

**VILLAGE OF DOWNERS GROVE**  
Report for the Village

<b>SUBJECT:</b>	<b>6/3/2025</b>	<b>SUBMITTED BY:</b>
Chapter 14 Amendments re: Parking Provisions; Agreement re: Collection of Parking Citations; and Intergovernmental Agreement with the Illinois Comptroller's Office for Enrollment into the Local Debt Recovery Program		Enza Petrarca Village Attorney

**SYNOPSIS**

The following items have been prepared:

- An ordinance amending Chapter 14 of the Downers Grove Municipal Code regarding parking provisions;
- A motion approving an agreement with Municipal Collections of America for collection of unpaid parking citations; and
- A resolution authorizing the execution of an Intergovernmental Agreement with the Illinois Office of the Comptroller Regarding Access to the Comptroller's Debt Recovery Program.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2023-2025 include *Excellent Municipal Service*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the June 10, 2025 active agenda.

**BACKGROUND**

In an effort to increase the Village's ability to encourage compliance and better facilitate the collection of unpaid parking tickets, staff recommends the following:

- Amending Chapter 14 of the Village Code to expand its parking enforcement remedies;
- Retaining the services of a debt collection agency to collect unpaid parking citations; and
- Enrolling in the Illinois Office of the Comptroller's local debt recovery program to use the services of the Illinois Office of the Comptroller to recover unpaid debt.

A summary of the foregoing items can be found below.

**Updates to Chapter 14 of the Downers Grove Municipal Code**

The proposed amendments to Chapter 14 of the Downers Grove Municipal Code would address three key features:

- Authorize the towing of a frequent parking violator's vehicle;
- Update the fine amounts for parking violations; and
- General clean-up of Chapter 14 provisions primarily related to Village parking lots.

Authorize the Police Department to Initiate the towing a Frequent Parking Violator's Vehicle

Currently, Section 14.97.5 of the Village Code authorizes the suspension of a person's driver's license for unpaid parking fines and penalties. However, with the passage of the License to Work Act in 2020, such a procedure is no longer authorized in Illinois, and therefore, there is no mechanism in the Village Code to address the issue of repeat offenders who disregard parking citations without penalty.

In an effort to address this issue, staff recommends the implementation of a procedure whereby police officers may authorize the towing of a "chronic parking violator's" vehicle. A person will only be deemed to be a "chronic parking violator" when they have received five (5) or more parking citations in a 365 day period and the parking tickets remain unpaid. Prior to towing a vehicle, the police department must send notice to the person indicating that they have been deemed a chronic parking violator. A towed vehicle will not be released to a chronic parking violator until they have paid all unpaid parking tickets, a \$500 administrative penalty and all towing and storage fees charged by the towing operator. A person whose vehicle has been towed under this procedure may request a hearing to contest the towing.

Update fine mechanism for parking violations

Staff recommends updating certain provisions of Chapter 14 relative to the fines imposed for parking violations as shown in the table below. The payments related to parking violations were last updated in 2010. The increased fees are in line with parking fees assessed by neighboring communities. Staff recommends that parking citations that remain unpaid after the 104 days, may be referred to collection and that the Village's collection costs be charged to the debtor. The collection fee will only be imposed upon those debts actually collected by the debt collector in order to offset the Village's costs in recouping the unpaid debt. Payments for violations in the Downtown Districts have an escalated penalty. If the person disputes the violation, they may request the citation be referred to circuit court for prosecution.

The table below illustrates provides both the current fine schedule and the updated fine schedule:

	<b>Paid in 0 to 14 Days</b>	<b>Paid in 15 to 104 Days</b>	<b>Paid in 105 Days or More (includes collection costs)</b>
<b>Violations Outside of Downtown and First Two Violations in the Downtown</b>	Existing = \$25 Proposed = \$30	Existing = \$50 Proposed = \$75	Existing = \$50 Proposed = \$93.75
<b>Third or More Violations within 60 Days in Downtown</b>	Existing = \$100 Proposed = \$100	Existing = \$125 Proposed = \$145	Existing = \$125 Proposed = \$181.25

General clean-up of Chapter 14

Staff recommends further modifications to Chapter 14 to address minor issues, most of which concern updates to Village parking lots.

Intergovernmental Agreement with the Office of the Comptroller -Local Debt Recovery Program

The Illinois Office of the Comptroller (IOC) offers local governments an opportunity to utilize its resources to collect unpaid debt such as parking tickets, water bills, traffic fines, ordinance violations, and fees imposed by the courts by way of its Local Debt Recovery Program (LDRP). LDRP does not charge local government any fees for participation.

Once enrolled in the LDRP, The Village will be responsible for identifying qualifying debt then uploading the files into the Illinois Debt Recovery Offset Portal (IDROP). Unpaid parking tickets are considered qualifying debt. IOC will withhold the unpaid debt from State-issued checks – this is known as an “offset”. IOC will also access a \$15-20 fee from the debtor. The Village is not responsible for imposing the fee. Offsets may come from:

- Income tax refunds, which includes both individual & business refunds.
- State employee paycheck (up to 25% of the net amount is withheld from each check).
- State vendor contracts.
- Lottery winnings (over \$599.00).

