

130211



LOMBARD POLICE DEPARTMENT



Date: March 28, 2013

To: David A. Hulseberg, AICP, ICMA-CM
Village Manager

From: Ray Byrne
Chief of Police

MAY - 2 2013

SUBJECT: School Busses Parking in Residential Neighborhoods

Introduction

During the month of March, the police department received a complaint about a school bus parking on Washington Street east of Main Street. This is a residential neighborhood. Upon investigating the complaint, it was learned that the school bus was not in violation of any parking restrictions or zoning regulations. The presence of the bus caused concern for at least one neighbor who reached out to both Trustees Fitzpatrick and Breen. Specifically, Trustee Breen inquired as to what legislative remedies might be possible to deal with situations such as these in the Village.

Background

This is not the first time Village staff or elected officials have discussed this issue. On September 12, 2000, then Trustee Richard Tross brought the issue up for discussion at a meeting of the Transportation & Safety Committee following some complaints about school busses parking on the street as well as in private driveways in residential neighborhoods (see attached Exhibit "A"). At the time this discussion occurred, the parking of busses on the street would have been regulated only by parking restrictions applicable to the street, just as it is today. However, the parking of school busses in residential driveways was prohibited as a nuisance and was treated as a code enforcement / zoning violation. The Transportation and Safety Committee reached a consensus to allow the parking of school busses in residential neighborhoods subject to some setback provisions and only during the day.

This change was contemplated by the Village Board at its meeting of September 21, 2000. An ordinance to reflect the changes discussed at the Transportation & Safety Committee was prepared by the Community Development Department. However, the Community Development Department also indicated in their cover memorandum that they were not supportive of school busses being parked in residential areas at any time and that school busses should be returned to the bus depot yard when not in use (see attached Exhibit "B"). According to the Village Board meeting minutes, Trustee Tross

reported the findings of the Transportation & Safety Committee meeting to the entire Village Board. The Village Board was divided on the issue. Following discussion, a motion was made to deny the ordinance (supporting the staff position) which failed 4-2. A subsequent vote approved the ordinance amending Chapter 94, Section 94.04(L)(1) of the Village Code by a 5-1 vote (see attached meeting minutes, Exhibit "C" and Ordinance #4870, Exhibit "D" respectively).

Recommendation

The only substantive changes to the Village Code have only regulated the parking of school busses on residential property. The parking of school busses on residential streets has never been prohibited unless appropriate signage was in place otherwise restricting parking. Arguably this is more an issue of aesthetics than it is public safety. The resident on East Washington expressed a concern for home values because of the bus being there. While there may be an occasional sight line issue depending on where a bus is parked, the same would hold true for any large vehicle parked on the street in a residential neighborhood.

Given the fact that there is a renewed interest in this topic, I would recommend that the issue be forwarded to the Transportation & Safety Committee to again review. It has been nearly thirteen years since the issue was looked at and it may be appropriate to revisit and see if there is a different perspective or alternative solutions. I have also attached a copy of the current Village Code as Exhibit "E" for reference purposes. If you should have any questions, or would like additional information, please do not hesitate to contact me.

U: School Bus Memorandum docx

I agree with what you are saying, and I hope this is a reasonable way to address this.
 Schwarz - Yes, please have Dane check on this and report back to us. Committee directed Dan to report back on this at the next meeting.



