

VILLAGE OF DOWNERS GROVE
Report for the Village
7/14/2020

SUBJECT:	SUBMITTED BY:
Municipal Code Technical Amendments	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared making certain technical amendments to the Downers Grove Municipal Code. Amendments include non-substantive changes, corrects certain Code reference errors and addresses inconsistencies and typos.

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 includes *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the July 7, 2020 Village Council meeting. Staff recommends approval on the July, 14 2020 Active Agenda.

BACKGROUND

In 2019, the Legal Department completed an RFP for municipal codification software providers. MuniCode was selected as the vendor best suited to meet the Village municipal code codification needs, which is a combination of a searchable on-line code with direct and immediate in-house publication of changes to the Downers Grove Municipal Code.

In early 2020, MuniCode transferred the well-outdated CodeMaster software data into its system. Once conversion was complete, Legal staff reviewed every section of the Code for accuracy and consistency. During the course of staff review, a number of changes and corrections were recommended in order for the MuniCode system to be consistent and accurate. The need for a technical amendments ordinance will address changes to the Code that would not alter the content of the Code, it will only address corrections to the formatting, and corrections of minor errors and inconsistencies.

Once approved the revisions will be adopted and the new MuniCode system will be implemented.

ATTACHMENTS

Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: July 14, 2020
(Name)

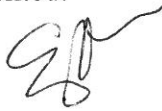
RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE MAKING CERTAIN TECHNICAL AMENDMENTS TO THE DOWNERS GROVE MUNICIPAL CODE", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall make certain technical amendments to the Municipal Code.

RECORD OF ACTION TAKEN:

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ORDINANCE NO. _____

**AN ORDINANCE MAKING CERTAIN TECHNICAL AMENDMENTS
TO THE DOWNERS GROVE MUNICIPAL CODE**

WHEREAS, in December of 2019, the Village of Downers Grove chose MuniCode corporation to serve as its internet-base codification service.

WHEREAS, during conversion of the Code, staff addressed inconsistencies, spelling and capitalization errors, outdated Code section material, incorrect references and typographical errors.

WHEREAS, the Code has been reviewed and amended in an effort to improve consistency and clarification.

WHEREAS, Illinois Compiled Statute references were updated with the current ILCS format used by the State;

WHEREAS, in addition to the aforementioned amendments, the following Code sections are hereby amended in an effort to further clarify certain errors.

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading/underline**; deletions by ~~strikeout~~):

Section 1. That Section 8.1901. is hereby amended to read as follows:

8.1901. Definitions.

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given herein.

* * *

Specified Criminal Act. Any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes:

1. Article II of the Illinois Criminal Code (sex offenses).
2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping).
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile).
4. ~~The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.~~ **The Harassing and Obscene Communications Act, 720 ILCS 5/26.5, et seq.**
5. The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.
6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.
7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.
8. The Cannabis Control Act, 720 ILCS 550/1 et seq.

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9. The Illinois Controlled Substance Act, 720 ILCS 570/100 et seq.
 10. ~~Sections 15-14 of the Downers Grove Municipal Code entitled "House of Ill Fame".~~
 11. ~~Sections 15-15~~15.213 of the Downers Grove Municipal Code entitled "Public Indecency".
 12. Sections ~~15-16~~ 15.214 of the Downers Grove Municipal Code entitled "Obscenity".

* * *

Section 2. That Section 8.2001. is hereby amended to read as follows:**8.2001. Definitions.**

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given herein.

* * *

Specified Criminal Act. Any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes, or such amended or successor statutes as may from time to time be adopted:

1. Article II of the Illinois Criminal Code (sex offenses).
2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping).
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile).
4. ~~The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.~~ The Harassing and Obscene Communications Act, 720 ILCS 5/26.5, et seq.
5. The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.
6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.
7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.
8. The Cannabis Control Act, 720 ILCS 550/1 et seq.
9. The Illinois Controlled Substance Act, 720 ILCS 570/100 et seq.
10. ~~Sections 15-14 of the Downers Grove Municipal Code entitled "House of Ill Fame".~~
11. ~~Sections 15-15~~15.213 of the Downers Grove Municipal Code entitled "Public Indecency".
12. Sections ~~15-16~~ 15.214 of the Downers Grove Municipal Code entitled "Obscenity".

* * *

Section 3. That Section 14.52.04. is hereby amended to read as follows:**14.52.04. Restrictions on movements of vehicles from Maple Avenue.**

(a) Except on Saturdays, Sundays and holidays, it shall be unlawful for any person driving or operating any automobile, truck or other vehicle in a westerly direction on Maple Avenue to turn such vehicle left so as to proceed southerly into Blodgett Avenue between the hours of 4:00 P.M. and 6:00 P.M., local time. (Ord. No. 2797, §1.)

(b) It shall be unlawful for any person driving or operating any automobile, truck or other vehicle in a westerly direction on Maple Avenue to turn such vehicle left so as to proceed southerly into the ~~Gary Wheaton Bank~~ 5300-5333 Main Street parking facility, one hundred thirty-five feet west of the west line of Main Street. (Ord. No. 3167, § 3.)

