

Council Bill/General Ordinance No. 3003-2021

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 20, "MOTOR VEHICLES AND TRAFFIC" of the Moline Code of Ordinances, by amending Section 20-5201, "ESTABLISHMENT OF SNOW ROUTES," Section 20-5202, "NOTICE WHEN PARKING ALONG SNOW ROUTES IS RESTRICTED," Section 20-5203, "REMOVAL OF VEHICLES PARKED IN VIOLATION OF THIS DIVISION," and Section 20-5119(1)(a), "PENALTIES FOR VIOLATIONS OF THIS ARTICLE.

WHEREAS, the City of Moline is a home rule unit of government and has the authority to adopt ordinances, to promulgate rules and regulations that pertain to its government and affairs, and the authority to protect the public health, safety, and welfare of its residents; and

WHEREAS, in Chapter 20, "MOTOR VEHICLES AND TRAFFIC" of the Moline Code of Ordinances, the City has adopted ordinances and promulgated rules and regulations concerning motor vehicles and traffic; and

WHEREAS, in the exercise of its home rule powers, the City desires to amend its Code of Ordinances concerning parking on snow routes and the enforcement of the traffic code.

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

Section 1 – That the facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2 – That Chapter 20, "MOTOR VEHICLES AND TRAFFIC," sections 5201, 5202, 5203, and 5119(1)(a) are deleted and replaced with the following:

"SEC. 20-5201. WHEN PARKING ALONG SNOW ROUTES IS UNLAWFUL.

It shall be unlawful for any person to park a vehicle, allow a vehicle to be parked, allow a vehicle to remain parked, or to attempt to park a vehicle on a Snow Route within the City after the Mayor declares a "Snow Emergency". The Mayor may declare a Snow Emergency when: two (2) or more inches of snow have fallen on the streets; when the Mayor, in consultation with Public Works, determines that two (2) or more inches of snow are reasonably expected to fall; or when the Mayor, in consultation with Public Works and the Chief of Police, determines that it is in the best interests of the City to prepare for a storm event involving snow, rain, ice or any mix thereof.

SEC. 20-5202. NOTICE WHEN PARKING ALONG SNOW ROUTES IS RESTRICTED.

Once the Mayor has declared a Snow Emergency, the Mayor shall give constructive notice to the public that it is illegal to park on the snow routes or to leave vehicles parked on the snow routes, by communicating the declaration to the local media and asking them to broadcast a message that the Mayor has declared a Snow Emergency and that it is necessary to implement the parking ban on the Snow Routes due to the accumulation or expected accumulation of snow and ice. The communication to the media shall be a prerequisite to any prosecution for violation of this division, but the fact of actual publication of the Mayor's declaration by the media shall not be an element of the case.

SEC. 20-5203. ENFORCEMENT OF AND PENALTIES FOR VEHICLES PARKED IN VIOLATION OF THIS DIVISION.

- (a) Once the mayor has declared a Snow Emergency, the mayor shall advise the police department of such determination; thereafter, the Chief of Police, or such other sworn officer designated by the Chief of Police, shall be authorized to take the following action or any combination thereof:
 - (1) Authorize the Main Parking Attendants to issue courtesy warning notices;
 - (2) Authorize the Main Parking Attendants to issue summonses for violations of this Section in accordance with the schedule of penalties set forth in Section 20-5119 (as amended);
 - (3) cause the towing or other removal of vehicles parked in violation of this division.

The Chief of Police shall, for any specific Snow Emergency, have the discretion to select those specific Snow Routes to receive any or all of the enforcement actions set forth herein.

- (b) The removal of a vehicle as authorized by subsection (a) shall be done as provided in Section 20-7400, et seq.
- (c) In the event that ownership of a vehicle removed pursuant to this section cannot be ascertained, the provisions of Section 20-7400 et seq. shall be followed as in the case of abandoned and inoperative motor vehicles.
- (d) The owner of the vehicle or the person otherwise entitled to possession thereof shall pay the reasonable costs of towing and storage occasioned by removal of the vehicle removed hereunder.

SEC. 20-5119. PENALTIES FOR VIOLATIONS OF THIS ARTICLE.

Any person who violates any of the provisions of this article shall be subject to the following penalties:

- (1) A person parking illegally and receiving a traffic ticket therefor shall, prior to the issuance of a warrant or summons, be allowed to pay a violation fee for such person's illegal use of

Council Bill/Ordinance No: 3003-2021

Page 3 of 3

the parking space or area, which fee shall be collected by the motor vehicles parking systems supervisor and deposited with the accounts and finance officer as follows:

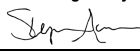
- a. **Prohibited zones; prohibited times.** Unless listed elsewhere in this section for a specific offense, for unlawful parking in violation of Sections 20-5100, 20-5104, 20-5105 (except 20-5105(f)), 20-5107, 20-5108, 20-5110, 20-5112, 20-5118 (except persons with disabilities parking restrictions), and 20-5201, the violation fee shall be twenty dollars (\$20.00) if paid within five (5) days (excluding Saturday, Sunday or legal holidays) after issuance of the ticket; thirty-five dollars (\$35.00) if paid after five (5) days. /remainder of 20-5119 unchanged/

Section 3 – That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4 – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

Section 5 – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

DocuSigned by:


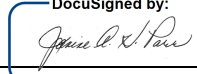
 Mayor #AC43CBA499A402...