School Busses: Tross - I personally received three complaints about school busses. In Trustee Sebby's district - it is a complaint of code enforcement. A resident parks a school bus on her private property/she can take her school bus and park on Grace, legally, blocking View. Her issue is why can't I park a school bus on my driveway? Code enforcement states that what is prohibited is vehicles designed to carry more than 10 passengers. 2nd complaint is from Trustee Florey's district - resident parking bus on street and neighbors would like them to park on driveway. 3rd complaint is resident on Harrison that has a small bus, and neighbor will not allow her to park on double divider. Wants to park about a block away in "No Parking, School" area. I suggested that if she got the school bus with the handicap sticker, handicap sticker takes precedent. Bergeron - I would rather see the bus parked in the driveway instead of on the street. Schwarz - I would rather see them bring the bus back to a parking area and get their private car. Tross - time in between shifts is about an hour, which is not enough time to do this and complete their shifts. They are allowed to park on the streets, if it doesn't block any vision during the day (not at night). Johnson - is a school bus considered commercial? Tross - yes, according to code enforcement staff. Bedard - What is wrong with parking in the driveway? Tross - she doesn't want to pull the big bus in her driveway. Secretary of State does not consider school busses commercial vehicles. They have completely separate standards than other busses. Gron - is our ordinance different from the State ordinance? Tross - yes. Gron - then I would like to see it changed. Tross - is it the consensus of the committee that if you can put a school bus on your driveway, as long as it is not overnight or on the weekend, it is okay? If totally on the driveway and not a safety issue at all, should be okay? Cuny - we know what they are doing. The concerns of the committee was that this would be appropriate.

Millette - I will be attending an information study tomorrow in Wheaton for Rte. 53. Tross - should be right in/right out everywhere except Madison. Johnson - should be signaled at Madison; this is the only collector. Tross - also address Meadow issues (protected left turn lane). Johnson - need to collect some information from some residents, I do not have anything ready for this.

Schwarz - I will not be able to attend on 10/3. I am having surgery on 10/04. Tross - we will not meet in October, and will meet next on Nov. 7th.

7.0 Information Only

8.0 Adjournment

motion

MEMORANDUM

TO: William Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: ~~March 11, 2013~~

SUBJECT: AN ORDINANCE AMENDING TITLE 9, CHAPTER 94, SECTION 94.04(L)(1) OF THE LOMBARD VILLAGE CODE IN REGARD TO NUISANCES

Attached please find an ordinance requested by Trustee Tross to appear on the Board of Trustees agenda to facilitate the parking of a school bus in a residential neighborhood between the hours of 8 a.m. and 4 p.m.

RECOMMENDATION

Staff is not supportive of school buses being parking in residential areas at any time and believes that school buses should be returned to the bus depot yard when not in use. Staff recognizes that this is a commercial vehicle and could open Pandora's box as to what other commercial vehicles can be parked at home.

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: September 18, 2000 (B of T) Date: September 21, 2000

TITLE: Ordinance amending Title 9, Chapter 94, Section 94.04(L)(1) of the Lombard Village Code

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Please find attached an ordinance amending Title 9, Chapter 94, Section 94.04(L)(1) of the Lombard Village Code to allow the temporary parking of a school bus on residential property. (ALL DISTRICTS)

Please place this item on separate action on the September 21, 2000 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9, CHAPTER 94, SECTION 94.04(L)(1) OF THE LOMBARD VILLAGE CODE IN REGARD TO NUISANCES

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

SECTION 1: That Title 9, Chapter 94, Section 94.04(L)(1) of the Lombard Village Code is amended by adding the following to the end thereof:

“however, the parking of a school bus, as defined by 625 ILCS 5/1-182, shall not be prohibited between 8 a.m. and 4 p.m., provided the occupant of the residential property is the authorized driver of said school bus;”

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

Passed on first reading this ____ day of _____, 2000.

First reading waived by action of the Board of Trustees this ____ day of _____, 2000.

Passed on second reading this ____ day of _____, 2000.

AYES: _____

NAYES: _____

ABSENT: _____

Approved this ____ day of _____, 2000.

William J. Mueller, Village President

ATTEST:

Lorraine G. Gerhardt, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2000

Lorraine G. Gerhardt, Village Clerk

**City Community Development Commission - Trustee David N. Schaffer,
Representative**

Trustee Schaffer reported that the Commission had met on Tuesday and are still struggling with a program to accommodate the Federal mandates regarding lead abatement.

Law Committee - Trustee Ralph F. Borgatell, Chairperson

Trustee Ralph F. Borgatell reported that the Committee had received the resignations of several members. The last meeting had been cancelled due to no quorum. He said that the next meeting will be on October 2nd if the vacancies of members are filled. He pointed out that the Legislative Initiatives are on tonight's agenda, having polled the members for approval.

