

MILTON TOWNSHIP BOARD

Ordinance No. O-97-14

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

PARKING RESTRICTIONS FOR STREETS LOCATED IN MILTON TOWNSHIP

Be, And is Hereby Ordained by the duly elected Trustees and Supervisor of Milton Township in regular session assembled and the consent and approval of the Milton Township Highway Commissioner.

Section 1. That this Ordinance, consisting of ten (10) Sections, inclusive, is hereby adopted and enacted, shall be treated and considered as superseding all other Ordinances passed heretofore, except such as by reference herein, are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all provisions of this Ordinance shall be in full force and effect from and after the 9th day of December, 1997.

Section 3. When signs are erected giving notice thereof, no person shall park or leave standing or unattended motor vehicle between the hours specified herein on any day upon any streets or parts of streets as follows:

A) Between December 1st and April 15th of each year;

B) There shall be no parking on any street or part of a street located in the unincorporated Milton Township from 2:00 a.m. to 6:00 a.m.

Section 4. Whenever any unattended motor vehicle without driver is found parked or stopped in violation of any of the restrictions 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 five (5) 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 five (5) 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 five (5) days, a warrant of arrest will be issued for the owner.

Section 6.

(a) In any prosecution arising from 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 as prescribed in Sections 4 and 5 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;

(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.

(4) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the removal of snow or ice from the street by the Highway Department.

(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 therefor, 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 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 may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

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) In the event the violator elects to pay a fine within five (5) days of the date of the citation, then the fine shall be **Twenty-Five Dollars** (\$25.00).

(b) In the event the violator elects to pay a fine after the first five (5) day period, but prior to the issuance of an arrest warrant, then the fine shall be **Fifty Dollars** (\$50.00).

(c) In the event the violator elects to pay a fine after an arrest warrant has been issued, then the fine shall be **Seventy-Five Dollars** (\$75.00), plus costs of court.

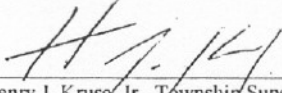
Section 9. That all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, by repealed.

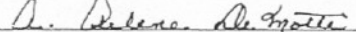
Section 10. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED by the Township Board of the Township of Milton, DuPage County, State of Illinois this 9th day of December, 1997, on the following roll-call vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Trustee Barbara Murphy	X		
Trustee Ken J. McNatt		X	
Trustee John Garrow	X		
Trustee O. Chris Heidorn	X		
Chairman Henry J. Kruse, Jr.	X		

APPROVED this 9th day of December, 1997.


 Henry J. Kruse, Jr., Township Supervisor
 Chairman of the Milton Township Board

EST: 
 A. Arlene DeMotte, Township Clerk