When an offset occurs, the debtor has 60 days to file a protest with LDRP. The Village will be notified through IDROP and will be provided with the debtor’s protest and supporting documentation to review. The Village must then review the protest and make a recommendation to either approve or deny the protest within 60 days.

Staff recommends enrolling in the LDRP to use the ICO’s services to collect unpaid parking tickets. Further, the proposed modification to Section 14.97.4 of Chapter 14 of the Downers Grove Municipal Code authorizes the Village to send unpaid parking tickets to collection by way of the LDRP.

### **Agreement with Municipal Collections of America for Collection of Unpaid Parking Tickets**

On December 30, 2024, the Village published an RFP for municipal collection services. This effort was prompted by the accumulation of a significant volume of unpaid parking citations within the Village, as well as the lack of an established mechanism to recover these outstanding fees, due to the passage of the License to Work Act in 2020.

Since 2020, the Village has recorded nearly 4,000 unpaid parking citations, amounting to over \$300,000 in uncollected debt. Through the RFP process, Municipal Collections of America, Inc. (MCOA) was the sole responder. Following a thorough evaluation, MCOA demonstrated its ability to provide the necessary resources and expertise to recover unpaid fees effectively. Additionally, MCOA presented a strong compatibility with Data Ticket, the Village’s third-party parking ticket management vendor, offering seamless integration and enhanced operational efficiency. Moreover, MCOA has familiarity with the LDRP program and IDROP, and will be able to help the Village prepare citations to be sent to the IOC for collection in the event their collection efforts do not result in payment to the Village.

MCOA charges a service fee of 25%. This collection fee is only charged to tickets that are actually collected by the debt collector. The Village may pass on the collection fee to its debtors by charging an additional fee for tickets that are referred to a collection agency, which is contemplated by the proposed amendments to Chapter 14 of the Village Code. MCOA also offers services relative to forwarding delinquent debt to the IDROP program for a 15% commission fee.

### **ATTACHMENTS**

Ordinance  
Agreement  
Resolution  
Intergovernmental Agreement

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING  
CERTAIN 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 redline/underline; deletions by ~~strikeout~~):

**Section 1. That Section 14.1 is hereby amended as follows:**

**Sec 14.1 Definitions**

- (a) For purposes of this Chapter, the definitions contained in 625 ILCS 5/1-100 to 5/1-300 shall apply.
- (b) For purposes of this Chapter, the following definitions, in addition to those established in subsection (a) hereof, shall apply.

*DB Downtown Business District roadways* means the following roadways:

*Burlington Avenue*, from the east line of Forest Avenue to the west line of Washington Street.

*Curtiss Street*, from the west line of Mochel Drive to the west line of Washington Street.

*Forest Avenue*, from the south line of Gilbert Avenue to the south line of Franklin Avenue.

*Grove Street*, from the east line of Carpenter Street to the west line of Main Street.

*Highland Avenue*, from the north line of Warren Avenue to the south line of Rogers Street.

*Main Street*, from the north line of Maple Avenue to the south line of Grove Street and from the south line of Burlington Avenue to the south line of Franklin Street.

*Rogers Street*, from the east line of Main Street to the west line of Highland Avenue.

*Warren Avenue*, from the east line of Forest Avenue to the west line of Washington Street.

*Washington Street*, from the north line of Maple Avenue to the south line of Burlington Avenue.

*DC Downtown Core District roadways* means the following roadways:

Forest Avenue from the south line of Gilbert Avenue to the north line of Curtiss Street.

Curtiss Street from the west line of Forest Avenue to the west line of Mochel Drive.

Main Street from the south line of Burlington Avenue to the south line of Grove Street.

*Holiday or legal holiday* means and includes the following holidays:

New Years Day  
Martin Luther King Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Day  
Day ~~after~~ before Christmas Day

**Section 2. That Section 14.10 is hereby amended as follows:**

**Sec 14.10 Vehicle Seizure And Impoundment-Use Of Motor Vehicles For Unlawful Purposes**

(a) *Definitions.*

*Business day.* Any day in which the office of the Village Clerk of the Village of Downers Grove is open to the public for a minimum of seven (7) hours.

*Motor vehicle.* Every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles and motor scooters.

*Owner of record.* The record title holder(s) of the vehicle as registered with the Secretary of State, State of Illinois or if not registered in Illinois, the particular state where the vehicle is registered.

(b) *Conduct Prohibited.*

A motor vehicle that is used in connection with any of the following violations may be subject to seizure and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative penalty of five hundred dollars (\$500.00) plus any applicable towing fees.

