

VILLAGE OF RIVER GROVE
COOK COUNTY, ILLINOIS

ORDINANCE NO. 2017-14

AN ORDINANCE ESTABLISHING HANDICAP PARKING RULES AND REGULATIONS IN THE R-1
AND R-2 SINGLE-UNIT DWELLING RESIDENTIAL ZONED DISTRICTS
(ADDING CHAPTER 28 TO TITLE 9 OF THE VILLAGE CODE)

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THIS 21ST DAY OF SEPTEMBER, 2017

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Authority of the Corporate
Authorities of River Grove,
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WHEREAS, the Village of River Grove ("Village") is a home rule unit of local government pursuant to Article VII, Section 6, of the 1970 Illinois Constitution, and, except as limited by such section, it may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to its home rule powers, the Corporate Authorities of the Village of River Grove find it in the best interest of the Village to amend the Village Code to clearly define the rules and regulations pertaining to handicap parking within the R-1 and R-2 Single-Unit Dwelling Residential Zoning Districts within municipal boundaries of the Village of River Grove.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of River Grove, Cook County, Illinois, in open meeting assembled, as follows:

Section 1: The facts and statements contained in the preamble clauses to this Ordinance are found to be true and correct and are incorporated herein by reference.

Section 2: The Code of the Village of River Grove is hereby amended by adding Section 1-20-20 to Chapter 20 of Title 1 of the Code of the Village of River Grove, to be entitled "*Handicap Parking Rules and Regulations in the R-1 and R-2 Single-Unit Dwelling Residential Zoned Districts*," which shall read as follows:

**TITLE 9 – POLICE REGULATIONS
CHAPTER 28 - HANDICAP PARKING RULES AND REGULATIONS IN THE R-1 AND R-2
SINGLE-UNIT DWELLING RESIDENTIAL ZONED DISTRICTS**

9-28-1: Parking for Handicapped Persons:

(A) *Reserved parking for single-unit dwellings in residentially zoned districts.* It shall be unlawful to park any motor vehicle within an area delineated by two (2) white lines and a sign reading "Reserved Handicapped Parking" within the village, except for the individual handicapped person for whom said space has been reserved pursuant to the provisions of

this section. Reserved parking for handicapped persons shall be established, maintained and terminated in accordance with the following regulations:

- (1) Reserved parking shall be allowed at curbside of a public street within the municipal public street system located within the R-1 or R-2 single-unit dwelling residential zoning district.
- (2) The reserved space for handicapped parking shall be located in front of the individual's residence and as close as is possible to the frontage of the residential property where the handicapped person resides, but it shall not be permitted in such a manner as to unduly harm or cause hardship to other residents residing in the area. No more than one reserved space shall be permitted per home or dwelling unit and the dimensions of the reserved space shall be determined upon application, but shall not exceed twenty-five feet (25') in length parallel to the curb.
- (3) The space reserved for handicapped parking shall be designated by a sign reading "Reserved Handicapped Parking for [Applicable Street Number]" and shall be delineated by two (2) painted lines at either end of the space.
- (4) Application for the designation of a reserved parking space for a handicapped person shall be made in writing to the village clerk, who shall record the request and forward it to the Director of Police Services. The Director of Police Services shall review, or cause to be reviewed, the area in question, making any investigations deemed necessary, and reporting in writing to the president and board of trustees any recommendation as to approval or denial of the request and the reasons upon which any recommendation is based.
- (5) Any application submitted shall be accompanied by a doctor's certificate evidencing the existence of the handicap or infirmity, a statement as to whether the handicap or infirmity is permanent or temporary, and a copy of the state registration showing the issuance by the state of Illinois of a vehicle registration for a handicapped person or a disabled veteran. Upon receipt of the recommendation of the Director of Police Services, the board of trustees shall determine whether to grant or deny the request for the reserved handicapped parking, and if granted, shall by ordinance provide for the establishment of the reserved space specifying the dimensions, location and time limit for the grant.
- (6) Reserved handicapped parking spaces shall be renewed, no less than once every two (2) years, by April 1 upon submission of a renewal application accompanied by a doctor's certificate. Renewal shall be done in odd numbered years for odd numbered addresses and even numbered years for even numbered addresses. If a renewal application is not renewed, not requested, not returned or if further investigation by the Director of Police Services determines the applicant is no longer eligible for a reserved handicapped parking space, the village clerk shall recommend

to the village board that the signs designating the reserved handicapped parking space be removed. The village clerk shall promulgate any necessary supplemental rules and regulations concerning the issuance and renewal of reserved handicapped parking space applications.

