spaces occupied, or whenever any vehicle found parked within the city limits is found to be in violation of Chapter 10 of this code, the following provisions for penalties shall apply:

(A) The penalties for parking violations other than violations with regard to handicap parking zones that are not issued on a uniform traffic citation form, violations of Section 10-602 for parking during or after 2 inches of snowfall, improperly parking within 15 feet of a fire hydrant {625 ILCS 5/11-303 (a)(2)(b)}, and improperly parking within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway {625 ILCS 5/11-3-3 (a)(2)(d)}, and improperly parking in a marked fire lane shall be as follows:

(1) The fine shall be \$30 if paid within 48 hours of the issuance of the notice;

(2) After 48 hours, the fine shall be \$50 if paid within nine days of issuance of the citation or within seven days of issuance of a formal notice by the city to the violator that payment of said \$50 is due;

(3) After said nine days has expired, or after said seven-day period has expired, whichever period ends last, the fine shall be between \$75 and \$750, as determined by the Court;

(B) With respect to handicapped parking zone violations as set out in Section 10.01.11-1301.1 of the Crest Hill Vehicle Code, the fine shall be \$250 if paid within 48 hours of the issuance of the notice; after 48 hours, the fine shall be \$350 if paid within nine days of issuance of the citation or within seven days of issuance of a formal notice by the city to the violator that payment of said \$350 is due; after said nine days has expired, or after said seven-day period has expired, whichever period ends last, the fine shall be \$350 plus court costs, as determined by the Court.

(C) The penalty for violation of Section 10-602 making it unlawful to park on city streets during or after 2 inches of snowfall shall be as provided in Section 10.01.10-602 (D).

(D) The penalty for improperly parking within 15 feet of a fire hydrant {625 ILCS 5/11-303 (a)(2)(b)}, within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or

traffic control signal located at the side of the roadway {625 ILCS 5/11-3-3 (a)(2)(d)}, and for improperly parking in a marked fire lane (Section 10.01.10-615) shall be \$75.

(E) Any police officer of this city shall conspicuously attach to such vehicle a citation on a form as described in division (D) of this section which citation shall advise the owner or operator of said vehicle that he has violated a parking provision of this code, or shall hand said notice directly to the owner or driver if he is present when the citation is written.

(F) The form of said citation shall contain space to record the make and model of the violator's vehicle, and the vehicle license plate number. The citation shall also contain a space sufficiently large to record the literal violation in English of whichever municipal traffic code is involved along with the applicable code section.

The citation shall also contain directions as to payment of the fine within 48 hours of issuance of the citation, allowing for payment by mail or at the Police Department, and shall specify the fine schedule for the offense charged. The citation shall conspicuously inform the violator that if the fine is not paid within 48 hours, warrant may issue for his arrest, and that he may appear at the office of the Police Department before the due date to request a court hearing if he seeks exoneration from paying the fine.

The form shall be signed by the officer issuing the citation.

(G) If the violator has not paid the fine within 48 hours of date of issuance, the Police Department may send to the registered owner of the offending vehicle of the violator, if known, a notice mailed by first-class mail to his last known address as that address is reflected by the current records of the office of the Illinois Secretary of State. Said mailed notice shall specify:

(1) The facts that the original citation was issued on a certain date and that payment of the fine is overdue;

(2) The fine is increased to \$50, except when the violation is for handicapped parking, then the fine is increased to \$350;

(3) If the fine is not paid within seven days of the date of notice, the city shall appear in court and file a complaint against the violator and/or owner on a specified date;

(4) If the violator or registered owner is not present of the court date, a warrant may be issued for his arrest.

(H) Whenever the Police Department receives notice in person from a violator who wishes to contest the citation in Court, the Police Department or its authorized representative shall give written notice to the violator of his court date, time and place and shall cause the officer or person who issued the citation to be in court on that given date and time, at which time a trial on the merits shall be had. Where the Police Department has already sent the violators notice of a court date pursuant to section (E) above, the court date shall stand as the trial date and the officer

who is issued the citation shall be present for the trial. The department shall set dates for court appearances only on court days approved by the Circuit Court of Will County.

(I) Whenever the Police Department receives notice from a violator of his request for a trial, or whenever the Police Department has issued a notice to the violator to pay \$50/\$350 fine as provided in section (E) above and said fine has not been paid even though the seven-day period of time has expired, the Police Department or its authorized representative shall cause the original citation to be filed with the Will County Clerk of the court, which citation shall stand as the city's complaint against the violator.

(Ord. 943, passed 12-19-94; Am. Ord. 998, passed 7-1-96)

#### **10.01.10-618. SPECIAL PARKING PROHIBITIONS.**

(J) Theodore Street, Arbor Lane and Marlboro Lane.

(4) *Violation.*

(a) It is unlawful for any person to park or abandon a motor vehicle of any type or classification on those portions of Theodore Street, Illinois Route 7 located in the city, between Broadway Street, Illinois Route 53, and Larkin Avenue.

