

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Public Works DATE: June 15, 2004
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE ADDING THE
PARKING DECK PARKING SPACES TO THE
CODE", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance will establish Parking Deck fees, permits and overlay usage.

RECORD OF ACTION TAKEN:

AN ORDINANCE ADDING THE PARKING DECK PARKING SPACES TO THE CODE

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by /underline; deletions by):

Section 1. That Section 14.85. is hereby amended to read as follows:

14.85. Definitions.

(a) ~~Automated Pay System. An electronic device 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.~~

(ab) *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. For all purposes hereof, Village parking lots shall be designated as follows:

(1) Lot A sometimes referred to as the Warren Parking Lot, shall be the Village parking lot situated in the block bounded by Main Street, Warren Avenue, Forest Avenue and Burlington-Northern Inc., tracks.

(2) Lot B shall mean the Village parking lot situated directly east of the Burlington Avenue station and bounded on the north by the Burlington-Northern, Inc., tracks and on the south by Burlington Avenue.

(3) 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.

(4) Lot D sometimes referred to as the Gilbert Parking Lot, shall be the Village parking lot situated in the block bounded by Gilbert Street, Forest Avenue, Carpenter Street, extended, and the Burlington-Northern Inc. tracks.

(5) 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 four hundred sixty-five feet east of the east line of Washington Street.

(6) Lot G sometimes referred to as the West Belmont Parking Lot, shall be the Village parking lot situated in the area bounded by Belmont Road, Burlington Avenue, the Burlington-Northern Inc., tracks and Chase Street, extended.

(7) Lot H sometimes referred to as the Belmont Parking Lot, shall be the Village parking lot situated on the south side of the Burlington-Northern, Inc., tracks west of Belmont Road.

(8) Lot I sometimes referred to as the Fairview Parking Lot, shall be the Village parking lot bounded by Second Street, Fairview Avenue, and the Burlington-Northern, Inc. tracks and that parking lot bounded by Maple Avenue, Fairview Avenue, and Burlington-Northern, Inc. tracks.

(9) Lot K shall be the Village parking lot situated on the southwest corner of the block bounded by Burlington Avenue, Washington Street, Curtiss Street and Main Street.

(10) 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.

(11) Lot M shall be the Village parking lot situated just west of the Village Hall bounded by the Burlington-Northern, Inc., tracks on the north.

(12) Lot R shall be the Village parking lot situated twenty (20) feet east of the Curtiss Lot.

(13) Lot Z shall be on the east side of Springside Avenue from a point 436 feet south of the south line of 63rd Street to a point 1,693 feet south of the south line of 63rd Street.

(14) The Curtiss Parking Lot shall be the Village parking lot situated in the block bounded

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by Main Street, Burlington Avenue, Washington Street and Curtiss Street.

(15) The Forest Parking Lot South shall be the Village parking lot situated in the block bounded by Main Street, Curtiss Street, Forest Avenue and Burlington Avenue.

(16) The Forest Parking Lot North shall be the Village parking lot situated in the block bounded by Main Street, Burlington Avenue, Forest Avenue and the Burlington-Northern, Inc. tracks.

(17) The Washington Street Parking Lot, shall be the Village parking lot situated in the block bounded by Curtiss Street, Washington Street, Maple Avenue and Main Street.

(18) Municipal complex parking lots shall be the Village parking lots situated on the municipal complex property, said property being located southeast of the intersection of Burlington Avenue and North Washington Street between Burlington Avenue and Curtiss Street and designated as Lots L, M and V, as posted.

(19) The Main Street and Maple Avenue Parking Lot shall be the Village parking lot situated at the northeast corner of Main Street and Maple Avenue.

(20) 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".

(bc) *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 depositing a coin or a cash key in such parking meter.

(ed) *Parking meter zone.* Those areas designated under 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. (Ord. No. 1436, § 1; Ord. No. 1542, § 5; Ord. No. 1737, § 4; Ord. No. 1820, § 1; Ord. No. 1989, § 1, 2; Ord. No. 2102, § 1; Ord. No. 2312, § 1; Ord. No. 2375, § 1; Ord. No. 2473, § 1; Ord. No. 2531, § 5; Ord. No. 2745, § 41; Ord. No. 2831, § 1; Ord. No. 3075, § 5; Ord. No. 3098, § 1; Ord. No. 3118, § 13; Ord. No. 3127 § 3; Ord. No. 3224, § 1.)

