

ORDINANCE F-1410

**ORDINANCE AMENDING CHAPTER 70 (TRAFFIC AND VEHICLES),
ARTICLE X (ADOPTION OF MOTOR VEHICLE CODE)
OF THE WHEATON CITY CODE**

WHEREAS, the Corporate Authorities of the City of Wheaton, DuPage County, Illinois deem it appropriate to further clarify the adoption of the Illinois Vehicle Code by reference; and

WHEREAS, the Corporate Authorities of the City of Wheaton have concluded that the enforcement of traffic laws and ordinances promotes the safety of motorists and other users of the public roadways and rights of ways; and

WHEREAS, the Corporate Authorities for the City of Wheaton deem it in the best interest of the public health safety and welfare to adopt these amendments to Chapter 70, Article X of the Wheaton City Code.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Wheaton, pursuant to State Statute and its home rule authority, as follows:

Section 1: That Article I (In General), Section 70-2 and Article X (Adoption of Motor Vehicle Code), Sections 70-600 through 70-603, of Chapter 70 of the Wheaton City Code are hereby repealed and rescinded in their entirety and replaced with a new Article X "Adoption of Motor Vehicle Code" Sections 70-600 through 70-603 which shall read as follows:

"ARTICLE X. ADOPTION OF MOTOR VEHICLE CODE

Sec. 70-600. Adoption.

(a) Pursuant to 625 ILCS 5/20-204 and its home rule authority, the City of Wheaton hereby adopts in its entirety the Illinois Vehicle Code, (625 ILCS 5/1-101 at Sec.) hereinafter "The Vehicle Code" and as maybe amended from time to time, to be applied and enforced in the Corporate Limits of the City of Wheaton to the extent permitted by law. Any and all violations thereof shall be violations of this Article, and if prosecuted hereunder, each violation shall subject the violator to the penalty provisions established under this Article.

(b) All references in this Article of the City Code to "this code" shall be to the corresponding applicable Sections of the Vehicle Code. Any references to any state employee or official shall be to the corresponding City employee or official where reference is applicable or necessary.

Sec. 70-601. Definitions of words and phrases.

Whenever any words or phrases used in this Article X are not defined in Chapter 70 of the City Code and are defined in the Illinois Vehicle Code, such definition shall be deemed to apply to such words and phrases except where the context requires otherwise.

Sec. 70-602. Penalties for "business" and "petty" offenses.

The penalty for violation of any non misdemeanor offence of this Article shall be by a fine of not less than seventy-five dollars (\$75.00) but not more that one thousand dollars (\$1,000.00). The penalty for any non misdemeanor offense for a moving violation subsequent to the imposition of a fine for a first offense within any twelve (12) month period shall be by a fine of not less than one hundred fifty dollars (\$150.00) but not more than one thousand dollars (\$1,000.00).

Sec. 70-603. Penalties for offenses classified as "misdemeanors."

(1) The penalty for any Class A misdemeanor shall be by a fine not less than three hundred (\$300.00), but not more than one thousand (\$1,000.00), except Driving Under the Influence of Alcohol and/or Drugs which fine shall be as otherwise set forth in the Wheaton City Code.

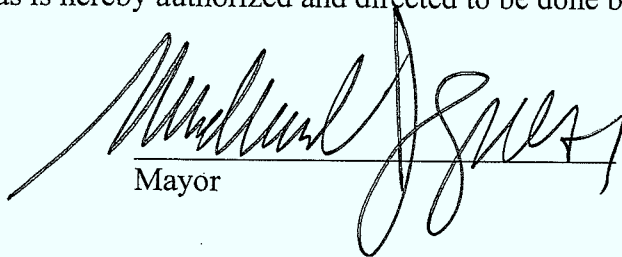
(2) The penalty for any Class B misdemeanor offense shall be by a fine of not less two hundred fifty dollars (\$250.00), but not more than one thousand dollars (\$1,000.00).

(3) The penalty for any Class C misdemeanor offense shall be by a fine of not less than one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000.00)."

Section 2: Partial Invalidity. That if any part of part or portion of this Ordinance is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

Section 3: Inconsistency. That 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 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the Mayor and City Council.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilwoman Corry
Councilman Johnson
Councilman Levine
Mayor Gresk

Councilman Prendiville
Councilman Suess

Nays: None
Absent: Councilman Mouhelis

Motion Carried Unanimously

Passed: January 5, 2009
Published: January 6, 2009