

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
SEPTEMBER 15, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
New Belmont Road Commuter Parking Lots - Lot J and Lot K	✓ Resolution Ordinance Motion Discussion Only	Naneil Newlon, P.E. Director of Public Works

SYNOPSIS

An ordinance has been prepared to amend sections of the Municipal Code to add two new Village-maintained parking lots (Lot J and Lot K) at the Belmont Road Metra Station and correct inconsistencies in the Code for other Village parking lots.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2009-2013 identified *Exceptional Municipal Organization*. A supporting objective of this goal is *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

FISCAL IMPACT

The Village will incur the cost of maintaining the parking lots and will receive the revenue from the daily parking fees. The future Parking Fund budgets will reflect both the expenses and revenues.

UPDATE & RECOMMENDATION

This item was discussed at the September 8, 2009 workshop. Staff recommends approval on the September 15, 2009 active agenda.

BACKGROUND

As a result of the Belmont Road Grade Separation Project (Belmont Underpass) and pursuant to the agreement governing the construction and maintenance of the underpass, two new commuter parking lots will be added to the list of Village-maintained parking lots. The parking lot located on the southeast quadrant of Belmont Road and the BNSF Railroad crossing will be referred to as Lot K and the parking lot on the southwest quadrant of Belmont Road and Haddow Avenue will be referred to as Lot J. A map of the two proposed parking lots has been attached to this report. Lot K is currently in operation as a daily fee parking facility and in approximately two weeks Lot J will also be complete and operational as a daily fee parking facility. This item is being requested as an administrative update the Village Code to correctly reflect the existing operation and signage for both parking lots.

ATTACHMENT

Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** September 15, 2009
(Name)

RECOMMENDATION FROM: Transportation and Parking Commission **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING MUNICIPAL PARKING LOTS", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend parking provisions in Village owned parking lots.

RECORD OF ACTION TAKEN:

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ORDINANCE NO. _____

AN ORDINANCE AMENDING MUNICIPAL PARKING LOTS

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 14.85. is hereby amended to read as follows:

14.85. Definitions.

- (a) *Automated Pay System.* An electronic device located at a public place under the Village's jurisdiction which receives payment for the privilege of temporarily parking in a specified numbered space for the posted time period.
- (b) *Parking lot.* Real property owned or leased by the Village, other than public streets and alleys, which is designated under the provisions of this division for the principal purpose of parking vehicles.
- (c) *Parking meter.* A mechanical device located upon a public street or sidewalk or in a parking lot within an area designated as a parking meter zone, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which a designated parking space may be lawfully used by the person depositing a coin or a cash key in such parking meter.
- (d) *Parking meter zone.* Those areas designated under Section 14-110 in which vehicles may be lawfully parked for the period of time indicated on parking meter in accordance with the provisions of this division.

For all purposes hereof, *Village parking lots* shall be designated as follows:

~~————(1) Lot A~~ sometimes referred to as the Warren Lot, shall be the Village parking lot situated in the block bounded by Main Street, Warren Avenue, Forest Avenue and Burlington-Northern Santa Fe Railroad, Inc., tracks.

~~————(2) Lot B~~ shall mean the Village parking lot situated directly east of the ~~Burlington Avenue~~**Main Street** station and bounded on the north by the Burlington-Northern Santa Fe Railroad, Inc., tracks and on the south by Burlington Avenue.

~~————(3) Lot C~~ shall be the Village parking lot situated in the area adjacent to the south side of Warren Avenue, extending from the east line of Highland Avenue to the west line of Washington Street.

~~————(4) Lot D~~ sometimes referred to as the Gilbert Lot, shall be the Village parking lot situated in the block bounded by Gilbert Street, Forest Avenue, Carpenter Street, extended, and the Burlington-Northern Santa Fe Railroad, Inc. tracks.

~~————(5) Lot F~~ shall be the Village parking lot situated in the area adjacent to the south side of Warren Avenue extending from the east line of Washington Street to a point six hundred sixty-five (665) feet east of the east line of Washington Street.