Committee - Trustee Steven D. Seby, Chairperson

Trustee Steven D. Seby said that the Committee had met on September 12th and had discussed the change orders on tonight's agenda. He announced that a new member will be approved at the next Board of Trustees Meeting.

Police & Safety Committee - Trustee Richard J. Tross, Chairperson

Trustee Richard J. Tross reported that the Committee had met on September 12th and took action on recommendations to post "no parking" between 9-3 on school days on Ann, Madison, and Morris and Elizabeth Streets which were posted prior to the start of the school year. He said they had also made recommendations regarding a 2 hour parking limit on Madison, stop signs at 17th and La Londe. Trustee Tross said the Committee had also discussed signage requests from Madison and Hammerschmidt Schools, "No Parking" on Madison between Westmore/Meyers Road and converting of Yield signs to stop signs at Madison and Taylor. In the matter of Route 64 and West Road the Committee recommended no further action. Tross asked that a Waiver of first reading be approved on all of the ordinances representing these recommendations D,E, F,G,H and I. He added that the future North Avenue Frontage Road at Route 53 is being discussed with regard to the Frontage Road at Route 53. The Committee will forward their recommendations in the next 4 months. Student driving and Driver's License testing in District 6 has been questioned and the Lombard Secretary of State Station Manager will come to the Committee to explain the facility's procedures. He said the Committee also discussed school busses parking temporarily on residential property, which is on tonight's agenda. The feeling is that it is safer not to have the busses parked in the street providing they are not blocking the clear sight distance.

Ordinance 4870 School Bus Parking

An Ordinance amending Title 9, Chapter 94, Section 94.04(L)(1) of the Lombard Village Code to allow the temporary parking of a school bus on residential property.
(DISTRICTS - ALL)

Trustee Sebby commented that he is concerned that the Village Code allows parking in the street and yet not temporarily in a resident's driveway.

Trustee Borgatell said that the drivers should leave the bus at the terminal and not bring the bus home.

Trustee Kufrin agreed that they should take them back to the terminal and deny the ordinance. Trustee Kufrin moved that the Board concur with the recommendation of staff to deny the ordinance to prohibit parking of school busses in residential driveways. The motion was seconded by Trustee Borgatell.

Trustee Tross said that this started as a home occupation issue and now they have complaints in all districts. He explained that the reasons that they are not taking the busses back to the terminal are to save gas and the drivers do double duty with the varying hours of all the different schools and have very little time in between. He said that there are concerns with stop signs being blocked from view, plowing issues and sight line problems. He requested that the Board allow daytime parking of busses in driveways and not in the Streets.

After some additional comments of the various Trustees, Trustee Schaffer called for the question.

It was moved by Trustee Paul Kufrin Jr, seconded by Trustee Ralph Borgatell, that the Board concur with the recommendation of staff to deny an amendment to Title 9, Chapter 94, Section 94.04(L)(1) of the Lombard Village Code to allow the temporary parking of a school bus on residential property.. The motion Failed by the following vote:

Ayes: 2 - Borgatell, Kufrin Jr.

Nays: 4 - Tross, Schaffer, Sebby, Florey

It was moved by Trustee Richard J. Tross, seconded by Trustee Steven D. Sebby, that the Village Board waive first reading and pass on second reading an ordinance approving an amendment to Title 9, Chapter 94, Section 94(L) (1) regarding School Bus Parking with the addition of a required 15 foot set back distance from the street or sidewalk. The motion Carried by the following vote:

Ayes: 5 - Borgatell, Tross, Schaffer, Sebby, Florey

Nays: 1 - Kufrin Jr.

Noise

An Ordinance on first reading An Ordinance on first reading reading amending Title 9 of the Village Code prohibiting the generation of noise from property maintenance and construction during certain hours.

This item was removed from the agenda

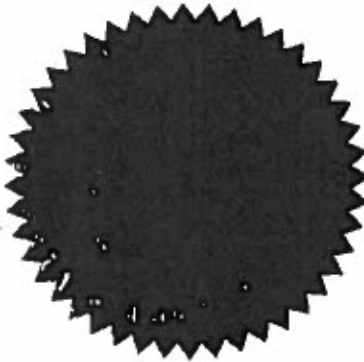
Trustee Schaffer left the room at 9:20 p.m.

