

CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2017 - 8

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE AMENDING AND ADOPTING THE
CITY CODE OF THE CITY OF GENOA

Adopted March 7, 2017, by the Mayor and City Council of the City of Genoa,
DeKalb County, Illinois, and approved and published in pamphlet form
this 7th day of March 2017.

ORDINANCE NO. 2017- 8

**AN ORDINANCE AMENDING AND ADOPTING THE CITY CODE OF
THE CITY OF GENOA**

WHEREAS, it is the desire and the intention of the City Council of the City of Genoa to more adequately address the needs of the citizens of Genoa; and

WHEREAS, the City Code of the City of Genoa has been reformatted; and

WHEREAS, necessary enhancements were made to fulfill the intent of the City Council;

NOW THEREFORE, be it ordained by the City Council of the City of Genoa, DeKalb County, Illinois, as follows:

SECTION ONE: That Title 1, Chapter 4, Section 1, lines 5-4-15 and 5-4-16 be removed and replaced with:

- 5-4-15-B Consumption of Alcohol by a Minor 18 through 20 years of age \$100
- 5-4-15-C Consumption of Alcohol by a Minor under 18 years of age Mandatory
- 5-4-16-B Possession of Alcohol by a Minor 18 through 20 years of age \$100
- 5-4-16-C Possession of Alcohol by a Minor under 18 years of age Mandatory

SECTION TWO: That Title 5, Chapter 4, Section 12 be deleted and replaced with:

5-4-12: POSSESSION OF DRUG PARAPHERNALIA:

- A. A person, who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a municipal code violation. This does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- B. Any person who violates this section, and has been issued a citation signed by a City Law Enforcement Officer, of this section shall be fined in accordance with section 1-4-1.

SECTION THREE: That Title 6, Chapter 5, Section 2 be amended to instead read:

6-5-2: ABANDONMENT OF VEHICLES:

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle in any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Municipality is unlawful. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of the Police Department of the Municipality. The vehicle shall be **tagged by the Police Department** and may be removed after seven (7) days or more has expired.

SECTION FOUR: That Title 6, Chapter 1, Section 12, be amended to instead read:

6-1-12: TOWING PROCEDURES:

- A. Any vehicle impounded by the Genoa Police Department shall be released to an individual following the production of a valid driver's license, proof of ownership of the vehicle and insurance for the vehicle, and payment of a \$300.00 administrative fee.
- B. Vehicles shall be towed to a facility owned and operated by a tow service approved by the Genoa Police Department.
- C. Vehicles may be towed for the following reasons:
 - 1. Operations of use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961; or
 - 2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination of Section 11-501 of this Code; or
 - 3. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or
 - 4. Operation of use of a motor vehicle in the commission of, or in attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
 - 5. Operation or use of a motor vehicle in the commission of, or in attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961; or

6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-603 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
 7. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substance Act; or
 8. Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or
 9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
 10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a City Clerk in Illinois for failing to answer charges that the driver violated in Section 6-101, 6-303, or 11-501 of this Code; or
 11. Operation or use of a motor vehicle in the commission of, or in attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961; or
 12. Operation or use of a motor vehicle in the commission of, or in attempt to commit, any misdemeanor or felony offense in violation of the Criminal Code of 1961, when so provided by local ordinance.
- D. Upon written notice of the owner of the vehicle, a hearing will be set in conjunction with City Code Section 5-5-14.
- E. Any person in violation of this provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code.

SECTION FIVE: That Title 3, Chapter 12 be readopted as Ordinance 2007-36, Tobacco Licensing.

SECTION SIX: That Title 3, Chapter 15, be adopted as Ordinance 2015-01, Locally Imposed and Administered Taxes.

SECTION SEVEN: That Title 3, Chapter 2, Section 2 be adopted as Ordinance 2002-11

SECTION EIGHT: That Title 6, Chapter 1, Section 4 be deleted and instead read:

6-1-4: EXCESSIVE ENGINE BRAKING NOISE PROHIBITED:

A. It shall be unlawful to operate any vehicle on the streets of the City which makes unusual loud or unnecessary noise or to operate any such vehicle in such manner as to disturb the peace of the City.

B. No person shall operate or cause to be used or operated within the City and compression/release engine brake on any vehicle for any reason. For purposes of this Section, compression/release engine in the braking or deceleration of any vehicle by converting engine power to compressed air which results in excessive, loud, unusual or explosive noise from such vehicle. Notwithstanding the above, if an emergency situation arises requiring the use of compression/release engine brake, then their use is permitted.

C. The City may post signs that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code, from operating or actuating any engine braking system, that emits excessive noise.

D. The sign shall state “**Excessive Engine Braking Noise Prohibited**”, and the Illinois Department of Transportation shall adopt rules providing for the erection and placement of these signs. This Section does not apply to the use of an engine braking system that has an adequate sound muffling system in proper working order that prevents excessive noise.

