

VILLAGE OF DOWNERS GROVE
Report for the Village
10/15/2019

SUBJECT:	SUBMITTED BY:
An Ordinance Amending Disabled Parking Provisions	Shannon Gillette Police Chief

SYNOPSIS

An Ordinance has been prepared amending disabled parking provisions.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the November 5, 2019 active agenda.

BACKGROUND

Currently, Municipal Code 14.108(d) prohibits individuals from parking in reserved disabled parking spaces without a properly issued disabled parking placard or license plate. This code is consistent with State law (625 ILCS 5/11-1301.3(a)) and carries a fine of \$250.00.

The proposed ordinance will add a section to the Downers Grove Municipal Code with verbiage and a fine consistent with State law. A violation of this section carries a fine of \$600.00 for the first offense and \$1,000.00 for a second or subsequent offense. This amendment would allow officers to cite an individual abusing disabled parking privileges by displaying placards or license plates not issued to them pursuant to Village ordinance.

Through enforcement activities and experiences, the officers have observed far more violations of individuals abusing disabled parking privileges by displaying placards and license plates not issued to them, than individuals parking in the reserved spaces without placards and license plates. Although State law prohibits individuals from using disabled parking privileges by using placards and license plates issued to individuals other than themselves, the Village does not have a similar ordinance and cannot issue a Village citation for that violation.

ATTACHMENTS

Ordinance

Disabled Parking

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
DISABLED PARKING PROVISIONS**

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 14.108. is hereby amended to read as follows:**14.108. Parking places reserved for disabled persons.**

(a) The following off-street locations shall be designated as parking reserved for disabled persons:

- Municipal Lot A, as posted (two stalls).
- Municipal Lot B, as posted (nine stalls).
- Municipal Lot C, as posted (three stalls).
- Municipal Lot D, as posted (four stalls).
- Municipal Lot F, as posted (four stalls).
- Municipal Lot G, as posted (six stalls).
- Municipal Lot H, as posted (eight stalls).
- Municipal Lot I (Main), as posted (seven stalls).
- Municipal Lot I (West), as posted (two stalls).
- Municipal Lot J, as posted (five stalls).
- Municipal Lot K, as posted (six stalls).
- Municipal Lot L, as posted (four stalls).
- Municipal Lot V - Police Department, as posted (four stalls).
- Municipal Lot V - Fleet, as posted (two stalls).
- Municipal Lot - Forest Lot (North), as posted (four stalls).
- Municipal Lot - Forest Lot (South), as posted (four stalls).
- Municipal Lot - Public Works Facility, at 5101 Walnut, as posted (four stalls).

(b) The following on-street locations shall be designated as parking reserved for disabled persons:

On the south side of Burlington Avenue, from a point one hundred seventy (170) feet east of Mochel Drive, to a point one hundred ninety (190) feet east of Mochel Drive (one stall).

On the north side of Curtiss, from a point twenty-four feet east of Main Street, to a point ninety-three feet east of Main Street (two stalls).

On the north side of Curtiss, from a point one hundred ninety-six feet east of Forest Avenue, to a point two hundred thirty-five feet east of Forest Avenue (two stalls).

On the north side of Warren Avenue, from west of Highland Avenue to a point fifty feet west of the west line of Highland Avenue (one stall).

On the west side of Washington Street, from a point thirty feet north of the north line of Curtiss Street, to a point eighty feet north of the north line of Curtiss Street (two stalls).

On the north side of Warren Avenue, east of Forest Avenue (one stall)

On the north side of Rogers Street, east of Main Street (one stall)

On the west side of Forest Avenue, north of Warren Avenue (one stall)

On the west side of Main Street, south of Franklin Street (two stalls)

On the west side of Mochel Drive, from a point fifty (50) feet north of Curtiss Street, to a point seventy (70) feet north of Curtiss Street (one stall)

(c) No person shall park or let stand any automobile, motor vehicle or other vehicle at any time in any designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, designated by the posting of "disabled parking only" signs or in any area striped with pavement markings or otherwise designated for disabled persons accessibility.

Disabled Parking

(d) No person shall park or let stand any automobile, motor vehicle or other vehicle at any time in any location in which parking places have been reserved for parking by disabled persons by the use of signs or pavement markings, unless such automobile, motor vehicle or other vehicle is used immediately prior to parking or immediately after parking by or for transportation of a disabled person, as evidenced by display on such vehicle of one of the following:

(1) A disabled registration plate or disabled parking placard issued by the State of Illinois pursuant to its authority under Section 5/3-616 of Chapter 625 of the Illinois Compiled Statutes and displayed by hanging on the rearview mirror of the vehicle, or if no rearview mirror is available, by placement on the dashboard or visor.

(2) A disabled parking placard issued by a municipality pursuant to its authority under Section 5/11-1301.2 of Chapter 625 of the Illinois Compiled Statutes and displayed by hanging on the rearview mirror of the vehicle, or if no rearview mirror is available, by placement on the dashboard or visor.

e) It shall be a violation of this section for any person with a vehicle to display or use disabled registration plates, a disabled parking placard or other device as described in section (d) issued to a person with a disability or a disabled veteran, if:

(1) The person using such registration plates, placard or other device is not the authorized holder thereof or is not transporting the authorized holder to or from the parking location; and

(2) The person is using the registration plate, placard or device to exercise any privileges granted through such registration plates, placard or device.

(e) Any person who violates this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). Any person who violates section (e) shall be fined not less than six hundred dollars (\$600.00) nor more than one thousand dollars (\$1,000.00). Any person who violates section (e) a second or subsequent time shall be fined no less than one thousand dollars (\$1,000.00).

(f) A Village of Downers Grove disabled parking placard can be obtained upon a showing by adequate documentation that the person for whose benefit the placard is to be issued has a Class 1A or 2A disability under the provisions of Section 4A of the Illinois Identification Card Act. (15 ILCS 335/4A) The cost for obtaining such a placard or a replacement placard shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(g) It shall not be a defense to a charge under this section that either the sign posted pursuant to this section or the intended accessible parking place does not comply with the technical requirements of state law 625ILCS 5/11-301 or of this local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities. (See similar State law at 625ILCS 5/11-1301.3(c)). (Ord. No. 2001, § 1; Ord. No. 2522, § 1; Ord. No. 2745, § 39; Ord. No. 2860, § 2.)

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section #3 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