

VILLAGE OF GILBERTS

ORDINANCE 04-2024

**AN ORDINANCE AMENDING
CHAPTER 4 OF TITLE 1 AND CHAPTER 4 OF TITLE 6 OF THE VILLAGE
CODE REGARDING PARKING VIOLATION FINES**

WHEREAS, the Village of Gilberts (“Village”) is an Illinois municipality organized and operating in accordance with the Illinois Constitution of 1970 and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

WHEREAS, the Village has established regulations for the standing and parking of vehicles on Village rights-of-way, and established monetary fines for violating such restrictions; and

WHEREAS, the Village has determined it to be in the best interests of the Village and its residents to amend the Village Code to provide for a higher monetary fine for violations of the Village’s snow parking ban as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of the Village of Gilberts, Kane County, Illinois pursuant to its non-home rule powers, as follows:

SECTION 1. RECITALS The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT TO SECTION 1-4-4. Section 1 of Chapter 4 of the Gilberts Village Code, entitled, “Citation and Fine” of Title 1, entitled “Administration,” is hereby amended as set forth below (amendments are shown with deletions in ~~strike through~~, and additions in **bold** and underline):

“1-4-4. - Citation and fine.

- A. Unless a different penalty is otherwise provided in a specific code provision, the general penalty for a violation of any provision of this code subject to the provisions of section 1-4-3 of this chapter, in the event of a violation of any provision of any of the code sections or other village ordinances to which this chapter applies, the applicable authorized village enforcement official shall have the authority to immediately issue a citation to the offender which shall provide for a fine of not less than \$75.00 nor more than \$750.00. However, any citation for a violation of the parking provisions of title 6, chapter 4 of this code shall provide for a fine of \$25.00, **excluding citations for a violation of the Snow Parking Ban provided for in Section 6-4-8 of this Code.**

- B. Unless otherwise required by law a citation issued pursuant to this chapter may be delivered in person, posted upon the premises or vehicle in question, or sent by regular mail by the applicable authorized village enforcement official depending on the circumstances associated with the particular violation. All such citations shall contain language specifying which code section or village ordinance has been violated, shall direct the offender to pay the applicable fine and shall inform the offender that, upon failure to make timely payment of the applicable fine, a late payment fee will be assessed, and that continued failure to make payment will result in the village filing a complaint regarding the offense against the offender in the county circuit court.”

SECTION 3. AMENDMENT TO SECTION 6-4-8. Section 8 of Chapter 4 of the Gilberts Village Code, entitled “Parking Regulations” of Title 6, entitled “Motor Vehicles and Traffic,” is hereby amended as set forth below (amendments are shown with deletions in ~~strike~~through, and additions in **bold** and underline):

“6-4-8 Snow parking ban.

It shall be unlawful for any person to park any vehicle or trailer on any village street following the accumulation of two or more inches of falling snow until removal. The village, through its police officers and/or other authorized village officials, in their sole discretion, shall reasonably determine snow accumulation. **Any person who violates this Section will be subject to a fine in the amount of \$100.00 for each violation.**”

SECTION 4. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 5. REPEAL AND SAVINGS CLAUSE. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance will take effect after its passage and publication as required by law.

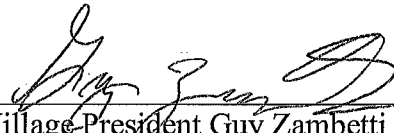
PASSED BY VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 5th day of February 2024.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<u>X</u>	_____	_____	_____
Trustee Robert Chapman	<u>X</u>	_____	_____	_____
Trustee Robert Vanni	<u>X</u>	_____	_____	_____
Trustee Brandon Coats	<u>X</u>	_____	_____	_____
Trustee Justin Redfield	<u>X</u>	_____	_____	_____
Trustee Frank Marino	_____	_____	<u>X</u>	_____
President Guy Zambetti	_____	_____	_____	_____


APPROVED this 5th day of February, 2024

(SEAL)




Village President Guy Zambetti

ATTEST:


Village Clerk, Lynda Lange