

MILTON TOWNSHIP BOARD

Ordinance No. O-04-4

An Ordinance of the Township of Milton, County of DuPage, Illinois

**AN ORDINANCE PROHIBITING PARKING ON A DESIGNATED PORTION OF
HERRICK DRIVE IN UNINCORPORATED MILTON TOWNSHIP**

WHEREAS, the Statutes of the State of Illinois to such matters pertaining provide that local authorities, such as the Milton Township Board of Trustees, shall have the power to regulate parking on streets and highways under the jurisdiction of the Milton Township Highway Commissioner; and

WHEREAS, Herrick Drive, north of Jewel and north to Jerome, is a street or highway under the jurisdiction of the Milton Township Highway Commissioner; and

WHEREAS, the Milton Township Highway Commissioner has determined that it is in the best interest of the health, safety and welfare of the residents of Milton Township, particularly of those children attending school in the immediate vicinity of Herrick Drive, to prohibit parking, standing and stopping on both sides of Herrick Drive, north of Jewel and north to Jerome between the hours of 7:30 a.m. and 4 p.m. Monday through Friday; and

WHEREAS, when signs are erected giving notice thereof, no person shall park, stand or leave standing or unattended a motor vehicle between the hours specified, upon Herrick Drive north of Jewel and north to Jerome; and

WHEREAS, the Milton Township Highway Commissioner shall provide reasonable notice of the restrictive parking on the street named hereinabove by posting signs on this street which shall read as follows: "NO PARKING, STOPPING OR STANDING 7:30 A.M. TO 4 P.M. MON - FRI"; and

WHEREAS, violation of this Ordinance shall result in penalty as provided herein below.

NOW, THEREFORE, BE IT ORDAINED by the Supervisor and the Board of Trustees of the Milton Township Board, DuPage County, Illinois, as follows:

Section 1. That the recitals set forth above are incorporated herein and made a part hereof.

Section 2. That it is necessary and desirable that the Milton Township Highway Commissioner restrict parking on Herrick Drive north of Jewel and north to Jerome between the hours of 7:30 a.m. and 4 p.m. Monday through Friday.

Section 3. That the Milton Township Highway Commissioner shall provide reasonable notice of the restrictive parking on the streets named hereinabove by posting signs on this street which shall read as follows: "NO PARKING, STOPPING OR STANDING 7:30 A.M. TO 4 P.M. MON - FRI."

Section 4. Whenever any motor vehicle without driver is found parked or stopped in violation of the restriction imposed by this Ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation for the driver to answer to the charge against him within ten (10) days during the hours and at a place specified in the citation.

Section 5. If a violator of the restrictions on stopping, standing or parking under this Ordinance does not appear in response to a traffic citation affixed to such motor vehicle within a period of ten (10) days, the Clerk of the Township shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of ten (10) days, the fine for such violation shall increase as set forth hereinbelow, and could, after the required period of time, result in turning the matter over for collection or prosecution.

Section 6. In any prosecution of a charge for violation of this Ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred. The foregoing stated presumption shall apply only when the procedure as prescribed herein has been followed.

Section 7. (A) Law enforcement officers are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police, or otherwise maintained under the following circumstances:

(1) When any vehicle is left unattended where such vehicle constitutes an obstruction to traffic;

(2) When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal; or

(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(B) Whenever a law enforcement officer removes a vehicle from a street as authorized in this Section, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(C) Whenever a law enforcement officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Section 8. Violators of this Ordinance may be assessed a fine not to exceed the sum of Five Hundred Dollars (\$500.00). The payment of fines for violations shall be as follows:

(A) A violator shall be assessed an initial fine of Fifteen Dollars (\$15.00) to be paid within ten (10) days of assessment.

(B) In the event the violator has not paid the fine after the first ten (10) day period, a final notice requiring payment shall be issued; and then the fine shall be Thirty Dollars (\$30.00).

(C) In the event the fine remains unpaid within ten (10) days of issuance of the final notice, then the fine shall be Fifty Dollars (\$50.00), and the matter turned over for prosecution in the DuPage County Court or to a collection agency for further action.


Section 9. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED this 10th day of August, 2004.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Trustee Barbara A. Murphy	X		
Trustee Ken J. McNatt	X		
Trustee James D. Flickinger	X		
Trustee Donald A. Sender	X		
Chairman O. Chris Heidorn	X		

APPROVED this 10th day of August, 2004.



O. Chris Heidorn, Supervisor and
Chairman of the Milton Township Board

ATTEST: 

A. Arlene DeMotte, Town Clerk

(SEAL)