Section 2. That Section 14.97.4. is hereby amended to read as follows:

14.97.4. Citation; compliance; penalties.

(a) Any person charged with a violation of any provisions of Article VIII of this Chapter, or Sections 14-159 and 14-160 of Article IX 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 sum of twenty dollars (\$20.00); except that if the person is charged under the following sections the penalty or compromise payment shall be as follows:

(1) \$5.00 for the first and second violation in a sixty (60) day period of Section 14-105.7 which occurs in the Concentrated Business District as defined as 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) \$10.00 for the first and second violation in a 60 day period of Section 14-106, ~~or 14-107~~ or 14-109 which occurs in the Concentrated Business District as defined in Section 14-1 of this Chapter. For purposes of this Section the 60 day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(3) \$100.00 for the third or subsequent violation in a 60 day period of Section 14-105.7, 14-106, ~~or 14-107~~ or 14-109 which occurs in the Concentrated Business District as defined in Section 14-1 of this Chapter. For purposes of this Section the 60 day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(4) \$100.00 for a violation of Section 14-97.1 or 14-98.1 involving a motor vehicle

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having a gross vehicle weight (including vehicle and attached equipment and maximum load)* in excess of 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 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 fourteen (14) days from the date of mailing of such final notice, any person charged with a violation of the provisions of Article VIII of this Chapter, or Sections 14-159 and 14-160 of Article IX 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 ten dollars (\$10.00) 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) Any person found guilty by a court of law of a violation of any of the provisions of Article VIII or IX 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 dollars (\$20.00) and not more than one hundred fifty dollars (\$150.00) for each such violation.

(e) If a person fails to pay the penalty for violation of any provision of this Chapter the Village may utilize the services of a collection agency to recover the amount owed. For each unpaid citation referred to a collection agency, a twenty-five dollar \$25.00 administrative fee shall be included with the penalty amount to cover the Village's cost in processing the matter. (Ord. No. 2745, § 34; Ord. No. 2857, § 10; Ord. No. 3254, § 2; Ord. No. 3275, § 3.)

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

Section 3. That Section 14.104.1. is hereby amended to read as follows:

14.104.1. Same--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 between the hours of 2:00 A.M. and 6:00 A.M., local time, in the following locations:

- (1) The Forest parking lot, except the south twenty feet thereof.
- (2) The Curtiss parking lot, except the east twenty feet and the west seventy feet.
- (3) Lot C and Lot F, on the south side of Warren Avenue from east line of Highland to the west line of Elm.
- (4) Lot A.
- (5) Lot B.
- (6) Lot D, except the south one hundred sixteen feet of the east twenty feet.
- (7) Lot I, except for the fourteen feet north of the Burlington-Northern tracks, from forty-eight feet west of the west line of Fairview Avenue to one hundred fifty-six feet west of the west line of Fairview Avenue.
- (8) Lot G, except the south twenty feet of the east one hundred eight feet.
- (9) Lot H.
- (10) Lot K.
- (11) Lot L.
- (12) Lot M.

Except in the portions of those areas clearly designated or otherwise posted to permit overnight parking.

~~(b) Notwithstanding any other provision in this Chapter, no person shall park, stop or let stand any automobile, truck, motor vehicle or other vehicle between the hours of 2:00a.m. and 5:00 a.m., local time, in~~

the Parking Deck.

(bc) 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 days each.

(ed) No person shall park or let stand any automobile, motor vehicle or other vehicle at any time between the hours of 6:00 A.M., local time, and 8:30 A.M., on any day other than Saturdays, Sundays, and legal holidays, in the following locations, unless such vehicle displays a Class III permit:

The Curtiss parking lot, except the east twenty feet and the west seventy feet of the total three hundred and eleven and six-tenths feet from Curtiss north to Burlington Avenue.

Forest Parking Lot North. (Ord. No. 1603, § 1; Ord. No. 1616, § 1; Ord. No. 1942, § 4; Ord. No. 2531, § 1; Ord. No. 3115, § 1; Ord. No. 3119, § 2; Ord. No. 3129, § 2; Ord. No. 3254, § 4.)

Section 4. That Section 14.109. is hereby amended to read as follows:

14.109. Parking Fees for the Parking Deck

(a) The following types of parking and associated fees are to be permitted in the Parking Deck.

The spaces designated for each use shall be so marked with adequate signs located in the Parking Deck. The number of spaces allocated for each types of use may be adjusted from time to time depending on demand.

(i) 4-hour parking - free

(ii) daily fee parking - \$3.00 per day

(iii) permit parking -

(1) \$90.00 per quarter (resident)

(2) \$120.00 per quarter (non-resident)

(iv) permit CBD employee overlay parking - \$25.00 per quarter

(b) The space allocation and fees listed previously shall be in effect each weekday (M-F) until 3:00 PM. After 3:00 PM all spaces are designated as free parking until 2:00 AM.

(c) Payment for daily fee commuter parking shall be provided through the Daily Fee Automated Pay System. These spaces may be lawfully occupied by a vehicle only for the period of time for which lawful coins, paper currency of a Village debit card that carries a positive balance in United States currency prior to use has been deposited in the automated pay system designated for such parking space use, computed in accordance with and subject to the maximum lawful parking time period set in the designated space.

Section 5. That Section 14.111.1. is hereby added to read as follows:

14.111.1. Automated Pay System.

Automated pay system machines are placed on the first floor of the Parking Deck for the payment and receipt of fees for parking in the daily fee parking zones or spaces.

(a) For each numbered space, the automated pay system shall receive payment by coin, paper currency, or Village debit parking card.

(b) For the specified parking space, such machines shall provide a printed receipt which indicates the date, the time of the transaction, the space number and the amount of the payment.

(c) Possession of a payment receipt or payment for a daily fee parking space other than that which is occupied shall not be a defense to a citation for a violation of this section.