 March 16, 2021

 Date

Passed: March 16, 2021

Approved: March 30, 2021

Attest: 

 1A0D2384B9FB4C4
 City Clerk

SEC. 20-5201. WHEN PARKING ALONG SNOW ROUTES IS UNLAWFUL.

It shall be unlawful for any person to park a vehicle, allow a vehicle to be parked, allow a vehicle to remain parked, or to attempt to park a vehicle on a Ssnow Rroute within the City after the Mayor declares a "Snow Emergency". The Mayor may declare a Snow Emergency when: it has been determined by the mayor that two (2) or more inches of snow have fallen on the streets; ~~which snow has not been removed, or when~~ the Mayor, in consultation with public works, determines it has been determined by the mayor that it is in fact snowing and that two (2) or more inches of snow are reasonably expected to fall; or when the Mayor, in consultation with public works and the Chief of Police, determines that it is in the best interests of the City to prepare for a storm event involving snow, rain, ice or any mix thereof.

SEC. 20-5202. NOTICE WHEN PARKING ALONG SNOW ROUTES IS RESTRICTED.

Once the Mayor has declared a Snow Emergency~~Upon the determination by the mayor that two (2) or more inches of snow have fallen which has not been removed or that it is snowing and two (2) or more inches of snow are reasonably expected to accumulate on the streets due to the snowfall,~~ the Mmayor shall give constructive notice to the public that it is illegal to park on the snow routes or to leave vehicles parked on the snow routes, by communicating the declaration to the local media and ~~alling broadcasting stations WHBF, WQAD-TV, WQUA, WHBF-TV, WOC and KWQC-TV and~~ asking them to broadcast a message that the Mmayor has declared ~~determined that a Snow Emergency and that~~ it is necessary to implement the ban parking ban on the Ssnow Rroutes due to the accumulation or expected accumulation of snow and ice. The communication to the media ~~request for the notice~~ shall be a prerequisite to any prosecution for violation of this division, but the fact of actual publication of the Mayor's declaration by the media ~~notice~~ shall not be an element of the case.

SEC. 20-5203. ENFORCEMENT OF AND PENALTIES FOR REMOVAL OF VEHICLES PARKED IN VIOLATION OF THIS DIVISION.

(a) Once the mayor has declared a Snow Emergency, ~~determined that two (2) or more inches of snow have accumulated or are reasonably expected to accumulate, said the~~ the mayor shall advise the police department of such determination; thereafter, the Chief of Ppolice, or such other sworn officer designated by the Chief of Police, shall be authorized to take the following action or any combination thereof:

- (1) Authorize the Main Parking Attendants to issue courtesy warning notices;
- (2) Authorize the Main Parking Attendants to issue summonses for violations of this Section in accordance with the schedule of penalties set forth in Section 20-5119 (as amended);
- (4)(3) cause the towing or other removal of vehicles parked in violation of this division.

The Chief of Police shall, for any specific Snow Emergency, have the discretion to select those specific Snow Routes to receive any or all of the enforcement actions set forth herein.

(b) The removal of a vehicle as authorized by subsection (a) shall be done as provided in Section 20-7400, et seq.

(c) In the event that ownership of a vehicle removed pursuant to this section cannot be ascertained, the provisions of Section 20-7400 et seq. shall be followed as in the case of abandoned and inoperative motor vehicles.

(d) The owner of the vehicle or the person otherwise entitled to possession thereof shall pay the reasonable costs of towing and storage occasioned by removal of the vehicle removed hereunder.

SEC. 20-5119. PENALTIES FOR VIOLATIONS OF THIS ARTICLE.

Any person who violates any of the provisions of this article shall be subject to the following penalties:

(1) A person parking illegally and receiving a traffic ticket therefor shall, prior to the issuance of a warrant or summons, be allowed to pay a violation fee for such person's illegal use of the parking space or area, which fee shall be collected by the motor vehicles parking systems supervisor and deposited with the accounts and finance officer as follows:

a. **Prohibited zones; prohibited times.** Unless listed elsewhere in this section for a specific offense, for unlawful parking in violation of Sections 20-5100, 20-5104, 20-5105 (except 20-5105(f)), 20-5107, 20-5108, 20-5110, 20-5112, ~~and 20-5118~~ (except persons with disabilities parking restrictions), and 20-5201, the violation fee shall be twenty dollars (\$20.00) if paid within five (5) days (excluding Saturday, Sunday or legal holidays) after issuance of the ticket; thirty-five dollars (\$35.00) if paid after five (5) days.

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