(b) It is unlawful for any person, firm or corporation to park or abandon any motor vehicle on the east and west sides of Arbor Lane from the intersection of Theodore Street north to the termination of Arbor Lane at Marlboro Lane.

(c) It is unlawful for any person, firm or corporation to park or abandon any motor vehicle on the north and south sides of Marlboro Lane west of Burry Circle.

(5) *Presumption.* If any vehicle is found illegally parked, it shall be prima facie presumed that the violation was committed by the registered owner unless the contrary is shown.

(6) *Removal of Illegally Parked Vehicles.* It shall be the duty of the Police Department to enforce this section and assure the free flow of traffic on Theodore Street as intended herein; and, after making as reasonable effort to locate the violator or owner of any illegally parked motor vehicle, the vehicle shall be removed and towed from the street and the reasonable cost and charge therefore be assessed against the violator.

(7) *Signs to be Posted.* It shall be the duty of the Street Department of the city to post and maintain signs which shall bear the markings "No Parking – Tow Away Zone" at intervals, and of the size required by state law.

(K) Elise Avenue.

(1) There shall be no parking on the north side of Elise Avenue from its intersection with Oakland Avenue proceeding easterly to the intersection of Elsie Avenue and Center Street in the city (four blocks).

(2) There shall be parallel parking only on the south side of Elsie Avenue between its intersection with Oakland Avenue easterly along Elsie Avenue to its intersection with Center Street (four blocks).

(3) The law enforcement authorities of the city are authorized to tow or remove any motor vehicles which are parked in such a manner to constitute a violation of this section, and the costs thereof shall be assessed to the violator.

(L) Crestwood Drive and Root Street.

(1) Between May 1 and September 1 of each calendar year commencing with the calendar year 1988, it shall be unlawful for any person to park a motor vehicle of any type or classification on Crestwood Drive or Root Street, within 300 foot radius of the intersection of those streets; provided, however, that persons who live in residences immediately adjacent to the no parking zone may park their vehicles within said zone if the vehicles are otherwise lawfully parked.

(2) If any vehicle is found illegally parked in said area it shall be prima facie presumed that the violation was committed by the registered owner unless the contrary is shown.

(3) It shall be the duty of the Police Department to enforce this section and assure the free flow of traffic on Crestwood Drive and Root Street, along with the lawful parking of vehicles owned by residents on said streets; and, after making a reasonable effort to locate the violator or owner of any illegally parked vehicle, the vehicle shall be removed and towed from the street and the reasonable costs charged therefor be assessed against the violator.

(4) It shall be the duty of the Street Department of the city to post and maintain signs which shall bear the markings "No Parking Except for Local Residents – May 1 through September 1," at intervals and the size required by law.

(M) Pasadena Avenue.

(1) There shall be no parking Monday through Friday, between the hours of 6:00 a.m. and 5:00 p.m. on the south side of Pasadena Avenue between its intersection with Oakland Avenue and Hoffman Street.

(2) The law enforcement authorities of the city are authorized to tow or remove any motor vehicles which are parked in such a manner to constitute violation of this section, and the costs thereof shall be assessed to the violator.

(3) *Signs to be posted.* It shall be the duty of the Street Department of the city to post and maintain signs which shall bear the markings "No Parking between 6:00 a.m. and 5:00 p.m." at intervals, and of the size required by state law.

(N) Greengold Street.

(1) There shall be no parking between the hours of 10:00 p.m. and 6:00 a.m. on Greengold Street between its intersection with Caton Farm and Webb Street.

(2) If any vehicle is found illegally parked on Greengold Street, as defined above, it shall be presumed that the violation was committed by the registered owner of said vehicle.

(3) Signs to be posted. It shall be the duty of the Public Works Department to post and maintain signs of the section of Greengold Street set forth in division (E)(1) above that shall bear the markings "No parking between 10:00 p.m. and 6:00 a.m." at intervals and of a size as required by the state.

(O) Pioneer Road.

(1) There shall be no parking on the west side of Pioneer Road from Theodore Street to its terminus (Bicentennial Avenue) from November 1 until March 1.

(2) The law enforcement authorities of the city are authorized to tow or remove any motor vehicles, which are parked in such a manner to constitute violation of this section, and the costs thereof shall be assessed to the violator.

(3) Signs to be posted. It shall be the duty of the Street Department of the city to post and maintain signs which shall bear the markings "No Parking from November 1 to March 1" at intervals, and of the size required by state law.

(F) Rock Run Drive.

(1) There shall be no parking on the west side of Rock Run Drive from Theodore Street to its terminus (Bicentennial Avenue) from November 1 until March 1.

(2) The law enforcement authorities of the city are authorized to tow or remove any motor vehicles, which are parked in such a manner to constitute violation of this section, and the costs thereof shall be assessed to the violator.

(3) Signs to be posted. It shall be the duty of the Street Department of the city to post and maintain signs which shall bear the markings "No Parking from November 1 to March 1" at intervals, and of the size required by state law.

