

**AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 51, "TRAFFIC, SECTION 51.30 "ORDERS FOR TOWING AND IMPOUNDING OF VEHICLES BY THE CITY," AND ADDING SECTION 51.31 "PROHIBITION ON PARKING UNLAWFUL VEHICLES ON ROADWAYS RELATING TO PARKING OF UNLAWFUL OR HAZARDOUS VEHICLES."**

**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 parking 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 51.30 shall be amended with the addition of subsection (b)(8) as follows:**

b)

8) Vehicles that are hazardous in the determination of a City of DeKalb police officer. The City Council of the City of DeKalb has formally determined that there are certain characteristics which are among the types of concerns that create traffic hazards and impede traffic on streets within the City of DeKalb. A vehicle with one or more of these characteristics

is thus deemed to be a hazardous vehicle subject to immediate towing. The characteristics that create a hazardous vehicle include, but are not limited to: vehicles with broken windows, vehicles with obvious safety hazards, vehicles that are leaking any fuel or fluids onto the roadway, vehicles missing any equipment required by law for legal operation on the roadway, vehicles without properly displayed license plates and valid registration, vehicles with missing or flat tires, and vehicles that are clearly inoperable or incapable of being moved under their own power.

**Section 51.31 shall be added as follows:**

**51.31 PROHIBITION ON PARKING UNLAWFUL VEHICLES ON ROADWAYS**

a) It shall be unlawful to park any vehicle on any public roadway, parking lot, or other public property within the City of DeKalb where such vehicle is unlawful to operate on a public street by virtue of any vehicle condition, equipment violation, registration or licensure violation, or the failure to insure such vehicle.

b) Violation of this Section 51.31 shall be punishable by a fine of not less than Seventy Five Dollars (\$75.00) nor more than One Hundred Fifty Dollars (\$150.00). Any person, firm or corporation failing to pay the penalty provided in this section 51.31(b) shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Hundred Seventy Five Dollars (\$175.00). Each calendar day that an unlawful vehicle shall remain on public property shall constitute a separate violation, punishable separately by fine, and separately ticketable.

**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.

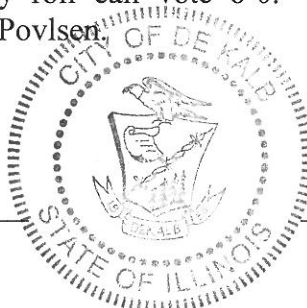
**Section 3.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**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 23, 2013. Effective date: April 23, 2013.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 22<sup>nd</sup> day of April, 2013 and approved by me as Mayor on the same day. Passed on the Consent Agenda by roll call vote 8-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen.

**ATTEST:**

  
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**DIANE K. WRIGHT, City Clerk**



  
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**KRIS POVLSSEN, Mayor**