~~————(6) Lot G~~ sometimes referred to as the West Belmont Lot, shall be the Village parking lot situated in the area bounded by Belmont Road, Burlington Avenue, the Burlington-Northern Santa Fe Railroad, Inc., tracks and Chase Street, extended.

~~————(7) Lot H~~ sometimes referred to as the Belmont Lot, shall be the Village parking lot situated on the south side of the Burlington-Northern Santa Fe Railroad, Inc., tracks west of Belmont Road.

~~————(8) Lot I~~ sometimes referred to as the Fairview Lot, shall be the Village parking lot bounded by Second Street, Fairview Avenue, and the Burlington-Northern Santa Fe Railroad, Inc. tracks and that parking lot bounded by Maple Avenue, Fairview Avenue, and Burlington-Northern Santa Fe Railroad, Inc. tracks.

Lot J shall be the Village parking lot situated on the west side of Belmont Road, between **Burlington Avenue and Hadow Avenue.**

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Lot K shall be the Village parking lot situated on the east side of Belmont Road, between the Burlington-Northern Santa Fe Railroad tracks and Hitchcock Avenue.

~~_____ (9) Lot L shall be the Village parking lot situated in the far corner west of the Village Hall bounded by Burlington Avenue on the north and Curtiss Street on the south.~~

~~_____ (10) Lot R shall be located in the lower level of the Parking Deck as designated by the Village Manager.~~

~~_____ (11) Lot S shall be located on the top level of the Parking Deck.~~

~~(12) Lot Z shall be on the east side of Springside Avenue from a point four hundred thirty-six (436) feet south of the south line of 63rd Street to a point one thousand six hundred ninety-three (1,693) feet south of the south line of 63rd Street.~~

~~(13) The Forest Lot South shall be the Village parking lot situated in the block bounded by Main Street, Curtiss Street, Forest Avenue and Burlington Avenue.~~

~~_____ (14) The Forest Lot North shall be the Village parking lot situated in the block bounded by Main Street, Burlington Avenue, Forest Avenue and the Burlington-Northern Santa Fe Railroad, Inc. tracks.~~

~~_____ (15) Municipal complex parking lots shall be the Village parking lots situated on the municipal complex property, said property being located southeast of the intersection of Burlington Avenue and North Washington Street between Burlington Avenue and Curtiss Street and designated as Lots L and V, as posted.~~

~~_____ (16) The Main Street and Maple Avenue Parking Lot shall be the Village parking lot situated at the northeast corner of Main Street and Maple Avenue.~~

~~_____ (17) The Parking Deck, Garage, Facility or Structure shall be the Village-owned surface parking area adjacent to as well as the off-street parking area in the multi-level deck, garage, facility or structure bounded by Washington, Curtiss, Main and Maple, commonly known as 945 Curtiss Street and hereinafter referred to as "the Parking Deck".~~

~~_____ (18) Lot W shall be the Village parking lot situated on the south side of Sherman Street, between Prince Street and Main Street.~~

(Ord. No. 1436, § 1; Ord. No. 1542, § 5; Ord. No. 1737, § 4; Ord. No. 1820, § 1; Ord. No. 1989, § § 1, 2; Ord. No. 2102, § 1; Ord. No. 2312, § 1; Ord. No. 2375, § 1; Ord. No. 2473, § 1; Ord. No. 2531, § 5; Ord. No. 2745, § 41; Ord. No. 2831, § 1; Ord. No. 3075, § 5; Ord. No. 3098, § 1; Ord. No. 3118, § 13; Ord. No. 3127 § 3; Ord. No. 3224, § 1.)