- (1) Driving under the influence of alcohol, other drug or drugs, intoxicating compound(s) or any combination thereof, as provided in DGMC Section 14.3 or 625 ILCS 5/11 501(a), as amended, or
- (2) Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, as provided in DGMC Section 14.3 or 625 ILCS 5/6 303, as amended, or

(3) Driving with no valid drivers license or an expired drivers license when it has been expired in excess of twelve (12) months, as provided in DGMC Section 14.3 or 625 ILCS 5/6-101, as amended.

(3)(4) Driving or operating a motor vehicle in violation of any other law identified by 625 ILCS 5/11-208.7(b).

(c) *Seizure and Impoundment.*

(1) Whenever a police officer has reason to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer may provide for the towing of the vehicle to a facility approved by the Chief of Police. This Section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within twenty-four (24) hours after the theft was discovered or reasonably should have been discovered.

(2) The police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request an administrative hearing to be conducted under this Section.

(d) *Administrative Hearing.*

Within five (5) business days after a vehicle is seized and impounded pursuant to this Section, the Village shall notify by personal service or by certified mail the owner of record of the owner's right to request a hearing to challenge whether a violation of this Section has occurred. The owner of record seeking a hearing must file a written request for a hearing with the Chief of Police or his/her designee no later than ten (10) business days after notice was mailed. The hearing date must be scheduled no more than ten (10) business days after a request for a hearing has been filed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in violation of this Section, then the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the Village for the administrative penalty of five hundred dollars (\$500.00). If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, the hearing officer shall enter an order finding for the owner and for the return of the vehicle. If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and the hearing officer shall enter a default order in favor of the Village in the amount of the administrative penalty. However, if the owner of record pays such penalty and the vehicle is returned to the owner, no default order need be entered if the owner is informed of his or her right to a hearing and signs a

written waiver, in which case an order of liability shall be deemed to have been made when the Village receives the written waiver.

(e) *Disposition of impounded vehicle.*

A penalty imposed pursuant to this Section shall constitute a debt due and owing the Village. A vehicle impounded pursuant to this Section shall remain impounded until:

- (1) the penalty of five hundred dollars (\$500.00) is paid to the Village and all applicable towing fees are paid to the towing agent, in which case the owner of record shall be given possession of the vehicle, or
- (2) a bond in the amount of five hundred dollars (\$500.00) is posted with the Police Department and all applicable towing fees are paid to the towing agent, at which time the vehicle will be released to the owner of record, or
- (3) the vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

(f) *Posting of bond.*

If a bond in the amount of five hundred dollars (\$500.00) is posted with the Police Department, the impounded vehicle shall be released to the owner of record; the owner of the vehicle shall still be liable to the towing agent for any applicable towing fees. If a five hundred dollars (\$500.00) penalty is imposed for violation of this Section, the five hundred dollars (\$500.00) bond will be forfeited to the Village; however if a violation of this Section is not proven by a preponderance of the evidence, the five hundred dollars (\$500.00) bond will be returned to the person posting the bond. All bond money posted pursuant to this Section shall be held by the Village until the hearing officer issues a decision, or, if there is a judicial review, until the court issues its decision.

(g) *Vehicle Possession.*

Any motor vehicle that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the Village's action under this Section, or the time at which a final judgment is rendered in favor of the Village, or the time a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an unclaimed vehicle as provided by law, provided, however, that where proceedings have been instituted under sState or federal drug asset forfeiture laws, the subject vehicle may not be disposed of by the Village except as consistent with those proceedings.

**Section 3. That Section 14.85 is hereby amended as follows:**

**Sec 14.85 Definitions**

- (a) *Automated Pay System.* An electronic ground-mounted parking pay terminal 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 paying a fee.
- (d) *Parking meter zone.* Those areas designated under DGMC 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:

**Chase Avenue Lot** shall be the Village parking lot on the street, situated on the east side of Chase Avenue, between Curtiss Street and extending north to the end of the cul-de-sac.

**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.

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

**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.

**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.

**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 feet (665') east of the east line of Washington Street.

**Lot G** sometimes referred to as the West Belmont Lot, shall be the Village on-street parking lot located along Burlington/Warren Avenue, bounded by the Burlington-Northern Santa Fe Railroad, Inc., tracks, Rose Street on the west and Pershing Street on the east.

**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.

**Lot I (Main)**, sometimes referred to as the primary Fairview Lot, shall be the Village parking lot bounded by Second Street, Fairview Avenue, and the Burlington-Northern Santa Fe Railroad, Inc. tracks.

**Lot I (North)**, shall be the Village on-street parking lot, along both sides of Burlington Avenue, between Florence Avenue and Cumnor Road.

**Lot I (West)**, shall be the Village parking lot, bounded by the Burlington Northern Santa Fe Railroad, Inc. tracks and Fairview Avenue.

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

**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.

~~**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 and adjacent to 842 Curtiss Avenue.~~

**Lot R** shall be located in the Level 1 of the Parking Deck ~~as designated by the Village Manager.~~

**Lot W** shall be the Village parking lot situated on the south side of Sherman Street, between Prince Street and Main Street and assigned to North High School Student parking.

