ORDINANCE 13-18  Passed: April 8, 2013

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 51, "TRAFFIC," SECTION 51.21 "REGULATING AND PROHIBITING PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCY; ESTABLISHING SNOW EMERGENCY ROUTES," AND SECTION 51.22 "POWER OF MAYOR TO PROHIBIT PARKING ON A PART OR ALL OF THE STREETS IN THE CITY OF DEKALB DURING A SNOW EMERGENCY FOR THE PURPOSE OF SNOW REMOVAL."

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and,

WHEREAS, the Corporate Authorities of the City have heretofore created a set of ordinances regulating the use of public streets relating to snow removal activities, and similar public services within the City; and,

WHEREAS, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the utilization of such policies, and in particular that the public interest is served through the adoption of certain updates to the policies, as provided below; and,

WHEREAS, in order to effectuate such policies, the Council has determined that it is appropriate to amend the City Code as outlined below; and,

WHEREAS, the City Council has reviewed the regulations contemplated herein and finds that they are reasonable and appropriate, and have been drafted to properly reflect the City and community interests at stake; and,

WHEREAS, the City Council determines that there is an urgent public safety threat that will be mitigated by the passage of this ordinance, and hereby includes a statement of urgency and direction that the ordinance take effect immediately upon passage and approval, having made all required findings for such immediate effect;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. That the Municipal Code of the City of DeKalb, Chapter 51 be amended as follows:

Section 51.21 shall be deleted in its entirety, and shall be replaced as follows:

51.21 REGULATING AND PROHIBITING PARKING OF MOTOR VEHICLES DURING
SNOW ROUTE ACTIVATION; ESTABLISHING SNOW ROUTES; REQUIRING MOVEMENT OF VEHICLES ON ALL CITY STREETS FOLLOWING SNOW ROUTE ACTIVATION.

a) Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter 51.21:

"Snow Routes" or "Snow Emergency Routes" are those streets marked as such in accordance with this Chapter 51.21, set out in Schedule I.

"Director" shall mean the Director of Public Works or his designee.

b) Parking on Snow Routes.

1. Whenever the Director, on the basis of falling snow, sleet, or freezing rain, which may accumulate to two (2") inches or more, or on the basis of a forecast of snow, sleet, or freezing rain, which may accumulate to two (2") inches or more, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on certain city streets be prohibited or restricted for snow plowing and other purposes, the Director shall put into effect a parking prohibition on parts of, or all Snow Routes as necessary by declaring it in a manner prescribed by this Chapter 51.21.

2. A parking prohibition shall automatically go into effect on any part of any Snow Route on which there has been an accumulation of snow and ice of two (2") inches or more for one (1) hour or more between 6:00 a.m. and 11:00 p.m. of any day.

3. Once in effect, a prohibition under this Section shall remain in effect until terminated by announcement of the Director in accordance with this Chapter 51.21. The one-time snowplowing of a Snow Route does not render the Snow Route inactive; Snow Routes shall remain active, with parking prohibited, until they are deactivated by the Director. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. Nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

c) Stalled Vehicle on Snow Emergency Route. Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Chapter 51.21, on any part of a Snow Emergency Route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such Snow Route, into the first cross street which is not a Snow Route. No person shall abandon or leave his vehicle in the roadway of a Snow Route (regardless of whether he indicated, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay. Such person shall also notify the DeKalb Police Department stating his or her name, place of vehicle location, and the vehicle's license plate number.

d) Declaration of the Director.
1. The Director shall cause declaration made by him pursuant to this Chapter 51.21. to be publicly announced by all reasonably available means, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Such information may also be distributed via the City’s website and any emergency notification systems available for such purpose, when possible and practical to do so. Each announcement shall describe the action taken by the Director, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition declared by the Director shall not go into effect until at least one (1) hour after it has been announced between 6:00 a.m. and 11:00 p.m. in accordance with this Section.

2. The Director shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this Section.

e) Termination of Parking Prohibition by the Director. Whenever the Director shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this Chapter 51.21 no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this Chapter 51.21 effective immediately upon announcement.

f) Provisions Temporarily Effective to Take Precedence. Any provision of this Chapter 51.21. which becomes effective by declaration of the Director or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.

g) Signs to Mark Snow Routes. On each street designated by this Chapter 51.21. as a Snow Route, the Director shall post special signs at intervals not exceeding seven hundred fifty (750) feet with wording designed to reasonably inform the public of applicable regulations. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

h) Parking on All City Streets After Snow Route Activation. Any time the Director Activates the Snow Routes, within 48 hours after the deactivation of the Snow Routes, any vehicle parked on any public street within the City, or parked in any City parking lot, shall be moved from its parking space to another lawful parking location within the City that has already been snowplowed, such that the portion of the street upon which the vehicle had been parked can be snowplowed from curb to curb. For the period starting at 48 hours after deactivation of the Snow Routes and ending at 96 hours after deactivation of the Snow Routes, it shall be unlawful to park on any public street or any City parking lot in a parking spot that has not been cleared of snow. The presence of a car in an unsnowplowed location on a public street or in a City parking lot within the period of time that is 48-96 hours after deactivation of the Snow Routes shall be unlawful.

i) Removal, Impounding, and Return of Vehicles.

1. Members of the Police Department are hereby authorized to remove or have
removed a vehicle from a street or Municipal Parking lot, when:

(a) The vehicle is parked on a part of a Snow Emergency Route on a Municipal Parking lot in which a parking prohibition is in effect.