(P) *Violations and Penalties.* Any person found guilty of a violation of any of the provisions of this section shall be subject to a fine. Violations will be charged in the same manner as Section 10.01.3-103 and the penalty for each such violation shall be as authorized in Section 10.01.3-103(A) of this Code of Ordinances.

(Am. Ord. 995, passed 7-1-96; Am. Ord 998, passed 7-1-96; Am. Ord. 1080, passed 1-19-19; Am. Ord. 1308, passed 12-1-03)

**10.01.10-602. TOWING OF REMOVING OF VEHICLES DURING SNOWFALLS**

(A) It shall be unlawful for any person to park a motor vehicle or, if parked, to allow a motor vehicle to remain parked or standing in any public street or alley during or after a snowfall in which there is an accumulation of two inches of snow or more. This prohibition shall remain in effect until such time as the street or alley has been plowed or the snow has been removed there from. A city street shall not be deemed to have been plowed until the lane of traffic nearest the curb has been plowed or the snow has been removed there from.

(B) The city shall remove the snow in accordance with best management practices with priority to the interest of public safety and on streets with heavier traffic flow.

(C) It shall be the duty of the Police Department to remove or cause to be removed any vehicle which is parked in violation of this section, and to impound such vehicle or vehicles until all charges for such removal shall have been paid.

(D) Any person found guilty of violating any provision of this section shall be fined \$75, and in addition thereto, shall pay all reasonable charges of removal, towing and storage. (Am. Ord. 1080, passed 1-19-99; Am. Ord. 1438, passed 10-1-07)

And that Section 10.01.10-615 shall no longer be “reserved” but instead shall be amended and replaced as follows:

#### **10.01.10-615. Parking in a marked Fire Lane**

It shall be unlawful for any person to park a motor vehicle in a marked Fire Lane on public or private property. For purposes of this section, Fire Lane shall mean any area designated or marked for fire fighting equipment and upon which there shall be no standing, stopping or parking of any motor vehicle so that fire fighting and emergency equipment can move freely thereon.

And that Sections 9.42.030 and 9.42.040 regarding loud or unnecessary noises are hereby replaced and amended as follows:

#### **§ 9.42.030 EXAMPLES OF LOUD OR UNNECESSARY NOISES.**

The following acts are examples of the noises prohibited by § 9.42.020:

(A) The use or exploding of any fireworks as defined by § 7.32.010, except as authorized or permitted under §7.32.020. Nothing herein shall prohibit the City through its authorized agents or peace officers from citing an individual for unlawful possession of fireworks pursuant to § 7.32.020 or to in any way limit the City to citing under this Section.

(B) The sounding of any horn or signaling device on any automobile, motorcycle, motorbus, or other vehicle on any street or public place of the city, except as a danger warning or the creation, by means of any such signaling device for an unnecessary and unreasonable period of time, or the use of any signaling device, except one operated by hand or electricity, or the use

of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.  
(’78 Code, § 9.42.030) (Ord 267, passed - -70)

**§ 9.42.040 VIOLATIONS; PENALTY.**

Any person found guilty of a violation of §§ 9.42.10, 9.42.020 (not fireworks), 9.42.030(B) or 9.42.035 shall be fined not less than \$75, but no more than \$750 for each offense. Any person found guilty of a violation of §9.42.020 (fireworks) §9.43.030(A) shall be fined \$150 for each offense. Separate occurrences occurring on the same day shall be deemed separate offenses for purposes of imposing a penalty.  
(’78 Code, § 9.42.040) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96; Am. Ord. 999, passed 8-5-96)

And that Section 7.32.50, a violations/penalty provision should be added to Chapter 7.32 Fireworks as follows:

**§7.32.50 VIOLATIONS; PENALTY.**

In addition to the seizure and forfeiture of illegally possessed fireworks, the penalty for illegal possession or use/explosion of fireworks shall be \$150. Nothing in this chapter 7.32 shall prevent the City, through its authorized agents or peace officers, from citing an individual for disturbing the peace or loud or unnecessary noise pursuant to Chapter 9.42 or to in any way limit the City to citations under this section. Separate occurrences occurring on the same day shall be deemed separate offenses for purposes of imposing a penalty.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.


SECTION 4: REPEALER. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately upon its passage and publication according to law.




PASSED THIS 5<sup>TH</sup> DAY OF AUGUST, 2019.

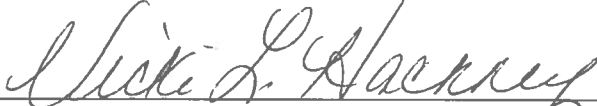
	Aye	Nay	Absent	Abstain
Alderman John Vershay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Scott Dyke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderwoman Claudia Gazal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderwoman Barbara Sklare	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alderwoman Tina Oberlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Marco Coladipietro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Nate Albert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alderman Joe Kubal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Raymond R. Soliman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
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Vicki L. Hackney, City Clerk

APPROVED THIS 5<sup>TH</sup> DAY OF AUGUST, 2019.

  
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Raymond R. Soliman, Mayor

ATTEST:

  
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Vicki L. Hackney, City Clerk