

ORDINANCE NO. F -0877

**AN ORDINANCE AMENDING CHAPTER 70
OF THE WHEATON CITY CODE TO ADOPT BY REFERENCE
THE ILLINOIS VEHICLE CODE**

WHEREAS, the Corporate Authorities of the City of Wheaton, are authorized by 625 ILCS 5/20-204 to adopt by reference the provisions of the Illinois Vehicle Code; and

WHEREAS, the City of Wheaton is a Home Rule municipality authorized to adopt Ordinances in furtherance of municipal corporate purposes so long as such adoption is not otherwise prohibited so by the Constitution of the State of Illinois or other State statute; and

WHEREAS, the Corporate Authorities of the City of Wheaton, in exercise of the Home Rule powers granted to the City, find it unnecessary and decline to follow the statutory procedures of the Illinois Municipal Code, 65 ILCS 5/1-3-2, and 5/1-3-3, for the filing of copies with the City Clerk prior to the adoption of the Code by reference; and

WHEREAS, the Corporate Authorities of the City of Wheaton find that the long term existence of the Illinois Vehicle Code makes filing of copies of the Motor Vehicle Code with the City Clerk prior to the adoption of said Code by reference duplicitous and therefore unnecessary; and

WHEREAS, the Corporate Authorities of the City of Wheaton find that uniform enforcement of the adopted provisions of the Illinois Motor Vehicle Code further requires the adoption of appropriate penalty provisions.

NOW THEREFORE be Ordained by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, in the exercise of its Home Rule authority as follows:

SECTION 1: That Chapter 70 of the Code of Ordinances of the City of Wheaton entitled "Traffic and Vehicles" is hereby amended by the addition of a new Article X to be entitled

“Adoption of Motor Vehicle Code”, Sections 70-600 through 70-604, which shall read as follows:

- 70-600 Adoption of Vehicle Code. In lieu of using any section, or in addition to any section of this Chapter 70, or any other section of the Wheaton City Code, a Wheaton Police Officer issuing a citation may issue it by using any Sections of the Illinois Vehicle Code, Chapter 25, section 1-100 through 20-204, which are hereby adopted and incorporated herein as fully set forth by reference as part of this Chapter 70. All citations issued for these violations shall be in the name of the City of Wheaton and shall refer to the numbered sections of the Illinois Vehicle Code charged but shall further be referenced as an Ordinance violation in the traffic ticket or complaint.
- 70-601 Penalties for “Business” and “Petty” Offenses. For violation of any provision of the Illinois Vehicle Code as adopted herein, unless otherwise specified or of any offenses classified as “petty” offenses under the Illinois Vehicle Code shall be punishable by a fine of not less than seventy five dollars (\$75.00) or more than one thousand dollars (\$1,000.00) for each offense. Offenses classified as “business” offenses under the provisions of the Illinois Vehicle Code shall be punishable as set forth in the Illinois Vehicle Code.
- 70-602 Penalties for Offenses Classified as “Misdemeanors”. Offenses classified as misdemeanors under provisions of Illinois Vehicle Code shall be subject to a fine/and or imprisonment for a determinate term according to the following limitations;
- a. For a Class A Misdemeanor, imprisonment for any term less than one year and/or a fine of not less than two hundred dollars (\$200.00) and not to exceed two thousand five hundred dollars (\$2,500.00), except as provided for in sub-section D of this Section.
 - b. For a Class B Misdemeanor, imprisonment for term not more than six (6) months and/or a fine of not less than one hundred

dollars (\$100.00) and not to exceed one thousand dollars (\$1,000.00).

c. For Class C Misdemeanor, imprisonment for not more than thirty (30) days and/or a fine of not less than seventy five dollars (\$75.00) and not to exceed one thousand dollars (\$1,000.00).

d. The Court, upon making a finding of guilty for any offense under Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) in addition to any sentencing alternative elected by the Court, shall impose a fine of not less than seven hundred and fifty dollars (\$750.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense.

70-603 Definitions. For purpose of this Article 10 the definitions contained in Chapter 625 ILCS Sections 5/1-100 through 5/1-300, shall apply.

Section 2: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 3: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 4: This ordinance shall become effective after its passage, approval and publication in pamphlet form in the manner described by law.

AYES: Councilwoman Corry, Councilman Johnson, Mayor Carr, Councilwoman Johnson, Councilman Mork.


NAYS: None.

ABSENT: Councilman Johnson.

Motion Carried Unanimously

PASSED AND APPROVED this 15th day of December, 2003.

PUBLISHED in pamphlet form this 16th day of December, 2003.



Mayor

ATTEST:



City Clerk