Section 2. That Section 14.104.01. is hereby amended to read as follows:

14.104.01. Same--Village parking lots.

(a) Notwithstanding any other provision in this Chapter, no person shall park, stop or let stand any automobile, truck, motor vehicle or other vehicle in any Village parking lot between the hours of 2:00 A.M. and 5:00 A.M., local time, except in the portions of those areas clearly designated or otherwise posted to permit overnight parking; in the following locations:

~~_____ (1) The Forest Lot South, except the south twenty (20) feet thereof.~~

~~_____ (2) Lot C and Lot F, on the south side of Warren Avenue from the east line of Highland to the west line of Elm.~~

~~_____ (3) Lot A.~~

~~_____ (4) Lot B.~~

~~_____ (5) Lot D, except the south one hundred sixteen (116) feet of the east twenty feet.~~

~~_____ (6) Lot I, except for the fourteen (14) feet north of the Burlington Northern tracks, from forty eight (48) feet west of the west line of Fairview Avenue to one hundred fifty six (156) feet west of the west line of Fairview Avenue.~~

~~_____ (7) Lot G, except the south twenty (20) feet of the east one hundred eight (108) feet.~~

Lot R (1st level of the Parking Deck).

~~_____ (8) Lot H.~~

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~~_____ (9) Lot L.~~

~~_____ (10) Lot S.~~

~~_____ Except in the portions of those areas clearly designated or otherwise posted to permit overnight parking.~~

~~(b) Notwithstanding any other provision in this Chapter, no person shall park, stop or let stand any automobile, truck, motor vehicle or other vehicle between the hours of 2:00 a.m. and 5:00 a.m., local time, in the Parking Deck, except in those spaces designated for Lot R parking.~~

~~_____ (e) The Village Manager may establish overnight parking areas in addition to those set forth in subsection (a) or may prohibit overnight parking in all or any part of those areas set forth in subsection (a); provided that the authority to so establish or prohibit overnight parking shall be limited to nonconsecutive periods not to exceed thirty days each.~~

~~_____ (d) No person shall park or let stand any automobile, motor vehicle or other vehicle at any time between the hours of 6:00 A.M., local time, and 8:30 A.M., on any day other than Saturdays, Sundays, and legal holidays, in the following locations, unless such vehicle displays a Class III permit:~~

~~_____ Forest Lot North. (Ord. No. 1603, § 1; Ord. No. 1616, § 1; Ord. No. 1942, § 4; Ord. No. 2531, § 1; Ord. No. 3115, § 1; Ord. No. 3119, § 2; Ord. No. 3129, § 2; Ord. No. 3254, § 4.)~~

Section 3. That Section 14.123. is hereby amended to read as follows:

14.123. Issuance and sale of permits.

(a) The Village Manager shall cause suitable window sticker permits or hang tags be prepared and made available for issuance and sale. The aggregate number of permits prepared, available and designated for any specific permit lot (or for any portion thereof designated for permit parking pursuant to Section 14-122) at any one time shall not exceed one hundred twenty percent of the number of parking spaces available for parking vehicles in such lot (or such portion thereof.)

Notwithstanding anything in this Code to the contrary, the number of permit stickers or hang tags sold shall not exceed the number of parking spaces actually available for parking of vehicles in such lot (or such portion thereof) unless the Village Manager determines, on the basis of surveys of parking space vacancy rates and other relevant criteria, that the sale of an additional amount of parking stickers or hang tags is justified, in which event, an additional amount of parking stickers or hang tags may also be sold at the direction of the Village Manager. Permit stickers and hang tags shall designate the permit parking lot for which issued and shall be issued and sold for a minimum three month period and a maximum of one year, except that permit stickers or hang tags for Lot W and Lot Z shall only be issued annually.

(b) Under the direction of the Village Manager, permit stickers or hang tags shall be offered for sale during regular business hours at the Village offices in advance of the commencement of each such three month period and shall be sold to applicants in accordance with the chronological priority of applications for such permits, subject to the following:

(1) Permit renewal notices shall be mailed to existing permit holders, and renewal permits or hang tags may be issued and sold to such permit holders, in advance of the time when such permits or tags are made available for sale at the Village offices provided payment is made prior to the established deadline for renewal; however, every overlay parking permit shall require resubmission of proof of employment at a DB Downtown Business District business as provided for in paragraph (g) of this section on a yearly basis.

