

AMENDING CHAPTER 51 "TRAFFIC", SECTION 51.19 "PENALTIES", AND SCHEDULE C "PARKING PROHIBITED", OF THE CITY OF DEKALB MUNICIPAL CODE AS IT PERTAINS TO PARKING ON LINCOLN HIGHWAY BETWEEN FIRST STREET AND FOURTH STREET TO LIMIT CERTAIN SEGMENTS TO ONE HOUR.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, Chapter 51 of the City's Municipal Code (the "Code") regulates traffic within the City's corporate limits; and

WHEREAS, the City's corporate authorities find that it is in the City's best interests for the promotion of the public health, morals and welfare to amend Chapter 51 of the Code pursuant to the provisions of this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City's corporate authorities adopt an amendment to Chapter 51 "Traffic", Section 51.19 "Penalties", and Schedule C "Parking Prohibited", of the Code, in its entirety as set forth in "Exhibit A" attached hereto and incorporated herein.

SECTION 2: Except as may otherwise be amended by this ordinance, Chapter 51 of the Code shall remain in full force and effect.

SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that, to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, this ordinance shall supersede state law in its jurisdiction.

SECTION 4: This ordinance shall be in full force and effect after its passage and approval as provided by law.

TABLED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 25th day of April 2022. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre.

EXHIBIT A
(Amendment to Downtown Lincoln Highway Parking Restrictions)

ORDINANCE 2022-020

51.19 PENALTIES.

a) A penalty of Twenty-Five Dollars (\$25.00) shall be assessed to the owner of a vehicle in violation of the following:

- Parking in violation of Sections 51.11, 51.12, 51.12-5, 51.12-7, 51.13 (except as otherwise provided by 51.14, 51.16, 51.17, 51.18, and 51.18-5.
- Parking within twenty (20) feet of an intersection crosswalk.
- Parking over twenty-four (24) hours in one location.
- Parking over twelve (12) inches from a curb.
- Parking on the wrong side of a street.
- Parking in violation of Section 51.14, Schedule E "Limited Parking", and Schedule G "Motorcycle Parking".
- Parking in violation of Section 51.14, Schedule F "Limited Parking – Central Business District."
- Parking within an intersection.
- Double Parking.
- Parking so as to obstruct traffic.
- Parking on streets where parking is prohibited in specified hours.
- Parking within thirty (30) feet of a traffic control signal.
- Parking in a posted no-parking zone.
- Parking in violation of any other City parking restriction that does not carry a specified fine.

Any person who fails to pay the requisite penalty as prescribed above within a ten (10) day period shall be assessed a penalty of Seventy-Five Dollars (\$75.00) and may be prosecuted in the name of the City and fined not less than Seventy-Five Dollars (\$75.00) for each violation.

b) A penalty of Five Dollars (\$5.00) shall be assessed to the owner of a vehicle in violation of the following:

- Parking in violation of Section 51.13, Schedule C "Parking Prohibited – East Lincoln Highway, One Hour, 6:00 a.m. to 6:00 p.m., between First Street to Fourth Street."

Any person who fails to pay the requisite penalty as prescribed above within a ten (10) day period shall be assessed a penalty of Twenty-Five Dollars (\$25.00) and may be prosecuted in the name of the City and fined not less than Twenty-Five Dollars (\$25.00) for each violation.

c) (Intentionally Omitted).

d) A penalty of Three-Hundred and Fifty Dollars (\$350.00) shall be assessed to the owner of a vehicle in violation of the following:

Parking a vehicle in a parking stall for persons with disabilities that does not have disability license plates or a disability parking decal or device issued by the State of Illinois, or any other state, or a disability parking decal issued by the City of DeKalb, or any other municipality.

Any person who fails to pay the requisite penalty as prescribed above in Paragraph d) within a ten (10) day period shall be assessed a penalty of Three-Hundred Dollars (\$300.00) and may be prosecuted in the name of the City and fined not less than Three-Hundred Dollars (\$300.00) for each violation. All property owners shall update any handicapped parking signs located on their premises by not later than July 1, 2013, to reflect the Three-Hundred and Fifty Dollar (\$350.00) fine assessed above. It shall be unlawful to fail to update the handicapped parking signs or to fail to provide a handicapped parking sign where required by applicable City Code or other law.

The Police Department shall be authorized to remove and impound any vehicle in violation of this Section 51.19 pursuant to the provisions of Section 51.15 of this Chapter and the provisions of Chapter 17.07 of this Municipal Code.

1. Citation issued to occupied vehicle: In the case of any citation issued to a vehicle which is occupied or claimed by a driver at the time of issuance of the citation, the citation shall be issued and prosecuted in the name of the driver or person claiming responsibility.

2. Citation issued to unoccupied vehicle: In the case of any citation issued to a vehicle which is unoccupied and unclaimed by a driver at the time of issuance, the citation shall be issued to the registered owner of the vehicle.

(a) In all such cases, there shall be a rebuttable presumption that the registered owner of the vehicle is the party responsible and liable for the vehicle's parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities.

(b) For any parking citation issued to the owner of an unoccupied vehicle, the City may accept payment for such citation from any party or person.

(c) For any parking citation issued to an unoccupied vehicle, the only party that shall be authorized or entitled to contest the parking citation and/or to request an Administrative Hearing on such citation is the registered owner to whom such vehicle is registered.

i. In the event that the registered owner contests such a citation on the basis that a driver or person other than the registered owner was operating the vehicle and/or parked the vehicle unlawfully, the registered owner shall nonetheless be liable for the parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities unless:

A. The registered owner produces a police report and other documentation acceptable to the party reviewing the citation, demonstrating that at the time the citation was issued, the vehicle had been reported stolen; or

B. The registered owner produces documentary or testimonial evidence demonstrating that at the time the citation was issued, an individual, discrete, expressly named person identified by the registered owner had actual custody of the vehicle and had personally parked the vehicle and incurred the parking citation.

