

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

0404,
Traffic

X

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
Recommendations of Board, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: September 21, 2004 (BOT) Date: October 7, 2004

TITLE: An Ordinance Prohibiting Driving While Under the Influence of Alcohol and
Establishing a Minimum Fine

SUBMITTED BY: Ray Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

This ordinance is one of the necessary steps required to prosecute the offense of Driving While Under the Influence of Alcohol locally. The ordinance was prepared by George Wagner of Klein, Thorpe and Jenkins. It establishes the offense as a local ordinance violation and sets a minimum fine of \$750.00 as a penalty. The local ordinance will not be utilized until a local prosecutor has been chosen and police department personnel have received training in its implementation.

FISCAL IMPACT/FUNDING SOURCE: None

Review (as necessary):

Finance Director X

Village Manager X

W. T. Lichter

Date

Date: 9/23/04

NOTE: All materials must be submitted to and approved by the Village Manager's office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

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gawagner@ktjnet.com

September 1, 2004

Chief Ray Byrne
Lombard Police Department
255 East Wilson Avenue
Lombard, Illinois 60148-3931

**Re: Local Ordinance Prohibiting Driving Under the Influence
with Minimum Fine Provision**

Dear Chief Byrne:

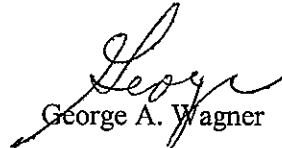


Enclosed please find the draft ordinance, which will allow local prosecution of driving while under the influence (D.U.I.) violations. That ordinance has been modified to include a minimum penalty provision of \$750.00, as requested.

If you have any questions, please call me at (312) 984-6468.

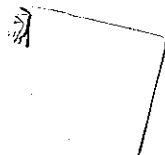
Sincerely,

KLEIN, THORPE & JENKINS, LTD.



George A. Wagner

cc: Thomas P. Bayer, Village Attorney



ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE LOMBARD TRAFFIC CODE
(ORDINANCE NO. 1186) IN RELATION TO THE
OFFENSE OF DRIVING WHILE UNDER THE INFLUENCE**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the Lombard Traffic Code is hereby amended by revising Article V thereof to delete in its entirety Section 10-5-2, "Persons under the influence of intoxicating liquor or narcotic drugs," and replace it with a new Section 10-5-2, which shall read as follows:

"Section 10-5-2, Driving while under the influence.

(a) The following provisions of the Illinois Vehicle Code, 625 Illinois Compiled Statutes, 625 ILCS 5/1-100 et seq., as may be amended from time to time, are hereby adopted by reference pursuant to the authority granted in 625 Illinois Compiled Statutes 5/20-204:

Section 11-501, 11-105.1, 11-501.2, 11-501.4, 11-501.4-1, 11-501.5, 11-501.6, 11-501.7, and 11-501.8, excepting Section 11-501(d).

Reference to this Section 10-5-2 can be made in the following manner: The Lombard Traffic Code, Chapter 10, Section 5-2, followed by the applicable Illinois Vehicle Code section number, e.g., 10-5-2 (11-501(a)).

(b) The court, upon making a finding of guilty for any offense under section 10-5-2 of this Article, 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) for each such offense. In the event that the Illinois Vehicle Code imposes a minimum fine greater than seven hundred and fifty dollars (\$750.00) for such an offense, the greater of the statutory minimum fine or seven hundred and fifty dollars (\$750.00) shall be imposed."

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this __ day of _____, 2004.

First reading waived by action of the Board of Trustees this __ day of _____,
2004.

Passed on second reading this __ day of _____, 2004, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2004.

William J. Mueller
Village President

ATTEST:

Barbara A. Johnson
Deputy Village Clerk

Published by me in pamphlet form this ____ day of _____, 2004.

Barbara A. Johnson
Deputy Village Clerk