(2) At the discretion of the Village Manager, permit stickers and hang tags may be offered for sale at the Village offices only to persons residing within the corporate limits of the Village or persons who own or are employed by businesses within the DB Downtown Business District of the Village, as defined in the Comprehensive Zoning Ordinance of the Village, prior to any offer of such permits for sale to the general public and nonresidents. To be eligible for a permit pursuant to this Section, the applicant must either be actually residing and living within the Village, or be employed by, or an owner of, a business within the DB Downtown Business District at the time of application.

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(c) The fee for each such permit sticker or hang tag for each three month period shall be determined by the rate class assigned to the permit parking lot for which such permit sticker or hang tag is to be issued, computed in accordance with and subject to the following schedule:

Rate class	Resident Fee	Non-Resident Fee
I	\$80.00	\$110.00
II	\$75.00	\$105.00
III	\$25.00	
IV	\$250.00	
V	\$90.00	\$120.00
VI	\$195.00	
VII	\$3.00/daily	\$3.00/daily

Such fee shall be reduced, based on a daily proration of the number of days that have expired prior to the date of sale of such permit sticker or hang tag.

(d) If payment for a Rate Class I, II or V parking permits is not received forty-five (45) days following the date of the issued invoice, a twenty-five dollar (\$25.00) late fee will be assessed in addition to the cost of the permit.

(e) If payment for a Rate Class III parking permit is not received forty-five (45) days following the date of the issued invoice, a ten dollar (\$10.00) late fee will be assessed in addition to the cost of the permit.

(f) If payment and late fee are not received fifty-five (55) days following the date of the invoice, the Rate Class I, II or III or V parking permit will no longer be valid and the holder will no longer be eligible to park in the previously assigned lot/space.

(g) At the discretion of the Village Manager, permit holders may return permit stickers and hang tags prior to the expiration of the three-month period covered by such permit sticker or hang tag and may receive a refund of all or a portion of the fee paid for such sticker or tag, without interest, such refund to be determined on the basis of number of unexpired full days remaining in such three-month period less a \$6.00 administrative fee. Class III permits shall be returned to the Village for such refund immediately upon the termination of permit holder's employment with a business located in the DB Downtown Business District as defined in the Comprehensive Zoning Ordinance of the Village. Permit stickers and hang tags issued to permit holders pursuant to this Section shall not be transferable to another person, motor vehicle, or parking lot, except as provided in subsection (h). Such returned permits may be resold in chronological priority to those on waiting lists kept by the Village for that quarter and not valid past the next sale of permits, but such waiting list for Lots A, B, C, D, F, L, and R shall include Downers Grove residents only.

(h) The following permit parking lots shall have the following rate classes:

Rate class I: Lot A, lot B, lot C, lot G, lot H and lot L, as such lots are designated in Section 14-85.

Rate class II: Lot D, lot F and lot I, as such lots are designated in Section 14-85.

Rate class III: Lot A, lot B, lot D, lot F, lot L, Forest Lot North, a portion of the Main and Maple Avenue lot and any designated spaces in the Parking Deck as such lots are designated in Section 14-85.

Rate class IV: Lot W and Lot Z.

Rate class V: Lot S in the Parking Deck.

Rate class VI: Lot R in the Parking Deck.

Rate class VII: One-day parking permit, Level 5 of the Parking Deck after 8:00 a.m. or in any Village permit parking lot, with the exception of Village Employee Lot V and Lot L, after 8:15 a.m.; Lots J and K.

(i) Notwithstanding any contrary provision in this division, the Village Manager shall be authorized to refuse to issue any such permit sticker or hang tag, or renewal thereof, to any permit holder who is convicted of more than three violations of any of the provisions of this division within any consecutive period of six months, except for Section 14-127.

(j) Class III permits, also referred to as "overlay parking permits", shall be issued only to employees of businesses located in the DB Downtown Business District, as defined in the Comprehensive Zoning

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Ordinance of the Village, upon their providing evidence of such employment. An overlay parking permit shall be available for purchase at Village Hall only for those DB Downtown Business District employees who provide the following: (1) a current pay stub from a DB Downtown Business District employer; and (2) a written letter on letterhead from the DB Downtown Business District employer requesting permission for said employee to obtain an overlay parking permit along with the employee's general work schedule.

