

060601

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

Resolution or Ordinance (Blue) Waiver of First Requested
Recommendations of Board, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 16, 2006 (BOT) Date: December 7, 2006

TITLE: An Ordinance Amending Article XIII of the Lombard Traffic Code

SUBMITTED BY: Ray Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

This ordinance will increase the minimum fine amount for a violation of persons with disabilities parking violations to \$250 from the current amount of \$100. It also raises the minimum fine to \$500 for the unauthorized use of a disability plate or decal to park in a persons with disabilities space. The minimum fine amounts are authorized by Public Act 94-619.

FISCAL IMPACT/FUNDING SOURCE: None

Review (as necessary):

Finance Director X

Village Manager X

[Signature]

Date: 11/20/06

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.

Several municipalities have already adopted the increased minimum fines and the police department certainly supports the higher fines as a deterrent to these offenses. A waiver of first reading is being requested due to the fact that the next Village Board meeting will not take place until January 4, 2007. If you should have any questions, or would like additional information, please do not hesitate to contact me.

Public Act 94-619 has authorized the increase in minimum fines for certain violations of the statutes concerning parking for persons with disabilities. Specifically, the minimum fine for parking in a space designated for persons with disabilities is now \$250.00. Additionally, the fine for the unauthorized use of a decal or plate of a person with a disability has been raised to \$500.00. The proposed ordinance changes have been reviewed and prepared by Village Attorney Tom Bayer.

**SUBJECT: Proposed Minimum Fine Increases
Persons with Disabilities Parking Violations**

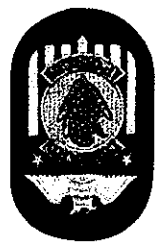
FROM: Ray Byrne
Chief of Police

TO: William T. Lichter
Village Manager

DATE: November 16, 2006



LOMBARD POLICE DEPARTMENT



encl.
cc: William T. Lichter, Village Manager (w/ encl.)

If there are any questions, please feel free to call.

AN ORDINANCE AMENDING ARTICLE XIII,
SECTIONS 10-13-23 THROUGH 10-13-23.5 OF THE
LOMBARD TRAFFIC CODE (ORDINANCE NO. 1186)
IN RELATION TO PARKING FOR PERSONS WITH DISABILITIES

In regard to the foregoing, and per our discussion, enclosed please find the following Ordinance relative to the above-captioned matter:
suspension.

As you know, pursuant to Public Act 94-619, the fine for a standard handicapped parking violation was increased from \$100.00 to a minimum of \$250.00. Public Act 94-619 also breaks out, as a separate offense, use of a handicapped plate or decal by a person who is not the authorized holder of the plate or decal to park in a handicapped space. This offense now carries a minimum fine of \$500.00 and a possible license

To: Raymond Byrne, Chief of Police, Village of Lombard
From: Tom Bayer, Village Attorney
Date: November 10, 2006
Re: Parking for Persons with Disabilities

MEMORANDUM

PATRICK A. LUCANSKY
LANCE C. MALINA
MICHAEL A. MARRS
THOMAS M. MELODY
JANET N. PETSCHE
DONALD E. RENNERT, III
SCOTT F. UHLER
GEORGE A. WAGNER
ALLEN WALT
DENNIS G. WALSH
JAMES G. WARGO
BRUCE A. ZOLNA
OF COUNSEL
JAMES A. RHODES
RICHARD T. WIMMER

SUITE 1660
20 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-2903
TELEPHONE (312) 984-6400
FACSIMILE (312) 984-6444
FACSIMILE (312) 606-7077
ORLAND PARK OFFICE
15010 S. RAVINIA AVE., SUITE 17
ORLAND PARK, IL 60462-3162
TELEPHONE (708) 349-3888
FACSIMILE (708) 349-1506

JOSEPH O. AJIBESIN
KINDA Y. ALLISON
TERENCE M. BARNICLE
JAMES P. BARTLEY
THOMAS P. BAYER
GERARD E. DEMPSEY
MICHAEL J. DUGGAN
JAMES V. FEROLO
JAMES W. FESSLER
E. KENNETH FRIKER
BRIAN M. FUNK
CYNTHIA S. GRANDFIELD
KATHLEEN T. HENN
EVERETTE M. HILL, JR.
MICHAEL T. JURUSIK
JACOB H. KARACA

KLEIN, THORPE AND JENKINS, LTD.

LAW OFFICES

(a) A motor vehicle bearing vehicle registration plates issued to a person with disabilities pursuant to 625 ILCS 5/3-616, or to a disabled veteran pursuant to 625 ILCS 5/1-609, or a special decal or device issued pursuant to 625 ILCS 5/3-616 or 5/1-1301.2, or a motor vehicle registered in another jurisdiction upon which is displayed a vehicle registration plate, special decal, or device issued by the other jurisdiction designating that the vehicle is operated by or for a person with disabilities, shall be exempt from the payment of parking meter fees and

Section 10-13-23.2 Persons with Disabilities Exempt
From Certain Parking Regulations

(b) "Authorized holder," when used in Sections 10-13-23.1 through 10-13-23.3, shall mean an individual issued a disability vehicle registration plate pursuant to 625 ILCS 5/3-616, an individual issued a disability parking decal or device pursuant to 625 ILCS 5/1-1301.2, or an individual issued a disabled veteran's vehicle registration plate pursuant to 625 ILCS 5/3-609.