**Lot Z** shall be the Village on-street parking lot, located along the east side of Springside Avenue, from south of 63rd Street to south of Brookwood Drive, adjacent to and assigned to South High School student parking.

**Lot V** shall be the ~~Downers Grove Municipal complex~~Civic Center property parking lot serving ~~801 Burlington Avenue and 825 Burlington Avenue~~850 Curtiss Street, the Downers Grove Civic Center,~~as posted.~~

**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.

**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.

**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". The Parking Deck shall only be used as authorized in DGMC Section 14.109, or as otherwise authorized by the Village Manager.

**Warren Avenue Lot** shall be the Village parking lot on the street situated on the north side of Warren Avenue, between Saratoga Avenue and Forest Avenue, ~~as posted~~.

**Section 4. That Section 14.97.4 is hereby amended as follows:**

**Sec 14.97.4 Citation; Compliance; Penalties**

- (a) Any person charged with a violation of any provisions of Article VIII, Article IX or Article X of this Chapter, for which no other penalty or compromise payment is specifically provided for by this Code, may settle and compromise such charge by paying to the Village, within fourteen (14) days after the time of the police department citation alleging such offense, a ~~finer sum~~ of ~~twenty-fivethirty~~ dollars (~~\$3025.00~~); except that if the person is charged under the following sections the penalty or compromise payment shall be as follows:
- (1) ~~Twenty-five~~Thirty dollars (~~\$3025.00~~) for the first and second violation in a sixty (60) day period of ~~DGMC Sections 14.105.7, 14.106, 14.107 or 14.109~~any provisions of Article VIII of this Chapter, for which no other penalty or compromise payment is specifically provided by this Code, which occurs in the DB Downtown Business or DC Downtown Core Districts as defined as DGMC Section 14.1 of this Chapter. For purposes of this section the sixty (60) day period shall begin to run on the day after the date of the issuance of the citation for the first violation.
  - (2) One hundred dollars (\$100.00) for the third or subsequent violation in a 60 day period of ~~DGMC Sections 14.105.7, 14.106, 14.107 or 14.109~~any provisions of Article VIII of this Chapter, for which no other penalty or compromise payment is specifically provided by this Code, which occurs in the DB Downtown Business or DC Downtown Core Districts as defined in DGMC Section 14.1 of this Chapter. For purposes of this Section the sixty (60) day period shall begin to run on the day after the date of the issuance of the citation for the first violation.
  - (3) One hundred dollars (\$100.00) for a violation of DGMC Sections 14.97.1 or 14.98.1 involving a motor vehicle having a gross vehicle weight (including vehicle and attached equipment and maximum load)\* in excess of eight thousand (8,000) pounds, except vehicles registered as recreational vehicles under the Illinois Motor Vehicle Code.

- (b) If such penalty or compromise payment has not been made prior to the expiration of fourteen (14) days, the ~~Police Department Village~~ shall cause to be mailed, by first class U.S. mail, addressed to the last known address of the registered owner of the vehicle involved in the offense so charged, a ~~final second~~ notice referring to the offense so charged. At any time prior to the expiration of ~~fourteen ninety~~ (1490) days from the date of mailing of such ~~final second~~ notice, any person charged with a violation of the provisions of Article VIII, Article IX or Article X of this Chapter, may settle and compromise such charge by paying to the Village the amount of the fine established ~~herein by subparagraph (a) above~~ together with an additional sum of ~~twentyforty~~-five dollars (\$245.00) for each offense so charged.
- (c) All such compromise payments may be made at the Downers Grove Police Department. In each case in which such compromise payment is made, the Police Department is authorized to waive further prosecution of such alleged violation.
- (d) In the event that a compromise payment has not been made prior to the expiration of ninety (90) days of the second notice as set forth in subparagraph (b) above, the Village may refer the citation to a collections agency. For each citation referred to a collection agency, the Village is authorized to impose an additional fee as set forth in the Administrative Regulation entitled "User-Fee, License and Fine Schedule". Any such penalties and fees assessed pursuant to this Section 14.97.4 shall be deemed to be a debt due and owing to the Village.
- (e)(e) Notwithstanding the foregoing, all penalties and fees identified in this Section 14.97.4 may be referred to the Illinois Office of the State Comptroller for further collection in any manner authorized by law, including but not limited to collection pursuant to 15 ILCS 405/10.05d.
- (d)(f) Notwithstanding anything in this Section 14.97.4 to the contrary, the Village may refer any citation issued hereunder to a court of law for prosecution in accordance with applicable law. Any person found guilty by a court of law of a violation of any of the provisions of Articles VIII, IX or X of this Chapter, for which no other penalty is specifically provided for by this Code, shall be subject to a fine of not less than ~~twenty-five one hundred~~ dollars (\$25100.00) and not more than ~~one two~~ hundred fifty dollars (\$1250.00) for each such violation.