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Section 4. That Section 14.77.2. is hereby amended to read as follows:**14.77.2. Reserved.**

~~Same—Procedure for issuance of permit; application; insurance.~~

~~—Application for the permit required by Section 14-77.1(b)(6) of this Chapter shall be made in writing to the Village Manager on a form as provided. Such form shall provide for a statement of the following facts, together with such other information as may be required:~~

~~—(a) The name, address and telephone number of the soliciting agency.~~

~~—(b) The name, address and telephone number of the person signing the application or of another local representative of the soliciting agency.~~

~~—(c) Proof that the soliciting agency is registered with the Attorney General as a charitable organization.~~

~~—(d) A statement by the applicant of the nature of the statewide fund raising activity of which the local solicitation is a part.~~

~~—(e) A statement that the soliciting agency will accept liability for any injuries to any person or damage to any property occurring during any solicitation activity which may be causally related to an act of ordinary negligence by the soliciting agency or by any soliciting agent on behalf of such agency.~~

~~—(f) The location or locations at which solicitation activities are proposed to take place.~~

~~—(g) The days and times at which solicitation activities are proposed to take place.~~

~~The Village Manager may cause the police department to investigate any applicant for a permit to conduct solicitation activities on the streets and highways of the Village to determine that said applicant has complied with all of the provisions of Illinois law and of this Code regarding solicitation on highways. Upon a determination that the applicant has fully complied therewith, the Village Manager shall issue a permit stating the exact dates, times and locations for which such permit shall be valid. (Ord. No. 2395, § 1.)~~

Section 5. That Section 14.77.3. is hereby amended to read as follows:**14.77.3. Reserved.**

~~Same—Definition.~~

~~—For purposes of Sections 14-77.1 and 14-77.2, the term "soliciting agency" shall mean the entity, corporation, organization, group, or institution, including any affiliates, subsidiaries or subgroups thereof, that desires to solicit contributions from vehicle occupants on roads within the Village.—~~

Section 6. That Section 14.94. is hereby amended to read as follows:**14.94. Use of marked spaces.**

(a) When parking spaces are marked off on the pavement, vehicles shall be parked within such marked spaces. (R.O. 1925, § 644.)

~~—(b) Except for those parking spaces designated for handicapped parking in Section 14-108, it shall be unlawful to park or let stand any vehicle in a parking space in any parking lot as defined in Section 14-85 in such a manner that the front of such vehicle is directed away from the curbing or other wheel barrier provided for such parking space; provided notice of this provision shall be posted in conspicuous places in the vicinity of such parking space stating the restriction imposed by this subsection.~~

Section 7. That Section 14.106. is hereby amended to read as follows:**14.106. Three-hour parking.**

It shall be unlawful for any person to park or let stand any vehicle in a parking space in any of the locations

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~~in paragraph (a) of this Section in such manner that the front of such vehicle is directed away from the curbing or not in accordance with the posted signage; provided, that the provisions of this subsection shall not apply to any parking space unless there shall be posted in conspicuous places in the vicinity of such parking space appropriate signs stating the restriction imposed by this subsection.—~~

(a) ~~No person shall park, stop or let stand for an uninterrupted period of more than three (3) hours, any automobile, motor vehicle or other vehicle in any of the following locations:~~

~~*Curtiss Street*, on the south side, from the east line of Washington Street to the west line of Belden Avenue.~~

~~*Forest Lot South*, as posted.~~

~~*Forest Lot North*, as posted.~~

~~*Gilbert Avenue*, on the north side, from a point two hundred ninety feet west of the west line of Forest Avenue to a point three hundred seventy-six feet west of the west line of Forest Avenue.~~

~~*Lot A*, the eastern portion, as posted.~~

~~*Prince Street*, on the west side, from the north line of Sherman Street to a point two hundred forty-three feet north of the north line of Sherman Street.~~

~~*Sherman Street*, on the south side, from Saratoga Avenue to Prince Street.~~

~~*Warren Avenue*, on the north side, from Washington Street to Prospect Avenue.~~

~~(Ord. No. 646, § 1; Ord. No. 685, § 2; Ord. No. 688, § 1; Ord. No. 1809, § 7; Ord. No. 2987, § 1; Ord. No. 3346, § 5.)~~

Section 8. That Section 14.107. is hereby amended to read as follows:

14.107. Four-hour parking--Between 6:00 A.M. and 6:00 P.M., except on weekends and holidays.

~~It shall be unlawful for any person to park or let stand any vehicle in a parking space in any of the locations in paragraph (a) of this Section in such manner that the front of such vehicle is directed away from the curbing or not in accordance with the posted signage; provided, that the provisions of this subsection shall not apply to any parking space unless there shall be posted in conspicuous places in the vicinity of such parking space appropriate signs stating the restriction imposed by this subsection.~~

