



FINANCE DEPARTMENT
MUNICIPAL COLLECTOR'S DIVISION
M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer

FROM: Delora Siebrecht, Office Manager

DATE: February 23, 2006

RE: Revisions Urbana Local Traffic Code

Brief Description of the item(s)

Revision of three sections of the Urbana Local Traffic Code (ULTC) and adopt a revised Schedule of Fines under Section 1-10(j) of the Municipal Code.

1. Increase fine for Section 23-159. (a)(4) Disabled Parking, in accordance with current Illinois State Statute.
2. Add definition to Section 23-189. Parking in Excess of 72 Hours Prohibited.
3. Clarify numbering on Section 23-211. Parking Violation Procedures.
4. Amend the Urbana Local Traffic Code Schedule of Fines.

Identification of the Issues and any approvals required:

1. Sec. 23-159. Disabled Parking. The State Legislation recently enacted an amendment to Section 11-1301.3 of the Illinois Motor Vehicle Code (625 ILCS 5/11-1301-5) that increased the penalties for the unlawful use of disabled parking spaces and parking placards from \$100.00 to \$250.00. The amendment went into effect on January 1, 2006. The State statute also prohibits local governments from enacting their own ordinances that impose a lower minimum fine. Accordingly, the City, at the very least, needs to amend the fine schedule and raise the minimum fine to \$250.00. The City does have the authority, under that statute, to raise the minimum fine as high as \$350.00. Staff does not support raising the fine higher than \$250.00.

Currently, the minimum fine amount for disabled parking is included in Sec. 23-159 of the Local Urbana Traffic Code. The section also erroneously references Section 14-7 of the City Code which is the Schedule of Fees. Fine amounts for other sections of the ULTC have been removed and replaced with a reference to the Schedule of Fines under Section 1-10(j) of the City Code. The amendment will remove the fine amount and reference the correct code section and schedule.

2. Sec. 23-189. Parking in Excess of 72 Hours. The current section in the Urbana Local Traffic Code prohibiting parking in excess of 72 hours requires that any vehicle parked on the street must be moved at least every 72 hours. The section does not define "moving" the vehicle. To skirt the law citizens drive the vehicle forward or backward 6" to 12" and say the vehicle was moved. Since the code

does not define how far the vehicle must move, Parking Enforcement is having difficulty enforcing the ordinance.

Adding the following definition will clarify the section: *Moving the vehicle is defined as 1) driving the vehicle at least .2 of a mile distance per the odometer reading taken by the officer at the time the vehicle is marked; or 2) driving the vehicle through or across a street intersection before re-parking the vehicle within the same block that it was previously parked.*

Moving the vehicle either of these distances will remove the identifiers used by Parking Enforcement to tell if the vehicle was moved. Identifiers include the odometer reading, chalk marks on the tire tread, tire valve stem placement and photographs of debris, ice and snow surrounding the vehicle.

3. Sec. 23-211. Parking Violation Procedures. This section has an error in the format numbering. The letter (a) should be added to the first paragraph of the section.
4. Urbana Local Traffic Code Schedule of Fines. Revises the schedule to reflect the increase in the minimum disabled parking fine.

Council approval is required for all three amendments and adoption of the Schedule of Fines.

Options and their consequences

1. Disabled Parking. Under Illinois State Statute municipalities are required to impose the fines as established in Section 11-1301.3 of the Illinois Vehicle Code.
2. Parking in Excess of 72 Hours. Clarification of the ordinance will eliminate citizen confusion on how to comply with the law and give Parking Enforcement guidelines on enforcement of the ordinance. In addition, the amended ordinance can be legally upheld for fine collection purposes.
3. Parking Violation Procedures. Clarification of the ordinance numbering will eliminate confusion in references back to this section in other parts of the code.
4. Schedule of Fines. Fine schedule must be revised to reflect the minimum disabled fine per Illinois State Statute.

Fiscal impact

The cost to replace signs stating the fine amount is \$500.00 plus labor.

Recommendation

Staff recommends approval of the attached ordinance amending the following sections of the Urbana Local Traffic Code and the Traffic Code Fine Schedule:

Section 23-159, Disabled Parking,
Section 23-189, Parking in Excess of 72 Hours and
Section 23-211, Parking Violation Procedures
Urbana Local Traffic Code Schedule of Fines

ORDINANCE NO. 2006-02-026

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 23 OF THE
URBANA LOCAL TRAFFIC CODE**

(Sec. 23-159 Handicapped Parking; Sec. 23-189 Parking in Excess of 72 Hours Prohibited; Sec. 23-211 Parking Violation Procedures)

WHEREAS, Illinois State Statute governing the fine for disabled parking recently changed and;

WHEREAS, a definition concerning the section Parking in Excess of 72 Hours Prohibited is needed and;

WHEREAS, renumbering of Sec. 23-211 is needed for clarification purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

THAT Chapter 23 of the Urbana Local Traffic Code is hereby further amended to read:

Sec. 23-159. Handicapped parking.

(a)(4) Fine. Any person violating this subsection by parking in a space reserved for handicapped shall be fined in accordance with the fine schedule approved by the city council ~~(under section 14-7)1-10(j) of the city code. which fine, however, shall not be less than one hundred dollars (\$100.00).~~

(d)(5) Fine. Any person violating this subsection by parking in a space reserved for handicapped shall be fined in accordance with the fine schedule approved by the city council ~~(under section 14-71-10(j) of the city code.) which fine, however, shall not be less than one hundred dollars (\$100.00).~~

Sec. 23-189. Parking in excess of 72 hours prohibited.

It shall be unlawful in the city for any person or operator of a vehicle to park such a vehicle on any street and to permit it to remain without moving the same for a span of time in excess of seventy-two (72) hours. Moving the vehicle is defined as 1) driving the vehicle at least .2 of a mile distance per the odometer reading taken by the officer at the time the vehicle is marked; or 2) driving the vehicle through or across a street intersection before re-parking the vehicle within the same block that it was previously parked.

Sec. 23-211. Parking Violation Procedures.

(a) Any person who violates any provision of Articles XII, XIII, XIV or sections 23-234 through 23-240 of the local traffic code shall be subject to the following procedures and penalties:

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor