The Court Archive:
The Constitutionality of Parking Meters

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Nearly everyone has fed a parking meter or received a parking ticket for an expired meter. The two principal purposes of parking meters are to regulate parking in congested areas and to provide revenues. The justification for the existence of parking meters is rooted in a number of state Supreme Court decisions across the country in the 1930s and 40s. In Illinois, *City of Bloomington v. Wirrick* (381 Ill. 347) held that parking meters are constitutional.

In 1942, Roy E. Wirrick, a clerk in Bloomington, believed that public streets were free and open for taxpayers. He decided not to feed a 5-cent parking meter in Bloomington and received a ticket for failing to do so. Wirrick took the case to a justice of the peace, who found him guilty. Wirrick then appealed to the McLean County Circuit Court, which upheld the guilty verdict and imposed a $50 fine per the city ordinance. Wirrick appealed to the Illinois Supreme Court, which agreed to hear the case because the validity of a city ordinance was involved and this was an issue involving the public interest. Many municipalities in Illinois had erected parking meters, and the *Wirrick* case would test whether Bloomington and other communities had proper authorization to install parking meters.

The central questions in the case were whether the Illinois General Assembly gave direct authority to the city of Bloomington to pass a parking meter ordinance and whether the parking meter ordinance violated Wirrick's constitutional rights of due process and equal protection. Wirrick had also argued that parking meters did not accept pennies, which were legal tender, and that the city could not put meters around the courthouse, which was a county, not city, property.

Justice June C. Smith wrote the Court's opinion holding that the General Assembly did provide authority to Bloomington and that there were no violations of Wirrick's civil rights. The Court denied Wirrick's request for a rehearing, and Wirrick appealed the case to the U.S. Supreme Court. The high Court denied his petition for a writ of certiorari (319 U.S. 756 (1942)).

Since downtown areas started to become vacant beginning in the 1970s with the advent of malls and shopping centers, many communities removed parking meters to encourage business. Some have been successful and others not. In other areas, parking meters remain a source of revenue and parking control. As recently as 2013, the Illinois Appellate Court, First District, cited

Wirrick in *Noonan v. City of Chicago*, in which Michael Noonan fought his $50 fine for an expired meter. The Appellate Court noted that Noonan "was penalized for parking improperly. Municipalities may regulate parking in public streets, subject to reasonable regulation as to time and place," quoting *Wirrick*.

As part of the bicentennial commemoration, Illinois circuit clerks have been providing the Supreme Court Historic Preservation Commission with interesting, significant, and historic cases that occurred in the Illinois courts. The Bloomington Parking Meter case was one of the submissions from the McLean County Historic Cases Committee, consisting of Don Everhart, McLean County Circuit Clerk; Bob Bradley, emeritus professor at Illinois State University; Guy Fraker, Bloomington attorney; and Bill Kemp, McLean County Historical Society librarian.