(d) It shall be unlawful for any unauthorized person to deface, tamper with, open, willfully damage, or impair the usefulness of any Village operated automated pay system parking machine.

(e) It shall be unlawful to deposit any slug, device, or metallic substitute for a coin, counterfeit paper currency, counterfeit Village issued parking debit card, or any liquid or other material into a

Village operated automated pay system machine.

(f) Any damage to Village property as enumerated in paragraphs (c) and (d), above, shall be enforced under the Downers Grove Municipal Code, Section 15.6 and the penalties for such violations shall be those penalties enumerated in Section 15.7 of this Code.

Section 6. That Section 14.123. is hereby amended to read as follows:

14.123. Issuance and sale of permits.

(a) The Village Manager shall cause suitable window sticker permits, or hang tags to be prepared and made available for issuance and sale. The aggregate number of permits prepared, available and designated for any specific permit lot (or for any portion thereof designated for permit parking pursuant to Section 14-122) at any one time shall not exceed one hundred twenty percent of the number of parking spaces available for parking vehicles in such lot (or such portion thereof.)

Notwithstanding anything in this Code to the contrary, the number of permit stickers 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 parking stickers is justified, in which event, an additional amount of parking stickers may also be sold at the direction of the Village Manager. Permit stickers shall designate the permit parking lot for which issued and shall be issued and sold for a minimum three month period and a maximum of one year, except that permit stickers for Lot Z shall only be issued annually.

(b) Under the direction of the Village Manager, permit stickers 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.

(2) At the discretion of the Village Manager, permit stickers 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 Concentrated Central Area 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 pursuant to this Section, the applicant must either be actually residing and living within the Village, or be employed by, or an owner of, a business within the Concentrated Central Area at the time of application.

(c) The fee for each such permit sticker for each three month period shall be determined by the rate class assigned to the permit parking lot for which such permit sticker is to be issued, computed in accordance with and subject to the following schedule:

Rate class	Resident Fee	Non-Resident Fee
I	\$80.00	\$110.00
II	\$75.00	\$105.00
III	\$25.00	
IV	\$250.00	
V	\$90.00	\$120.00

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 sticker.

(d) At the discretion of the Village Manager, permit holders may return permit stickers prior to the expiration of the three-month period covered by such permit sticker and may receive a refund of all or a portion of the fee paid for such sticker, without interest, such refund to be determined on the basis of

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number of unexpired full days remaining in such three-month period less a \$6.00 administrative fee. 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 Concentrated Central Area as defined in the Comprehensive Zoning Ordinance of the Village. Permit stickers issued to permit holders pursuant to this Section shall not be transferable to another person, motor vehicle, or parking lot, except as provided in subsection (h). 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, K, L, M, and R shall include Downers Grove residents only.

(e) The following permit parking lots shall have the following rate classes:

Rate class I: Lot A, lot B, lot C, lot G, lot H, lot K, lot L and lot R, as such lots are designated in Section 14-85.

Rate class II: Lot D, lot F, lot I and lot M, as such lots are designated in Section 14-85.

Rate class III: Lot A, lot B, lot D, lot F, lot K, L, and lot M as such lots are designated in Section 14-85.

Rate class IV: Lot Z.

Rate class V: the Parking Deck.

(f) Notwithstanding any contrary provision in this division, the Village Manager shall be authorized to refuse to issue any such permit sticker, or renewal thereof, to any permit holder who is convicted of more than three violations of any of the provisions of this division within any consecutive period of six months, except for Section 14-127.

(g) Class III permits shall be issued only to employees of businesses located in the Concentrated Central Area, as defined in the Comprehensive Zoning Ordinance of the Village, upon their providing evidence of such employment. Such permits shall be valid in lot A, lot B, lot D, lot F, lot K, lot L, Main Street and Maple Avenue lot from 8:30 a.m. to 6:00 p.m., Monday through Friday, and designated spaces in the Parking Deck from 8:30 a.m. to 6:00 p.m., Monday through Friday.

(h) 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, F, K, L, M.

(i) At the discretion of the Village Manager, the Village may sell one-day parking permits for Village permit parking lots at a cost of \$3.00 each. Such permits shall be sold only after 8:00 a.m. on the day the permit may validly be used. These one-day parking permits may be used in any Village permit parking lot or area, except that such permits shall not be used in permit parking Lots B, C, K, or L, or the Parking Deck as defined herein.

(j) Permits for Lot Z (Class IV) shall only be issued to students of Downers Grove South High School, said permits are non-transferable. (Ord. No. 1542, § 4; Ord. No. 1737, §§ 8, 9; Ord. No. 1820, § 2; Ord. No. 1861, § 1; Ord. No. 1989, § 3; Ord. No. 2346, § 1; Ord. No. 2375, § 2; Ord. No. 2531, § 4; Ord. No. 2906, § 1; Ord. No. 3118, §§ 15, 16; Ord. No. 3127, §§ 10, 11; Ord. No. 3195, § 2; Ord. No. 3202, § 1; Ord. No. 3348, § 1; Ord. No. 3353, § 1.)

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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Section 7. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest:

Village Clerk