E. It is a defense to this Section that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or other vehicle on the highway.

F. Any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer of this section shall be fined in accordance with Section 1-4-1.

SECTION NINE: That Title 2, Chapter 8 in its entirety be deleted and amended to instead read:

CHAPTER 8

POLICE PENSION BOARD OF TRUSTEES

SECTION:

2-8-1: Board Created; Purpose

2-8-2: Operation

2-8-3: Duties

2-8-1: BOARD CREATED; PURPOSE:

The Police Pension Board of Trustees was created for the purpose of participating in the benefits of the Police Pension Fund. The Police Pension Board of Trustees are defined, respectively, as full time police officers or full-time police officers entitled to participate in the benefits of said Pension Fund as provided by Article 3 in said Illinois Compiled Statutes Pension Code Board of Trustees of said Pension Fund.

2-8-2: Operation:

Such board shall be appointed and elected as therein provided; shall exercise such powers and perform such duties that shall be required of them by law. All monies and securities belonging to said fund shall be held by the Municipal Treasurer subject to the order of the Board of Trustees of the Pension Fund. An annual list of beneficiaries and report of funds shall be made as required by law. Members of said Board of Trustees of the Pension Fund shall serve without compensation.

2-8-3: Duties

The rights, powers, duties and functions of said Board and the members thereof, as such, and the rights and benefits of the various beneficiaries of the Pension Fund shall be and are hereby declared to be in accordance with the law and particularly of Article 3 of the Illinois Compiled Statutes Pension Code and all amendments thereof.

SECTION TEN: That Title 5, Chapter 3, Section 6, Subsection D be amended to add:

“No owner or person who has possession or control of a dog shall fail to remove excrement deposited by such dog or other animal upon the public ways or within the public places of the City or upon the premises of any person other than the owner. (1978 Code §14.12)”

SECTION ELEVEN: That Title 6, Chapter 1, Section 3, Subsection C.3 be amended to instead read:

3. Class II and Class III Truck Routes have been established by the City to restrict use of other streets by such vehicles as described in Section 6-1-3; and any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer of this section shall be fined in accordance with Section 1-4-1. (Ord 2011-29, 09-20-2011)

The City Council may authorize at its discretion the use of any and all streets in Chapter 6-1-3-B for temporary detour routes, thereby permitting a driver of any vehicle having a gross weight of 73,280 pounds to use the roadway.

SECTION TWELVE: That Title 9, the Building Code, be adopted in its entirety.

SECTION THIRTEEN: That Title 2, Chapter 1, Section 2, subsection D.4 be amended to instead read:

4. Variation or appeal regarding any zoning ordinance of the City, only by written approval of the hearing officer.

SECTION FOURTEEN: That Title 2, Chapter 1, Section be amended to instead read:

2-1-6: ORGANIZATION:

- A. Officers: The Mayor shall designate with confirmation by the City Council, one of the members of the Plan Commission as chairman for a period of (1) year. The Plan Commission shall elect a Vice-Chairman and such other officers as deemed necessary.
- B. Meetings: All meetings of the Plan Commission shall be held at the call of the Chairman, and at such time as the Plan Commission may determine.
- C. Rules and Procedures: Refer to Title 11, the Unified Development Ordinance

SECTION FIFTEEN: That Title 2, Chapter 2, Section 2, be amended to instead read:

The Hearing Officer shall be appointed by the Mayor with the advice and consent of the majority members of the City Council present and voting thereon.

SECTION SIXTEEN: That Title 2, Chapter 2, Section 4 be deleted the following inserted:

2-2-4: DUTIES AND POWERS:

The Hearing Officers shall have the following responsibilities with regard to this Title:

- A. To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (hereinafter referred to collectively as "decision") made by the Development Administrator.
- B. To hear and review all applicants for variations from the regulations from the regulations and restrictions imposed by this Title and recommend with respect there to the City Council.
- C. To hear and report to the Mayor and City Council on such other matters as may be referred to it by the Mayor and City Council subject to the provisions of this Title.
- D. Perform such other duties as may be assigned from time to time by the City Council.

SECTION SEVENTEEN: That Title 2, Chapter 4, Section 2, subsection H be removed and replaced with Subsection I.

SECTION EIGHTEEN: That Title 2, Chapter 9 be hereby deleted and reserved.

SECTION NINETEEN: That the Municipal Code for the City of Genoa as of March 7th, 2017 be and is herein adopted.

PASSED this 7th day of March 2017.

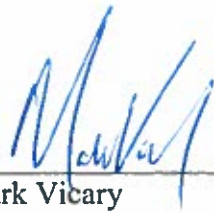
AYES: 6 - Stevenson, Watson, Cravatta, Lang, Wesner, Carroll

NAYS: 0

ABSENT: 2 - Curley, Brust

APPROVED this 7th day of March 2017.





Mark Vicary
Mayor



Dennis Di Guido
City Clerk