(a) "Person with disabilities," when used in Sections 10-13-23.1 through 10-13-23.3, shall mean a person that has been issued Illinois vehicle registration plates pursuant to 625 ILCS 5/3-609 or 5/3-616 or a person who meets the definition of a person with disabilities as defined in 625 ILCS 5/1-159.1.

Section 10-13-23.1 Definition

"Section 10-13-23 Parking for Persons with Disabilities

following:

Lombard Traffic Code are hereby repealed and replaced in their entirety with the

SECTION 1: That Article XIII, Sections 10-13-23 through 10-13-23.5 of the

Lombard, DuPage County, Illinois, as follows:

BE IT ORDAINED by the President and Board of Trustees of the Village of

**AN ORDINANCE AMENDING ARTICLE XIII,
SECTIONS 10-13-23 THROUGH 10-13-23.5 OF THE
LOMBARD TRAFFIC CODE (ORDINANCE NO. 1186)
IN RELATION TO PARKING FOR PERSONS WITH DISABILITIES**

ORDINANCE NO. _____

exempt from any statute or ordinance imposing time limitations on parking except lot or parking place which is owned, leased, or owned and leased by the Village or a municipal parking utility; but such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops, and loading areas; subject to the following:

1. Such a vehicle is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby the motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.

2. Any motor vehicle bearing registration plates or a special decal or device specified in this subsection (a) or such devices the Village deems proper as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran may park, in addition to any other lawful place, in any parking place specifically reserved for such vehicles, by the posting of an official sign as provided by 625 ILCS 5/11-301.

3. Parking privileges granted by this subsection (a) are strictly limited to the person to whom the special vehicle registration plates, special decal, or device were issued and to qualified operators acting under said person's express direction while the person with disabilities is present.

4. A person to whom privileges were granted pursuant to this subsection (a) shall, at the request of a police officer or any other person invested by law with authority to direct, control, or regulate traffic, present an identification card with a picture as verification that the person is the person to whom the special vehicle registration plates, special decal, or device was issued.

5. Parking privileges granted by this subsection (a) are also extended to motor vehicles of not-for-profit organizations used for the transportation of persons with disabilities when such motor vehicles display the decal or device issued pursuant to 625 ILCS 5/11-1301.2.

(b) Except as permitted by subsection (a) above, no person shall use any area for the parking of any motor vehicle pursuant to Section 10-13-1 of this Traffic Code, or where an official sign controlling the area expressly prohibits parking at any time or during certain hours.

Section 10-13-23.3 Unauthorized Use of Parking Places Reserved for Persons With Disabilities

(a) It shall be unlawful to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by 625 ILCS 5/1-

159.1, pursuant to 625 ILCS 5/3-616 and/or 5/1-1301.2, or to a disabled veteran pursuant to 625 ILCS 5/3-609, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated pursuant to 625 ILCS 5/1-301, for motor vehicles displaying such vehicle registration plates or decals. Any motor vehicle bearing a person with disabilities vehicle registration plate or person with disabilities parking decal or device containing the international symbol of access issued to persons with disabilities by any local authority, state, district, territory, or foreign country shall be recognized by the Village as a valid vehicle registration plate or device and receive the same parking privileges as residents of the State or Village.

(b) Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the Police Department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by persons with disabilities which does not display registration plates for a person with disabilities, or a special decal or device as required under this Section.

(c) An individual with a vehicle bearing disability vehicle registration plates or a parking decal or device issued to a qualified person with a disability under 625 ILCS 5/3-616 or 5/1301.2, or to a disabled veteran pursuant to 625 ILCS 5/3-609, shall be in violation of this Section if: (1) the person using the disability vehicle registration plate or parking decal or device is not the authorized holder of the disability vehicle registration plate or parking decal or device or is not transporting the authorized holder of the disability vehicle registration plate or parking decal or device to or from the parking location; and (2) the person uses the disability vehicle registration plate or parking decal or device to exercise any privileges granted through the disability vehicle registration plate or parking decal or devices under this Traffic Code or the Illinois Vehicle Code.

(d) 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 625 ILCS 5/1-301, the Illinois Department of Transportation regulations, or regulations of the Village, 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.

Section 10-13-23.4 Penalty

(a) Any person who violates Section 10-13-23.3(a) above shall be fined two hundred fifty and no/100 dollars (\$250.00) in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under Section 10-13-23.3(b) above.

(b) Any person who violates Section 10-13-23.3(c) above shall be fined five hundred and no/100 dollars (\$500.00) in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under Section 10-13-23.3(b) above."

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 _____, 200_____.

First reading waived by action of the Board of Trustees this _____ day of _____, 200_____.

Passed on second reading this _____ day of _____, 200_____ pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED by me this _____ day of _____, 200_____.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

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

200_____.

Brigitte O'Brien
Village Clerk

184117-49/41