ORDINANCE 4870

PAMPHLET

FRONT OF PAMPHLET

AN ORDINANCE AMENDING TITLE 9, CHAPTER 94, SECTION 94.04(L)(1) OF THE
LOMBARD VILLAGE CODE IN REGARD TO NUISANCES



PUBLISHED IN PAMPHLET FORM THIS 2ND DAY OF OCTOBER, 2000.
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS.

Lorraine G. Gerhardt
Lorraine G. Gerhardt
Village Clerk

Debra Johnson
Debra Johnson
Deputy Village Clerk

ORDINANCE NO. 4870

AN ORDINANCE AMENDING TITLE 9, CHAPTER 94, SECTION 94.04(L)(1)
OF THE LOMBARD VILLAGE CODE IN REGARD TO NUISANCES

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

SECTION 1: That Title 9, Chapter 94, Section 94.04(L)(1) of the Lombard Village Code is amended by
adding the following to the end thereof:

"however, the parking of a school bus, as defined by 625 ILCS 5/1-182, shall not be prohibited
between 8:00 a.m. and 4:00 p.m., provided:

- (a) the occupant of the residential property is the authorized driver of said school bus; and
- (b) the school bus is parked no closer than fifteen (15) feet from the sidewalk adjacent to said residential property or, where no sidewalk exists, no closer than fifteen (15) feet from the street adjacent to said residential property;"

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

Passed on first reading this ____ day of _____, 2000.

First reading waived by action of the Board of Trustees this 21st day of September, 2000.

Passed on second reading this 21st day of September, 2000.

AYES: Trustees Borgatell, Florey, Schaffer, Sebby and Tross



NAYS: Trustee Kufrin

ABSENT: None

Approved by me this 21ST day of September, 2000.


William J. Mueller, Village President

ATTEST:


Lorraine G. Gerhardt, Village Clerk

Barbara Johnson, Deputy Village Clerk

Published by me in pamphlet form this 3rd day of October, 2000.


Lorraine G. Gerhardt, Village Clerk

Barbara Johnson, Deputy Village Clerk

**§ 94.04 SCHEDULE A: NOTICE REQUIRED;
NUISANCES DEFINED.**

Notice must be given as set forth in § 94.03 for those nuisances defined as follows:

(A) To use or occupy any part of a street, parkway, alley, or sidewalk of the village for the purpose of carrying on, soliciting, or promoting any trade, business, or other enterprise which impedes, interferes with, or makes dangerous travel thereon; also, to cause or permit the storage of any product, supplies for, or equipment incidental to the operation of such business or enterprise upon any street, parkway, alley, or sidewalk within the village;

(B) (1) To create or permit to be created or remain upon any premises within the village for a period of more than 30 days, the storing, piling, scattering, accumulating, heaping, amassing or collecting of bricks, concrete blocks, straw, lumber, structural iron, pipe, roofing materials, or any building materials where the same is in public view and where the same may or does constitute a safety hazard to children playing in the area, or that may or does become an attraction to or haven for vermin or rodents.

(2) Building material stored outdoors on any site for construction authorized by a building permit shall not be permitted to remain more than 30 days after completion of construction upon a job site;

(C) To allow, cause, or permit garbage, rubbish, or waste materials to be set out in containers which are not covered, which permit or allow the contents of such containers to be accessible to rodents or animals, or that permit the contents thereof to be scattered or blown about;

(D) For any person to dump, deposit, store, or place any garbage, rubbish, trash, or refuse upon

property within the village, except in covered containers;

(E) To keep, shelter, feed, harbor, care for, maintain, or trap, or cause or permit to be kept, sheltered, fed, harbored, cared for, maintained or trapped, any animal on property within the Village except in full compliance with Chapter 90 of this Code.

(F) (1) To store, cause to be stored, or permit to remain in public view on any premises within the Village, inoperable motor vehicles, not located within a garage. For the purpose of this subsection, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power or one that for any period of time has been rendered inoperable because it does not have evidence of registration as required by 625 ILCS 5/3-701 et seq., or one which does not display a current license as required by Chapter 70 of the Village Code.