\* Equivalent to Illinois Motor Vehicle Registration Class C and higher, second division vehicles.

**Section 5. That Section 14.97.5 is hereby amended as follows:**

**Sec 14.97.5 Chronic Parking Violator, TowingSuspension Of Driver's License For Unpaid Parking Fines And Penalties**

(a) Definitions:

- (1) "chronic parking violator" means the registered owner of any vehicle that has been used in the commission of five (5) or violations of Article VIII of this Chapter for which citations have been issued within ~~three hundred sixty-five~~ (365) consecutive calendar days and have remain unpaid at the time in which the registered owner is deemed to be a chronic parking violator.

- (2) “unlawful vehicle” means a vehicle where the registered owner is a chronic parking violator and the vehicle has been used in the commission of five (5) or more violations of Article VIII of this Chapter within three hundred sixty-five (365) consecutive days.
- (b) Police officers of the Village are hereby authorized to cause a towing operator to remove and take possession of any unlawful vehicle registered to a chronic parking violator where the unlawful vehicle is in violation of Article VIII of this Chapter in accordance with this Section.
- (c) Prior to removal of any vehicle pursuant to this Section 14.97.5, the Village shall send written notice to the vehicle’s registered owner by U.S. mail notifying the registered owner that they have been deemed to be a chronic parking violator, and that any unlawful vehicle is subject to removal by the Police Department if the vehicle is becomes parked in violation of Article VIII of this Chapter within three hundred sixty-five (365) days of the date of the notice. The notification required by this subsection (b) shall be sent at least five (5) days prior to the removal of any unlawful vehicle.
- (d) An unlawful vehicle shall only be released upon full payment of:
- (1) all unpaid fines relative to citations issued to the chronic parking violator pursuant to Article VIII of this Chapter;
  - (2) an administrative penalty of five hundred dollars (\$500.00); and
  - (3) all towing charges and storage fees owed by the chronic parking violator to the towing operator.
- (e) Within five (5) business days after a vehicle is removed and taken into possession by a towing operator pursuant to this Section, the Village shall provide notice to the registered owner of the vehicle by personal service or by registered mail of the owner's right to request a hearing before a hearing officer to challenge whether the unlawful vehicle should have been removed and taken into the possession of a towing operator in accordance with this Section.
- (f) Any person seeking a hearing must file a written request for a hearing with the Chief of Police or his/her designee no later than ten (10) business days after notice was mailed or personally served on the registered owner. The hearing date must be scheduled no more than thirty (30) business days after a request for a hearing has been filed.
- (g) All interested persons shall be given a reasonable opportunity to be heard at a hearing held in conformity with this Section. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. Any citation issued by the Village for a violation of Article VIII of this Chapter that is presented at the hearing shall be prima facie evidence of the facts set forth therein.
- (h) If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle is an unlawful vehicle that was parked in violation of this Section, then the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the Village for the administrative penalty of five hundred dollars (\$500.00). If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, the hearing officer shall enter an order finding for the owner and for the return of the vehicle and the administrative penalty of

five hundred dollars (\$500.00). If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and the hearing officer shall enter a default order in favor of the Village in the amount of the administrative penalty. However, if the owner of record pays the administrative penalty and the vehicle is returned to the owner, no default order need be entered if the owner is informed of his or her right to a hearing and signs a written waiver, in which case an order of liability shall be deemed to have been made when the Village receives the written waiver. The hearing officer may, in his or her discretion, authorize a hearing to be continued upon good cause shown.

~~As authorized by Section 6-306.5(1) of the Illinois Vehicle Code (or any other successor statute), the Chief of Police or a duly authorized designee, shall be authorized to submit a certified report to the Secretary of State seeking the suspension of a person's driver's license if that person has failed to pay in full any fine or penalty imposed by final judgment of ten (10) or more violations of vehicular standing and parking regulations after exhaustion of judicial review procedures.~~

~~(a) *Notice.*~~

~~At least forty-five (45) days prior to sending the certified report to the Secretary of State, a written notice shall be served on or sent to the person who is the owner of a registered vehicle and whose driver's license is subject to the request for suspension.~~

~~The notice shall state that the failure to pay the full amount of fines and penalties within forty-five (45) days of the date printed on the notice will result in the Village notifying the Secretary of State that the person's driver's license is eligible for suspension pursuant to this Section and Section 6-306.5(1) of the Illinois Vehicle Code (or any successor statute). The notice of the impending driver's license suspension shall be sent by first class United States mail, postage prepaid, to the address of the driver/owner recorded with the Secretary of State. Any account referred to the Secretary of State, a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed.~~

~~A person to whom a notice of an impending driver's license suspension is sent shall be authorized to challenge the accuracy of the certified report either sent or to be sent to the Secretary of State. The grounds for challenging the accuracy of the certified report shall be limited to:~~