- ii. It shall not be a defense to a citation issued to the registered owner of an unoccupied vehicle that such vehicle was leased, rented, loaned or otherwise utilized by a third party, in the absence of proof that the vehicle was under such person's actual direct operation at the time that the citation was issued, as required under this subsection, above. **51.02-5 PENALTIES. (NEEDS TO BE REVISED TO SHOW AMENDMENTS)**

~~Any person, firm or corporation violating any provision of Chapter 51.02, except 3-707, 12-603 and 12.603.1, shall be punished by a fine of not less than Seventy-Five Dollars (\$75.00), nor more than Five-Hundred Dollars (\$500.00) for each offense. Court costs, fees and surcharges shall be assessed in addition to such fine.~~

~~Any person, firm or corporation violating 12-603 or 12.603.1 shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) for each offense, court costs, fees and surcharges shall be assessed in addition to such fine.~~

~~Any person, firm or corporation violating 3-707 shall pay a fine of not less than Five-Hundred Dollars (\$500.00), nor more than One-Thousand Dollars (\$1,000.00) for each offense.~~

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SCHEDULE C "PARKING PROHIBITED"

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East Lincoln Highway – First Street to Second Street

East Lincoln Highway, No Parking Any Time, north side, from the east right-of-way line of North First Street to a point 172 feet east of the east right-of-way line of North First Street, and from a point 254 feet east of the east right-of-way line of North First Street to the west right-of-way line of North Second Street. (2019-039)

East Lincoln Highway, No Parking 2:00 a.m. to 6:00 a.m., north side, from a point 172 feet east of the east right-of-way line of North First Street to a point 254 feet east of the east right-of-way line of North First Street. (2019-039)

East Lincoln Highway, One Hour, 6:00 a.m. to 6:00 p.m., north side, from a point 172 feet east of the east right-of-way line of North First Street to a point 254 feet east of the east right-of-way line of North First Street. (2019-039)

East Lincoln Highway, No Parking Any Time, south side, from the east right-of-way line of South First Street to a point 170 feet east of the east right-of-way line of South First Street, and from a point 251 feet east of the east right-of-way line of South First Street to the west right-of-way line of South Second Street. (2019-039)

East Lincoln Highway, No Parking 2:00 a.m. to 6:00 a.m., south side, from a point 170 feet east of the east right-of-way line of South First Street to a point 251 feet east of the east right-of-way line of South First Street. (2019-039)

East Lincoln Highway, One Hour, 6:00 a.m. to 6:00 p.m., ~~6:00 a.m. to 6:00 p.m.~~, south side, from a point 170 feet east of the east right-of-way line of South First Street to a point 251 feet east of the east right-of-way line of South First Street. (2019-039)

East Lincoln Highway – Second Street to Third Street

East Lincoln Highway, No Parking Any Time, north side, from the east right-of-way line of North Second Street to a point 87 feet east of the east right-of-way line of North Second Street, and from a point 247 feet east of the east right-of-way line of North Second Street to the west right-of-way line of North Third Street. (2019-039)

East Lincoln Highway, No Parking 2:00 a.m. to 6:00 a.m., north side, from a point 87 feet east of the east right-of-way line of North Second Street to a point 247 feet east of the east right-of-way line of North Second Street. (2019-039)

East Lincoln Highway, One Hour, 6:00 a.m. to 6:00 p.m., north side, from a point 87 feet east of the east right-of-way line of North Second Street to a point 247 feet east of the east right-of-way line of North Second Street. (2019-039)

East Lincoln Highway, No Parking Any Time, south side, from the east right-of-way line of North Second Street to a point 80 feet east of the east right-of-way line of North Second Street, and from a point 240 feet east of the east right-of-way line of North Second Street to the west right-of-way line of North Third Street. (2019-039)

East Lincoln Highway, No Parking 2:00 a.m. to 6:00 a.m., south side, from a point 80 feet east of the east right-of-way line of North Second Street to a point 240 feet east of the east right-of-way line of North Second Street. (2019-039)

East Lincoln Highway, On ~~Three~~ Hours, 6:00 a.m. to 6:00 p.m., south side, from a point 80 feet east of the east right-of-way line of North Second Street to a point 240 feet east of the east right-of-way line of North Second Street. (2019-039)

East Lincoln Highway – Third Street to Fourth Street

East Lincoln Highway, No Parking Any Time, north side, from the east right-of-way line of North Third Street to the west right-of-way line of North Fourth Street. (2019-039)

East Lincoln Highway, No Parking Any Time, south side, from the east right-of-way line of South Third Street to a point 61 feet east of the east right-of-way line of South Third Street, and from a point 107 feet east of the east right-of-way line of South Third Street to the west right-of-way line of South Fourth Street. (2019-039)

East Lincoln Highway, No Parking 2:00 a.m. to 6:00 a.m., south side, from a point 61 feet east of the east right-of-way line of South Third Street to a point 107 feet east of the east right-of-way line of South Third Street. (2019-039)

East Lincoln Highway, One Hour, 6:00 a.m. to 6:00 p.m., south side, from a point 61 feet east of the east right-of-way line of South Third Street to a point 107 feet east of the east right-of-way line of South Third Street. (2019-039)