

MILTON TOWNSHIP ROAD DISTRICT
DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER HW O-05-3

AN ORDINANCE ADOPTING PARKING RESTRICTIONS
ON HERRICK DRIVE, A ROAD UNDER
THE JURISDICTION OF MILTON TOWNSHIP

GARY MUEHLFELT, Highway Commissioner
A. ARLENE DEMOTTE, Road District Clerk

Approved and adopted by the Highway Commissioner on October 31, 2005

ORDINANCE NO. HW O-05-3

**AN ORDINANCE ADOPTING PARKING RESTRICTIONS
ON HERRICK DRIVE, A ROAD UNDER THE
JURISDICTION OF MILTON TOWNSHIP**

WHEREAS, the Milton Township Highway Commissioner has determined that vehicular parking on certain Milton Township roads causes a safety hazard to traffic within the road system itself; and

WHEREAS, the Statutes of the State of Illinois, specifically, the Illinois Highway Code and the Illinois Vehicle Code, authorize the Township Highway Commissioner to regulate the standing or parking of vehicles on roads under his jurisdiction; and

WHEREAS, the Milton Township Highway Commissioner has determined that it is in the best interest of the Township and the residents residing therein that parking be restricted on a portion of Herrick Drive, a road under his jurisdiction, so as to provide safe passage; and

WHEREAS, Milton Township and the Milton Township Highway Commissioner have adopted a uniform Parking Violation and Notification System for purposes of enforcing said parking restrictions.

**NOW THEREFORE, BE IT ORDAINED BY THE HIGHWAY
COMMISSIONER OF MILTON TOWNSHIP, AS FOLLOWS:**

Section 1. That the recitals set forth are incorporated herein and made apart hereof.

Section 2. All provisions of this Ordinance shall be in full force and effect from and after the date of adoption of this Ordinance.

Section 3. When signs are erected along Herrick Drive giving notice thereof, no person shall park or leave standing or unattended a motor vehicle upon Herrick Drive or part of Herrick Drive as follows:

There shall be no parking on the east side of Herrick Drive, the east side shall be a drop-off, pick-up zone only.

There shall be no parking on the west side of Herrick Drive, south of Armbrust to Jewell Road, Monday through Friday from 7:30 a.m. to 4:30 p.m.

Section 4. Signs in conformance with Section 3 shall be erected by the Highway Commissioner upon approval of the County Superintendent of Highways.

Section 5.

- A. When any unattended motor vehicle is found parked or stopped in violation of the restrictions imposed by this Ordinance, the officer finding such vehicle shall take its registration number and may take other information displayed on the vehicle that 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.
- B. 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.
- C. 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).
- D. 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.

- A. In any prosecution of an alleged violation of this Ordinance, 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 violation 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.
- B. The foregoing stated presumption shall apply only when the procedure prescribed in Section 4 and 5 has been followed.

Section 7.

- A. Law enforcement officers are hereby authorized to remove a vehicle from a road to the nearest garage or other place of safety, or to a garage designated or maintained by the police, 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 incapacitated by physical injury to such an extent as to be unable to provide for its custody or removal;
 3. When any vehicle is left unattended upon a street and is parked illegally so as to constitute a hazard or obstruction to the normal movement of traffic; or
 4. When any vehicle is left unattended upon a road and is parked illegally so as to constitute a hazard or obstruction to the removal of snow or ice from the road by the Road District.
- B. Whenever a law enforcement officer removes a vehicle from a road 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. When any such vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage.
- C. Whenever a law enforcement officer removes a vehicle from a road 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 the officer shall 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 include a complete description of the vehicle, the date, time and place of removal, and the name of the garage or place where the vehicle is stored.

Section 8. 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 9. Violators of this Ordinance, may be assessed a fine not to exceed the sum of Five Hundred Dollars (\$500.00).

Section 10. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

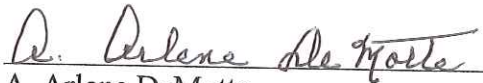
Section 11. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

ADOPTED by the Highway Commissioner on October 31, 2005.



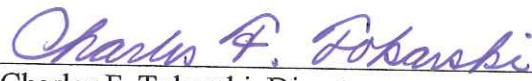
Gary Muehlfelt
HIGHWAY COMMISSIONER

ATTEST:



A. Arlene DeMotte
ROAD DISTRICT CLERK

Approved:



Charles F. Tokarski, Director
DuPage County Division of Transportation

Date: November 9, 2005

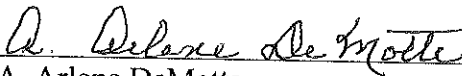
cc: DuPage County Sheriff
DuPage County State's Attorney

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

CERTIFICATION

I, A. Arlene Demotte, Clerk of Milton Township Road District, County of DuPage and State of Illinois, DO HEREBY CERTIFY that the attached is a true and correct copy of Ordinance Number HW O-05-3, "**AN ORDINANCE ADOPTING PARKING RESTRICTIONS ON HERRICK DRIVE, A ROAD UNDER THE JURISDICTION OF MILTON TOWNSHIP**", which was adopted by the Milton Township Highway Commissioner on October 31, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand in the County of DuPage and State of Illinois, on October 31, 2005.



A. Arlene DeMotte
Road District Clerk

(SEAL)