- ~~(1) The person was not the owner or lessee of the vehicle or vehicles receiving ten (10) or more parking violation notices on the date or dates such notices were issued; or~~
- ~~(2) The person has already paid the fines or penalties for the ten (10) or more violations indicated on the certified report.~~

**~~(b) Hearing:~~**

~~A request for a hearing under this Subsection shall be sent to or filed with the Chief of Police. A Hearing Officer appointed by the Village Manager or a duly authorized designee shall conduct the hearing, and a decision shall be rendered by the Hearing Officer based on all evidence before the Hearing Officer. The Hearing Officer's decision shall be final, except for any appeal procedure authorized by law before the Secretary of State.~~

**Section 6. That Section 14.104.01 is hereby amended as follows:****Sec 14.104.01 No Parking; 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:

Lot G, the westernmost twelve (12) spaces, near Rose Avenue.

~~Lot L (with Rate Class V permit).~~

Lot R (1st level of the Parking Deck with a Rate Class VI permit).

Rate Class II permit holders on the 2nd level of the Parking Deck.

- (b) 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 (30) days each.

**Section 7. That Section 14.105.01 is hereby amended as follows:****Sec 14.105.01 Two-Hour Parking; Generally**

No person shall stop, park or let stand any motor vehicle or other vehicle for a single period of more than two (2) consecutive hours at any time in the following locations:

~~842 Curtiss Avenue, within Lot L, as posted.~~

*Fairview Avenue*, on the east side, from a point one hundred ten feet (10') south of the south line of Maple Avenue to Burlington Avenue.

*Maple Avenue*, on the north side, between the east curb line of Main Street, extended, and the west curb line of Forest Avenue, extended.

*Maple Avenue*, on the north side, from a point sixty-five feet (65') west of the west line of Washington Street to a point one hundred seventy-five feet (175') east of the east line of Main Street.

*Maple Avenue*, on the north side, from the west line of Lyman Avenue extended to a point ninety-four feet (94') west of the east line of Washington Avenue.

**Section 8. That Section 14.108 is hereby amended as follows:**

**Sec 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 (2) stalls).

Municipal Lot B, as posted (nine (9) stalls).

Municipal Lot C, as posted (three (3) stalls).

Municipal Lot D, as posted (four (4) stalls).

Municipal Lot F, as posted (four (4) stalls).

Municipal Lot G, as posted (six (6) stalls).

Municipal Lot H, as posted (eight (8) stalls).

Municipal Lot I (Main), as posted (seven (7) stalls).

Municipal Lot I (West), as posted (two (2) stalls).

Municipal Lot J, as posted (five (5) stalls).

Municipal Lot K, as posted (six (6) stalls).

~~Municipal Lot L, as posted (four stalls).~~

Municipal Lot V ~~–Police Department,~~ Civic Center, as posted (~~four~~ten (10) stalls).

~~Municipal Lot V –Fleet, as posted (two stalls).~~

Municipal Lot - Forest Lot (North), as posted (four (4) stalls).

Municipal Lot - Forest Lot (South), as posted (four (4) stalls).

Municipal Lot - Public Works Facility, at 5101 Walnut, as posted (four (4) 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 feet (170') east of Mochel Drive, to a point one hundred ninety ~~feet~~ (190') ~~feet~~ east of Mochel Drive (one (1) stall).

On the north side of Curtiss, from a point twenty-four feet (24') east of Main Street, to a point ninety-three feet (93') east of Main Street (two (2) stalls).

On the north side of Curtiss, from a point one hundred ninety-six feet (196') east of Forest Avenue, to a point two hundred thirty-five feet (235') east of Forest Avenue (two (2) stalls).

On the north side of Warren Avenue, from west of Highland Avenue to a point fifty feet (50') west of the west line of Highland Avenue (one (1) stall).

On the west side of Washington Street, from a point thirty feet (30') north of the north line of Curtiss Street, to a point eighty feet (80') north of the north line of Curtiss Street (two (2) stalls).

On the north side of Warren Avenue, east of Forest Avenue (one (1) stall)

On the north side of Rogers Street, east of Main Street (one (1) stall)

On the west side of Forest Avenue, north of Warren Avenue (one (1) stall)

On the west side of Main Street, south of Franklin Street (two (2) stalls)

On the west side of Mochel Drive, from a point fifty feet (50') north of Curtiss Street, to a point seventy ~~feet~~ (70') ~~feet~~ north of Curtiss Street (one (1) 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.
- (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 625 ILCS 5/3-616 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 625 ILCS 5/11-1301.2 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.
- (f) 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).
- (g) 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".
- (h) 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 625 ILCS 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)).