- (7) It shall be the affirmative duty of the person with a permanent disability, or a resident household member to notify the village clerk immediately if the disabled individual no longer meets the requirements under this chapter, no longer resides at the residence, or no longer needs reserved parking. Upon such notification, the Director of Police Services, or his designee, shall cause the signs creating the reserved handicap parking area to be removed. Additionally, in the event a disabled person or household member violate the conditions of this policy or is deemed to have abused the privileges afforded by this policy, the Director of Police Services may remove and revoke the parking privileges upon thirty (30) days written notice to the disabled person or, if applicable, the household member being afforded the privileges.
- (8) The parking privileges afforded under this section are limited to residential streets under the exclusive control of the Village of River Grove, and shall not apply to any street which is under the exclusive or joint control of the County of Cook or the State of Illinois. Additionally, the privileges afforded under this policy are limited to the residential street on which an applicant or family member resides and extends to no other right-of-way within the Village of River Grove.
- (9) All restricted handicap parking spaces shall be reserved on an exclusive basis and may be used by only the qualified disabled person or family for which the parking space was created. The applicant securing the parking space shall have the exclusive right to use the designated parking space.
- (10) This section for reserved handicapped parking shall be subordinate to other village ordinances where a conflict between this section and any other village ordinance occurs.

(B) *General provisions regarding the use of motor vehicles.* The provisions of this section shall apply to the operation and parking of a motor vehicle by a handicapped person and shall govern when a conflict exists between this section and any other provision of this chapter:

- (1) The term "handicapped person" as used in this section shall have the same meaning and definition as given in the Illinois Motor Vehicle Code, 625 Illinois Compiled Statutes.
- (2) A motor vehicle, bearing registration plates issued to a handicapped person or a special decal or device so issued pursuant to the provisions of the Illinois Motor Vehicle Code or similar code if on a motor vehicle registered in another jurisdiction,

shall be exempt from the payment of parking meter fees and exempt from any statute or ordinance imposing time limitations on parking, except limitations of one-half (½) hour or less, on any street or highway zone or any parking lot or parking place which is owned, leased or owned and leased by the village; 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 and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Parking privileges granted by this subsection are strictly limited to the person to whom the special registration plates, special decal or device was issued and to qualified operators acting under express direction while the disabled or handicapped person is present.

- (3) No person shall use any area for the parking of any motor vehicle regardless of the presence of a device, decal or plate designating the vehicle as being occupied or in use for the benefit of a disabled or handicapped person where an official sign controlling such area expressly prohibits parking at any time or during certain hours.
- (4) The village, through the office of the village clerk, undertakes the issuance of special decals for handicapped parking in accordance with the provisions and procedures established in the Illinois Motor Vehicle Code relative to special decals for handicapped parking. Accordingly:
 - (a) It shall be unlawful to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, in any parking place, reserved, by the posting of an official sign as designated under section 11-301 of the Illinois Vehicle Code, for persons with disabilities. It shall be further unlawful to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities.
 - (b) The official parking decal or device must be displayed, either by hanging the decal or device from the rearview mirror or placing it on the dashboard of the vehicle in clear view. Any motor vehicle properly displaying a disability license plate or a 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 valid and that vehicle shall receive the same parking privileges as residents of the state of Illinois.
 - (c) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under section 3-616, 11-1301.1 or 11-1301.2 of the Illinois Vehicle Code or to a disabled veteran under section 3-609 of the Illinois Vehicle Code shall be in further violation of this

section if: 1) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and 2) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices under this code or Illinois Vehicle Code.