(2) To deposit upon any public or private roadway, alley, driveway, parking area, or other place within the village limits, any inoperable motor vehicle or part thereof, without first obtaining permission of the owner, occupant, or agent of private property, or the Police Department of the village for public property;

(G) To cause or permit the carcass of any dead animal or vegetable matter, slops, swill, suds, garbage, filth, stable droppings, or other offal or noisome substance of any kind including cat or dog feces to be collected, deposited, or remain in any place, yard or pen except in approved covered containers, and then only long enough to be properly disposed of;

(H) To keep or permit to be kept upon any premises within the village any dog or other animal

or fowl emitting loud, frequent, and continuous offensive noises;

(I) To cause or permit any premises within the Village to become or remain littered with tin cans, glass jars, bottles, scrap glass, paper cartons, scraps of paper, boxes, ashes, iron, old hot water tanks, oil storage tanks, tin or other metal materials, refuse, rubbish, junk, waste, manure, straw, landscape waste as defined by Section 92.41(E) of this Code, lumber, old bricks, concrete blocks, chunks of broken concrete, plaster board, discarded furniture, household appliances, mattresses, bed springs, portable swimming pools in disrepair, tires, or other like matter of things;

(J) To corrupt or permit to be corrupted any water stream or source thereof;

(K) To obstruct any water source, ravine, or gutter so as to cause water to stagnate therein, or to permit foul or stagnant water to stand upon any premises;

(L) (1) All parking and/or storage of commercial vehicles requiring more than a Class B license plate as established by the Office of the Secretary of State of the State of Illinois such as trucks, tractors, and trailers on residential property; however, the parking of a school bus, as defined by 625 ILCS 5/1-182, shall not be prohibited between 8:00 a.m. and 4:00 p.m., provided:

(a) The occupant of the residential property is the authorized driver of said school bus; and

(b) The school bus is parked no closer than fifteen (15) feet from the sidewalk adjacent to said residential property or, where no sidewalk exists, no closer than fifteen (15) feet from the street adjacent to said residential property;

(2) Storage of all other specialized commercial vehicles such as tractors, plows, backhoes, or any other similar equipment stored on any residential property unless said equipment is

garaged, or for a construction site for which a building permit has been issued.

(M) To direct, allow or permit the flow of water from any downspout, sump pump, drain tile or any other artificial storm, ground or surface water drainage mechanisms or conduits onto a sidewalk or street so as to cause icing to exist on said sidewalk or street as a result of said water drainage. In the event that the nuisance described in this subsection is not corrected upon receipt of the notice referenced in Section 94.03 of this Code, and the Public Works Department is required to de-ice any street referenced in said notice a second or further time, the owner/occupant of the property in question shall, in addition to any fine that may be assessed for said Village Code violation, be billed for the actual costs incurred by the Village for the Public Works Department's performance of the de-icing.

(N) To fail to maintain or repair any private stormwater management facility including, but not limited to, any private stormwater retention basin, detention basin or storm sewers, as well as any grates, inlets, outlets, manholes, catch basins or restrictors relative thereto, thereby creating a situation in which said stormwater management facility does not perform as designed or poses a potential or real hazard to the health, safety or welfare of the public.

(O) The storage of firewood on a residential property:

- (1) in an amount exceeding one-hundred twenty eight (128) cubic feet, also known as one full-cord;
- (2) to a height greater than four (4) feet from grade;
- (3) greater than eight (8) feet in width; or
- (4) infested with vermin or rodents.

(*70 Code, § 6.28.060) (Ord. 1639, passed 7-6-71; Am. Res. R-16-74, passed 1974; Am. Ord. 1926, passed 2-26-76; Am. Ord. 2993, passed 10-15-87) Penalty, see § 94.99, Ord. 4130, passed 2/15/96, Ord. 4333, passed 7/17/97; Ord. 4935, passed 3/1/01; Ord. 5154, passed 6/20/02; Ord. 5860, passed 5/18/06; Ord. 5877, passed 6/1/06; Ord. 6456, passed 3/18/10)