**Section 9. That Section 14.114 is hereby amended as follows:**

**Sec 14.114 Citation; Final Notice; Compromise Payments; Penalties**

~~(a)~~ Any person charged with a violation of any of the provisions of paragraphs (a), (b) or (f) of DGMC Section 14.113 may settle and compromise such charge in the manner provided in

~~DGMC Section 14.97.4 by paying to the Village, within fourteen days after the time of the police department citation alleging such charge.~~

~~(b) If such compromise payment has not been made prior to the expiration of fourteen days from the date of the police department citation alleging such charge, the Police Department shall cause to be mailed by first class United States mail, addressed to the last known address of the registered owner of the vehicle involved in the offense so charged, a final notice referring to the offense so charged. At any time prior to the expiration of fourteen (14) days from the date of mailing of such final notice, any person charged with a violation of the provisions of paragraphs (a), (b) or (f) of DGMC Section 14.113 may settle and compromise such charge by paying to the Village the sum of twenty five dollars (\$25.00) for each offense so charged.~~

~~(c) All such compromise payments may be made at the Village police station and receipts shall be issued by the police department for all payments so received; all such payments shall be promptly delivered to the Village collector and credited to the proper account of the Village. In each case in which such compromise payment is made, the Police Department is authorized to waive further prosecution of such alleged violation.~~

~~(d) Any person found guilty of a violation of any provision of this Division shall be subject to a fine of not less than twenty five dollars (\$25.00) and not more than one hundred fifty dollars (\$150.00) for each such violation.~~

**Section 10. That Section 14.123 is hereby amended as follows:**

**Sec 14.123 Issuance, Sale, Renewal And Fees For Permits**

- (a) The Village Manager shall cause that suitable permits be prepared and made available for issuance and sale.

Notwithstanding anything in this Code to the contrary, the number of permits 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 permits is justified, in which event, an additional amount of permits may also be sold at the direction of the Village Manager.

Permits shall designate the permit parking lot for which issued and shall be issued and sold for a minimum three (3) month period and a maximum of one (1) year, except that permits for Lot W and Lot Z shall only be issued annually.

- (b) Under the direction of the Village Manager, permits 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 may be issued and sold to such permit holders, in advance of the time when such permits are made available for sale at the Village offices provided payment is made prior to the established deadline for renewal; and further provided that:
  - a. for Lots A, B, C, D, ~~and F and L~~ resubmission of proof of residency within the corporate limits of the Village of Downers Grove is provided;
  - b. for downtown employee parking permits resubmission of proof of employment at a DB Downtown Business or DC Downtown Core Districts business is provided in accordance with paragraph (g) of this section; and
  - c. for Lot R qualifying proof of residency within the DC Downtown Core District, DB Downtown Business District or DT Downtown Transition District is provided.
- (2) At the discretion of the Village Manager, permits 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 or DC Downtown Core Districts 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 for Lots A, B, C, D, ~~and F, and L~~ pursuant to this Section, the applicant must be actually residing and living within the corporate limits of the Village of Downers Grove. To be eligible for a downtown employee parking permit, the applicant must be employed by, or be an owner of, a business within the DB Downtown Business or DC Downtown Core Districts. To be eligible for a Lot R permit, the applicant must provide qualifying proof of residency within the DC Downtown Core District, DB Downtown Business District or DT Downtown Transition District.
- (c) The fee for each such permit for each three-month period shall be determined by the rate class assigned to the permit parking lot for which such permit is to be issued. Such fees shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". 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.
- (d) If payment for a Rate Class I, II, III or VI parking permit is not received forty-five (45) days following the date of the issued invoice, a late fee will be assessed in addition to the cost of the permit. Such late fee shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".
- (e) A late notice will be sent for a Rate Class I, II, III, or VI parking permit. If payment for permit and late fee are not received ten (10) days following the date of the late notice, the

Rate Class I, II, III, or VI parking permit will no longer be valid and the holder will no longer be eligible to park in the previously assigned lot/space.

- (f) At the discretion of the Village Manager, permit holders may return permits prior to the expiration of the three-month period covered by such permit and may receive a refund of all or a portion of the fee paid for such permit, without interest, such refund to be determined on the basis of number of unexpired full days remaining in such three-month period. 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 or DC Downtown Core Districts as defined in the Comprehensive Zoning Ordinance of the Village. Permits issued to permit holders pursuant to this Section shall not be transferable to another person, motor vehicle, or parking lot. 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.
- (g) Class of Permit. The following permit parking lots, as such lots are designated in Section 14.85, shall have the following rate classes and provisions:

- (1) Rate Class I: Lots A, B, C, D, F, G, H ~~and I, and L~~. Lots A, B, C, D ~~and F and L~~ shall be for Downers Grove residents only.
- (2) Rate Class II: A portion of Level 2 of the Parking Deck. Rate Class II permits shall be issued for reverse overnight commuter parking and shall be valid from 3:00 p.m. to 9:00 a.m. daily.
- (3) Rate Class III: Lots A, B, C, D, F and L after 8:30 a.m., Level 2 of the Parking Deck and Forest Lot North. Rate Class III permits, also referred to as "downtown employee parking permits", shall be issued only to employees of businesses located in the DB Downtown Business or DC Downtown Core Districts, as defined in the Comprehensive Zoning Ordinance of the Village, upon their providing evidence of such employment. Such permit shall be available for purchase at Village Hall only for those DB Downtown Business District employees who provide a current pay stub from a DB Downtown Business or DC Downtown Core District employer; and a written letter on letterhead from the DB Downtown Business or DC Downtown Core District employer requesting permission for said employee to obtain a downtown employee parking permit along with the employee's general work schedule.