- (d) Any person or authority owning or operating any public or private off street parking facility may, after notifying the River Grove 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 a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this section.
- (e) Any person found liable or guilty of violating the provisions of subsection (B)(4)(a) of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than three hundred fifty dollars (\$350.00) for each offense, in addition to any costs or charges connected with the removal or storage of any motor vehicle removed and stored pursuant to 625 Illinois Compiled Statutes 5/11-1301.3. Notwithstanding anything to the contrary, 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 section 11-301 of the vehicle code, department regulations, or this subsection (B)(4) 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.
- (f) Any person found liable or guilty of violating the provisions of subsection (B)(4)(c) of this section shall be fined no less than five hundred dollars (\$500.00) for each offense.
- (g) As used in this subsection (B)(4), "authorized holder" means an individual issued a disability license plate under section 3-616, an individual issued a parking decal or device under section 11-1301.2 or an individual issued a disabled veteran's license plate under section 3-609 of the Illinois Vehicle Code.

(C) *Limitations and restrictions on parking for handicapped individuals.* The parking privileges afforded to handicapped individuals under subsection (A) are subject to the following limitations and restrictions:

- (1) *Private Driveway Disqualification.* The reserved and restricted residential street parking privileges provided under this chapter shall not be applicable to any household or any

person residing in the household if any household member owns, rents or has regular use of property that includes a private driveway that provides convenient access to the dwelling of the person with a permanent disability. This determination shall be made by the Director of Police Services or his designee.

(2) *Garage or Parking Area Disqualification.* The reserved and restricted residential parking privileges provided under this chapter shall not be applicable to any household or any person residing in the household if any household member owns, rents or has access to a carport or garage that provides convenient access to the dwelling of the person with a permanent disability. This determination shall be made by the Director of Police Services, or his designee.

(3) *Limitation on Restricted Handicap Parking Space.* The number of reserved and restricted handicap parking spaces on any residential street shall not exceed fifteen percent (15%) of the available parking spaces on each side of a street, and no more than one parking space maybe designated as reserved for handicap parking for any single-unit dwelling.

Section 3: If any part of this Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4: All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict.

Section 5: This Ordinance shall be in full force and effect upon its adoption and approval, as provided by law.

PASSED AND APPROVED this 21st day of September, 2017.

ATTEST Marjorie A. Manchen
Hon. Marjorie A. Manchen, Clerk



ORDINANCE NO. 2017-14	TRUSTEE	PRESENT	ABSENT	AYE	NAY
Presented: <u>Sept. 7, 2017</u>	Aller	✓		✓	
First Reading: <u>Sept. 7, 2017</u>	Bjorkik	✓		✓	
Second Reading: <u>Sept. 21, 2017</u>	Sewell	✓		✓	
Passed: <u>Sept. 21, 2017</u>	Thomas		✓		
Approved: <u>Sept. 21, 2017</u>	Obaya	✓		✓	
	Konwinski	✓		✓	

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, the undersigned, certify that I am the duly qualified and acting Village Clerk of the Village of River Grove, Cook County, Illinois (the "Village"), and as such, I am the keeper of the records and files of the Village and its President and Board of Trustees. I further certify as follows:

Attached to this Certificate is a true, correct and complete copy of Village of River Grove
Ordinance No. 2017-14, entitled:

**AN ORDINANCE ESTABLISHING HANDICAP PARKING RULES AND REGULATIONS IN THE R-1
AND R-2 SINGLE FAMILY RESIDENTIAL ZONED DISTRICTS
(ADDING CHAPTER 28 TO TITLE 9 OF THE VILLAGE CODE)**

This Ordinance was passed and approved by the Village's President and Board of Trustees on September 21, 2017. A true, correct and complete copy of this Ordinance was published in pamphlet form on September 21, 2017.

Given under my hand and official seal at the Village of River Grove, Cook County, Illinois,
this _____ day of _____, 20____.

The Honorable Marjorie A. Manchen
Village Clerk

(S E A L)