(b) The vehicle is stalled on a part of a Snow Emergency Route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter 51.21.

(c) The vehicle is parked on any public street within the City, or parked in any City Parking lot, in a parking space or location that has not yet been snowplowed, during the period that is 48-96 hours after deactivation of the Snow Routes.

(d) The vehicle is parked in violation of any parking ordinance or provision of law and is interfering with snow removal operations.

2. Any vehicle towed under this Section 51.21 shall be responsible for the costs of towing and storage, and shall receive notice of the towing/relocation and shall otherwise be processed in accordance with applicable City Codes.

3. No person shall recover any vehicle removed in accordance with this Section 51.21 except after the payment of all towing costs, storage costs, and parking fines.

4. It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this Section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known its final disposition and the parking violation involved.

j) Snow Routes Designated. The streets or portions of streets within the City set forth on Schedule I are hereby designated as Snow Routes.

k) Other Towing Authorized. Any vehicle that presents a public safety hazard or that blocks or threatens to block access to any City street by snowplowing vehicles or emergency responders shall be authorized to be ticketed and towed immediately, at any time during, before or after activation of Snow Routes.

k) Penalties. Any person, firm or corporation violating any provision of this Section shall be punished by a fine of not less than Twenty Five Dollars ($25.00) nor more than Seventy-five Dollars ($75.00). Any person, firm or corporation which fails to pay the penalty provided for violations of 51.21 shall be punished by a fine of not less than Seventy-five Dollars ($75.00).

Section 51.22 shall be deleted in its entirety and shall be replaced as follows:

51.22 POWER OF CITY TO PROHIBIT PARKING ON A PART OR ALL OF THE STREETS IN THE CITY OF DEKALB DURING A SNOW EMERGENCY FOR THE PURPOSE OF SNOW REMOVAL.
a) When any of the following conditions exist as determined by the City Manager, there exists within the City of DeKalb a "state of emergency":

1. Falling snow, sleet or freezing rain which may accumulate to six inches (6") or more or a forecast of snow, sleet or freezing rain which may accumulate to six inches (6") or more; or

2. The existence of four inches (4") or more of snow, sleet or freezing rain upon the streets and alleys of the City of DeKalb; or

3. The existence within a thirty (30) day period of an existing accumulation of snow, sleet or freezing rain within the City of DeKalb of twelve inches (12") or more, which accumulation restricts the curb to curb removal from streets of snow, sleet or freezing rain; or

4. A forecast of snow, sleet or freezing rain which may accumulate to four inches (4") or more while there exist accumulations of snow, sleet or freezing rain within the City of DeKalb in excess of ten inches (10"); or

5. Other similar extreme weather conditions that, in the determination of the City Manager, require the declaration of a state of emergency necessitating a parking prohibition.

b) Whenever the City Manager shall determine that a "state of emergency" exists necessitating parking prohibition during snow removal, the City Manager shall issue a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a "state of emergency" exists. The City Manager shall cause declaration made by him pursuant to this Chapter 51.22 to be publicly announced by all reasonably available means, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Such information may also be distributed via the City's website and any emergency notification systems available for such purpose, when possible and practical to do so. Each announcement shall describe the action taken by the City Manager, including the time it became or will become effective and any related information available.

c) After declaring a "state of emergency", the City Manager may declare the "state of emergency" at an end by issuing and publicizing a written statement to that effect. The State of Emergency may also be terminated by the City Council, at a public meeting thereof.

d) Within the time prescribed by the City Manager, but not less than one (1) hour after the issuance of the declaration of a "state of emergency", there shall exist parking prohibitions in the corporate limits of the City of DeKalb as prescribed by the City Manager, which shall be in effect until the "state of emergency" is ended as prescribed in Subsection (c) above. Said parking prohibitions may prohibit parking on all or specified City streets and parking lots, for a specified period of time or based on conditions as outlined by the City Manager. Said declarations and restrictions shall have the full force of an ordinance of the City Council of the City of DeKalb.
e) Any provision of this Chapter 51.22 which becomes effective by declaration of the City Manager, while in effect shall take precedence over other conflicting provisions of law normally in effect, including Chapter 51.21 if there be a conflict between said Chapter 51.21 and this Chapter 51.22, and except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

f) Members of the Police Department are hereby authorized to remove or have removed a vehicle from any street or Municipal Parking lot where parking is prohibited by declaration of the City Manager. The procedure therefor shall be the same as prescribed in Section 51.21, and the fine or sanction shall be the same as provided in Section 51.21.

g) Any vehicle that presents a public safety hazard or that blocks or threatens to block access to any City street by snowplowing vehicles or emergency responders shall be authorized to be ticketed and towed immediately, at any time during, before or after declaration of a Snow Emergency.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed. All agreements in violation of the terms of this Ordinance shall be terminated, effective immediately. The City Clerk shall issue a notice to the Office of the State Fire Marshall, advising of the passage of this Ordinance, and including a copy of the same.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect immediately after passage, based upon the statement of urgency included in the preamble above (incorporated by reference herein). Publication date: April 9, 2013. Effective date: April 9, 2013.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 8th day of April, 2013 and approved by me as Mayor on the same day. Passed on the Consent Agenda by roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Naylor, Baker, O’Leary, Povlsen. Absent: Gallagher.

ATTEST:

DIANE K. WRIGHT, City Clerk

KRIS POVLSEN, Mayor