Said downtown employee parking permit may only be used by a DB Downtown Business or DC Downtown Core District employee during the employee's working hours at the DB Downtown Business or DC Downtown Core 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. Downtown employee parking permits shall be valid in Lots A, B, C, D ~~and~~, F ~~and~~ L from 8:30 a.m. to 11:00 a.m., Monday through Friday and in Forest Lot North and Level 2 in the Parking Deck from 5:00 a.m. to 3:00 p.m., Monday through Friday.

- (4) Rate Class IV: Lots W and Z. Rate Class IV permits for Lot W shall only be issued to students of Downers Grove North High School, Rate Class IV permits for Lot Z shall only be issued to students of Downers Grove South High School. Said permits are non-transferable.
- (5) Rate Class V: Lot L. Rate Class V permits shall be issued for multi-day and overnight parking.
- (6) Rate Class VI: Lot R in the Parking Deck shall be for qualifying residents residing within the DC Downtown Core District, DB Downtown Business District or DT Downtown Transition District. Rate Class VI permits shall be issued for resident overnight parking.
- (7) Rate Class VII:
  - a. Daily fee parking shall be available for Levels 3, 4 and 5 of the Parking Deck, Lots G, H, J and K and the Chase Avenue Lot.
  - b. One day parking permits shall be sold at the discretion of the Village Manager on the day the permit may be used. Such permit shall be valid in any Village permit parking lot except in the Parking Deck, ~~Lot L~~, Lot R and ~~Village Employee~~ Lot V. Daily parking fees and one day parking permit fees shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".
 

After 10:59 a.m. Monday through Friday, the Village permit parking lot spaces are free, except Lot R and ~~Village Employee~~ Lot V.
- (h) Notwithstanding any contrary provision in this division, the Village Manager shall be authorized to refuse to issue any such permit, or renewal thereof, to any permit holder who is convicted of more than three (3) violations of any of the provisions of this division within any consecutive period of six (6) months, except for DGMC Section 14.127.
- (i) 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 and; F ~~and L~~.

**Section 11. That Section 14.1 is hereby amended as follows:**

**Sec.14.126 Compromise Payments And Penalties For DGMC Section 14.125**

- (a) Any person charged with a violation of DGMC Section 14.125(a) of this Chapter may settle and compromise such charge in the manner provided in DGMC Section 14.97.4.
- ~~(a) by paying to the Village, within fourteen days after the time of the police department citation alleging such offense, a sum of twenty five dollars (\$25.00). If such penalty or compromise payment has not been made prior to the expiration of fourteen (14) days, the police department shall cause to be mailed, by first class U.S. mail, addressed to the last known address of the registered owner of the vehicle involved in the offense so charged, a final notice referring to the offense so charged. At any time prior to the expiration of the fourteen days from the date of mailing of such final notice, any person charged with a violation of DGMC Section 14.125(a) of this Chapter may settle and compromise such charge by paying to the Village the amount of the fine established herein together with an additional sum of twenty five dollars (\$25.00) for each offense so charged.~~
- ~~All such compromise payments may be made at the Village police station and receipts shall be issued by the police department for all payments so received; all such payments shall be promptly delivered to the Village collector and credited to the proper account of the Village. In each case in which such compromise payment is made, the Police Department is authorized to waive further prosecution of such alleged violation.~~
- ~~(b) Any person found guilty of a violation of DGMC Section 14.125(a) shall be subject to a fine of not less than twenty dollars (\$20.00) nor more than one hundred fifty dollars (\$150.00) for each such violation.~~
- ~~(c) Any person charged with a violation of DGMC Sections 14.125(b), (c), and (d) may settle and compromise such charge in the manner provided in DGMC Section 14.97.4.~~
- ~~(d) Any person found guilty of a violation of DGMC Sections 14.125(b), (c), and (d) shall be subject to a fine of not less than twenty dollars (\$20.00) nor more than one hundred fifty dollars (\$150.00) for each such violation.~~

**Section 12. That Section 14.134 is hereby amended as follows:**

**Sec 14.134 Citation; Compromise Payments; Penalties; Impoundment Of Vehicles**

(a) Any person charged with a violation of any of the provisions of DGMC Section 14.133 may settle and compromise such charge in the manner provided in DGMC Section 14.97.4.

~~(b) Any person found guilty of a violation of any provision of this Division shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred fifty dollars (\$150.00) for each such violation.~~

**SECTION 13.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 14.** This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk