

MILTON TOWNSHIP BOARD

Ordinance No. O-05-2

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

**AN ORDINANCE AUTHORIZING ADOPTION OF A
UNIFORM PARKING VIOLATION NOTIFICATION AND COLLECTION SYSTEM**

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

WHEREAS, from time to time, the Board has adopted ordinances restricting parking on various streets and highways under the jurisdiction of the Milton Township Highway Commissioner; and

WHEREAS, the Milton Township Highway Commissioner, in consultation with his fellow Township Highway Commissioners and with the Clerk of the Eighteenth Judicial Circuit Court (hereinafter the "Clerk"), has determined that it is in the best interests of Milton Township to enter into an Administrative Parking Violation Agreement (hereinafter the "Administrative Agreement") in the form attached hereto and made a part hereof by reference as Exhibit "A," whereby the Clerk shall process all Township Parking Citations; and

WHEREAS, pursuant to said Administrative Agreement, the Milton Township Highway Commissioner shall remain responsible for issuance of the citations, transmittal of the Citations to the Clerk, prosecution of the citations, and all other actions necessary to allow the Clerk to process the citations; and

WHEREAS, pursuant to said Administrative Agreement, the Clerk shall provide an administrative record keeping service to the Township Highway Commissioners for the purposes of collecting and processing all citations, which system shall include, without limitation, citation forms management, filing citations, record keeping support, processing and distribution of fines and other revenues collected related to the citations; and

WHEREAS, in support of said program, the Township Highway Commissioners have agreed to share the cost of printing and providing the uniform parking Citations, and to share a portion of the fees resulting from prosecution of the Citations with the Clerk as payment for the services provided by the Clerk's office, all as set forth in the Administrative Agreement attached hereto as Exhibit "A;" and

WHEREAS, the Township Highway Commissioner believes adoption of the Administrative Agreement will assist him in prosecution of Township Parking Citations, and will be in the best interests of the residents of Milton Township.

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 adopt a uniform parking citation and enforcement program with the other Township Highway Commissioners on the terms as set forth in Exhibit "A;" and

Section 3. That upon adoption of this Ordinance, the ticketing process and fines for violation of the "No Parking" restrictions heretofore adopted by the Board in Ordinance Nos. O-89-3, O-94-4, O-94-5, O-94-7, O-94-12, O-96-3, O-97-5, O-97-14, O-99-2, O-00-4, O-03-3, O-04-4 and O-05-1, shall be amended to provide as follows upon proper publication of this Ordinance:

(1) 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 as set forth therein.

(2) A violator of the restrictions on stopping, standing or parking under this Ordinance and all others as referred to herein, and all other Ordinance restricting Parking as heretofore adopted, but not named herein, is provided ten (10) days from the date of issuance to pay the fine set forth therein to the Clerk of the Circuit Court for the Eighteenth Judicial Circuit.

(3) If a violator so chooses, he/she may request a court hearing within seven (7) days of the infraction to contest the matter. Failure to request a court hearing, or to pay the fine as stated within the time set forth herein, and before an arrest warrant shall issue, shall result in an increase of the fine to the sum of Fifty and 00/100 Dollars (\$50.00).

(4) If an arrest warrant shall issue, the fine shall thereafter be the sum of Seventy-Five and 00/100

Dollars (\$75.00), and the matter shall be turned over to a collection agency or a complaint shall be filed therefore in the Circuit Court of the Eighteenth Judicial Circuit.

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. Violators of this Ordinance, and all other Township Parking Ordinances specifically named herein or referred to by reference, 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:

Section 8. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. This Ordinance shall be appended to Ordinance Nos. O-89-3, O-94-4, O-94-5, O-94-7, O-94-12, O-96-3, O-97-5, O-97-14, O-99-2, O-00-4, O-03-3, O-04-4 and O-05-1, which shall be amended to provide for fines and prosecution of same, as set forth herein upon proper publication of this Ordinance.

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

PASSED this 8th day of March, 2005.

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor O. Chris Heidorn	x		
Trustee Barbara A. Murphy	x		
Trustee Ken J. McNatt	x		
Trustee James Flickinger	x		
Trustee Donald Sender	x		

APPROVED the 8th day of March, 2005.

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

ATTEST:

/s/ A. Arlene DeMotte
A. Arlene DeMotte, Town Clerk

(SEAL)