Said overlay parking permit may only be used by a DB Downtown Business District employee during the employee's working hours at the DB Downtown Business District employer's place of business. Any violation of these requirements or misuse of this permit may result in a forfeiture of said permit and inability to apply for another permit for a period of one (1) year as well as a parking citation issued pursuant to this Code. Overlay parking permits shall be valid in lot A, lot B, lot C, lot D, lot F and lot L from 8:30 a.m. to ~~3:00 p.m.~~ 12:00 noon, Monday through Friday and in Forest Lot North, a portion of the Main and Maple Avenue lot and any designated spaces in the Parking Deck from 5:00 a.m. to 3:00 p.m., Monday through Friday.

(k) Transfers between Village permit parking lots shall be made only at the start of a three-month permit period. If a permit holder desires to transfer to another Village permit parking lot, the permit holder shall remit to the Village the following: (1) the parking permit renewal form; (2) a request that the permit be transferred to another lot as specified by the permit holder; and (3) payment of the appropriate parking permit fee in the manner specified by the Village.

Transfers shall be made by the Village after permit renewals are completed, but prior to sale to the general public, and shall be made in accordance with the chronological order such requests for transfers were received; however, non-resident permit holders shall not be allowed to transfer into Lots A, B, C, D, F, L and S.

(l) At the discretion of the Village Manager, the Village may sell one-day parking permits for Village permit parking lots at a cost of \$3.00 each (Rate Class VII). Such permits shall be sold only after 8:15 a.m. on the day the permit may validly be used and may be used in any Village permit parking lot except in Village Employee Lot V and in Lot L. One-day parking permits for Level 5 of the Parking Deck may be purchased only after 8:00 a.m. After 11:59 a.m. Monday through Friday, the Village permit parking lot spaces are free, except Lot R and Lot V.

(m) Permits for Lot W (Class IV) shall only be issued to students of Downers Grove North High School, said permits are non-transferable.

(n) Permits for Lot Z (Class IV) shall only be issued to students of Downers Grove South High School, said permits are non-transferable. (Ord. No. 1542, § 4; Ord. No. 1737, §§ 8, 9; Ord. No. 1820, § 2; Ord. No. 1861, § 1; Ord. No. 1989, § 3; Ord. No. 2346, § 1; Ord. No. 2375, § 2; Ord. No. 2531, § 4; Ord. No. 2906, § 1; Ord. No. 3118, §§ 15, 16; Ord. No. 3127, §§ 10, 11; Ord. No. 3195, § 2; Ord. No. 3202, § 1; Ord. No. 3348, § 1; Ord. No. 3353, § 1.)

Section 4. That Section 14.111.1. is hereby amended to read as follows:

14.111.1. Automated Pay System.

Automated pay system machines are placed on the first floor of the Parking Deck and located in the Belmont Train Station for Lots J and K for the payment and receipt of fees for parking in the daily fee parking zones or spaces.

(a) For each numbered space, the automated pay system shall receive payment by coin, paper currency, or Village debit parking card.

(b) For the specified parking space, such machines shall provide a printed receipt which indicates the date, the time of the transaction, the space number and the amount of the payment.

(c) Possession of a payment receipt or payment for a daily fee parking space other than that which is occupied shall not be a defense to a citation for a violation of this section.

(d) It shall be unlawful for any unauthorized person to deface, tamper with, open, willfully damage, or impair the usefulness of any Village operated automated pay system parking machine.

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(e) It shall be unlawful to deposit any slug, device, or metallic substitute for a coin, counterfeit paper currency, counterfeit Village issued parking debit card, or any liquid or other material into a Village operated automated pay system machine.

(f) Any damage to Village property as enumerated in paragraphs (ed) and (ee), above, shall be enforced under the Downers Grove Municipal Code, Section 15.6 and the penalties for such violations shall be those penalties enumerated in Section 15.7 of this Code.

Section 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. 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