~~(a) Except on Saturdays, Sundays and holidays, it shall be unlawful for any person to park, stop or let stand any automobile, motor vehicle or other vehicle for more than four consecutive hours at any time between the hours of 6:00 A.M. and 6:00 P.M. local time, in any of the following locations:~~

~~* * *~~

Section 9. That Section 14.125. is hereby amended to read as follows:

14.125. Violations.

It shall be unlawful for any person:

(a) To park, stop or let stand any vehicle in any parking space or in any other area in any permit parking lot at any time between the hours of 6:00 A.M. and 3:00 P.M., local time, on any day, except Saturdays and Sundays, unless such vehicle shall have attached to the inside surface of the lower right-hand corner of the rear window thereof a currently valid permit sticker issued by the Village for such permit parking lot. Except that no person shall park, stop or let stand any vehicle in any parking space or in any other area in Lot R at anytime, on any day, unless such vehicle has attached to the inside surface of the lower right hand corner of the rear window thereof, a currently valid permit sticker issued by the Village for such permit parking lot. Alternative to a permit sticker, a currently valid Village-issued hang-tag permit shall be hung from the rear-view mirror of the vehicle where it is readily visible to an inspecting officer.

(b) To park or let stand any vehicle across or upon any marking designating a parking space in a permit parking lot; or

~~(c) To park or let stand any vehicle in a parking space in a permit parking lot in such manner that the front of such vehicle is directed away from the curbing or not in accordance with the posted signage;~~

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~~provided, that the provisions of this subsection shall not apply to any parking space unless there shall be posted in conspicuous places in the vicinity of such parking space appropriate signs stating the restriction imposed by this subsection.~~

~~—The restriction imposed by subsection (a) of this section shall be inapplicable with respect to any metered parking space that may be established from time to time in any permit parking lot; provided, that the parking or standing of vehicles in any such metered parking space shall otherwise be subject to the restrictions imposed by other sections of this chapter for such metered parking space.~~

~~—(d)—To park or let stand any vehicle bearing a class III permit or hang tag, in a permit parking in violation of Section 14.123(g).~~

~~(ed) To misuse any class III permit or hang tag as defined in Section 14.123(g). (Ord. No. 1542, § 4; Ord. No. 1757, § 1; Ord. No. 1820, § 3; Ord. No. 2745, § 45; Ord. No. 2906, § 2; Ord. No. 3118, § 17; Ord. No. 3275, § 4.)~~

Section 10. That Section 14.133. is hereby amended to read as follows:

14.133. Violations.

It shall be unlawful for any person:

(a) To park or let stand any vehicle in any parking space in any parking lot designated by Section 14-129 herein at any time unless such vehicle shall have a currently valid permit sticker issued by the Village for such permit parking lot attached to the inside surface of the rear portion of the right side window of the vehicle in the left hand corner thereof. Alternative to a permit sticker, a currently valid Village-issued hang-tag permit shall be hung from the rear-view mirror of the vehicle where it is readily visible to an inspecting officer.

(b) To park or let stand any vehicle in any parking lot designated by Section 14-131 herein, at any time for any purpose other than for the conduct of Village business, or at any time between the hours of 2:00 A.M. and 8:00 A.M., local time.

(c) To park or let stand any vehicle across or upon any marking designating a parking space in a municipal complex parking lot.

(d) To park or let stand any vehicle in any area marked "No Parking" or in any other manner that will interfere with traffic into, through or out of a designated municipal complex parking lot.

(e) To operate a vehicle at a speed in excess of ten miles per hour within the municipal complex parking lots.

~~—(f)—Except for those parking spaces designated for handicapped parking in Section 14-108 and for Downers Grove Police squad cars, it shall be unlawful to park or let stand any vehicle in any parking space in the parking lots designated in Sections 14-129 and 14-131 in such a manner that the front of such vehicle is directed away from the curbing or other wheel barrier provided for such parking space; provided notice of this provision shall be posted in conspicuous places in the vicinity of such parking space stating the restriction imposed by this subsection.— (Ord. No. 2312, § 2; Ord. No. 2745, § 48; Ord. No. 3098, § 4.)~~

Section 11. That Section 14.159. is hereby amended to read as follows:

14.159. Shuttle Parking.

Areas for the exclusive purpose of loading and unloading passengers of the Grove-Commuter Shuttle bus system are hereby designated. No person shall park or let stand any automobile, motorcycle, or other vehicle except Village owned or operated buses in the following location(s):

The south side of Warren Avenue, from a point ninety (90) feet east of the east line of Main Street to a point one hundred and eighty (180) feet east of the east line of Main Street.

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The north side of Burlington Avenue, from a point one hundred sixty (160) feet east of the east line of Main Street to a point two hundred fifty (250) feet east of the east line of Main Street.

The south side of Burlington Avenue, north of the Burlington-Northern Santa Fe Railroad, Inc. tracks, west of Belmont Road and across from the West Loop ramp/Burlington Avenue intersection, during the PM peak period.

The northeast corner of Lot "H", adjacent to the train station, during the AM peak period.

(Ord. No. 2271, § 1; Ord. No. 2745, § 2.)

Section 12. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 13. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

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