

CHAPTER 3. - STOPPING, STANDING OR PARKING

FOOTNOTE(S):

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Cross reference— See section 5-3-4 of this chapter.

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Cross reference— See subsection 1-4-4D of this Code.

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State Law reference— 625 ILCS 5/11-1304.

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Cross reference— See also subsection 5-3-1C of this title.**State Law reference**— 625 ILCS 5/11-1303(a)3.**Sec. 5-3-1. - Parking restrictions.**

- A. No person shall stop, stand or park any type of motorized vehicle:
1. On the roadway side of any vehicle stopped or parked at the edge of a curb of a street.
 2. On or over a sidewalk.
 3. Within an intersection.
 4. On a crosswalk.
 5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 7. Upon any bridge or other elevated structure.
 8. On any railroad tracks.
 9. Within or on the median strip of Round Lake Drive from Hawthorne Drive north to Rollins Road.
 10. On any street within the village limits at any time after snow begins to fall and for a period of eight hours after snow stops falling when the snow on the streets exceeds two inches in depth, or until snow removal operations are completed.
 11. In a ditch-line, the front slope of a ditch-line, or the back slope of a ditch-line.
A "ditch-line" shall be defined as an imaginary line extending from one culvert opening to the next where the water would naturally flow. The "front slope" shall be defined as the portion of the roadway right of way between the ditch-line and the shoulder of the roadway. The "back slope" shall be defined as the portion of the roadway right of way between the ditch-line and right-of-way line.

Saturdays, Sundays, holidays. No parking Saturdays, Sundays and holidays on the north side of the following streets, from Lake Shore Drive to Cedar Lake Road: Woodland, Glenwood, Beachview, Ferndale and South Channel.

No parking Saturdays, Sundays and holidays on the east side of the following streets: Kenilworth, Shoreland Court and Edgewater.

H. *Truck tractor and semi-trailer trailer parking:*

1. No truck tractor or semi-trailer as defined by 625 ILCS 5/1-212 and 625 ILCS 5/1-187 shall be parked in any private or public parking area in any Commercial District (C-1 Local Business District; C-2 Commercial District; or General Business District) or any Industrial District (I-1 Limited Industrial or I-2 General Industrial) in the village for more than two hours except for the purpose of making a delivery or picking up a load.
2. Any person violating the provisions of this section (section 5-3-1 () H.) shall be fined not less than \$100.00 and no more than is provided in section 1-4-1 () of this Code for each offense. Each day during which a violation of this section continues or is permitted to exist shall be considered a separate and distinct offense.

(Ord. No. 79-8-29, 8-21-1979; Ord. No. 79-11-40, 11-6-1979; Ord. No. 81-10-38, 10-21-1981; Ord. No. 86-04-09, 4-1-1986; Ord. No. 86-09-23, 9-16-1986; Ord. No. 86-11-38, 11-18-1986; Ord. No. 87-04-18, 4-21-1987; Ord. No. 00-08-04, 8-14-2000; Ord. No. 03-03-01, 3-10-2003; Ord. No. 04-01-07, 1-26-2004; Ord. No. 04-01-08, 1-26-2004; Ord. No. 08-11-02, 11-10-2008; Ord. No. 10-02-01, 2-8-2010)

Sec. 5-3-2. - Parking at curb.

- A. *Parallel parking:* No vehicle shall be parked with the left side of such vehicle next to the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.
- B. *Diagonal parking:* The commissioner of streets and sanitation is hereby authorized to establish diagonal parking zones and to designate such zones by placing and maintaining suitable signs and markings. Such diagonal parking zones shall be established only after an appropriate engineering study and survey have indicated such diagonal parking will not be hazardous, and that such diagonal parking shall leave at all times not less than 20 feet of roadway for the ingress and egress of vehicles between the roads of such parked vehicles.
- C. *Penalty:* Any person violating the provisions of this section shall be fined not less than \$25.00 and no more than is provided in section 1-4-1 () of this Code for each offense. Each day during which a violation of this section continues or is permitted to exist shall be considered a separate and distinct offense.

(Ord. No. 36, 7-2-1940; Ord. of 7-19-1960; Ord. No. 04-01-07, 1-26-2004)

Sec. 5-3-3. - Parking vehicles for sale.

- A. It shall be unlawful to park any vehicle upon any street or commercial property for the purpose of displaying it for sale, or park any vehicle upon any business street from which merchandise is peddled unless said vehicle is being sold pursuant to a current valid permit issued by the village.
- B.

Ardmore Drive.

- G. Meadowgreen Lane: No parking on both sides of Meadowgreen Lane.
- H. Countryside Hills Subdivision: No parking on both sides of Countryside Lane, Normandie Lane, Westview Lane and Meadow Hill Lane in Countryside Hills Subdivision except by special parking permit obtained from the police department.
- I. Prohibited parking:
 - 1. Parking is prohibited on the following streets between the hours of 7:00 a.m. and 4:30 p.m. on school days, except by a permit as provided herein:
 - Bayview Drive from Sunset Drive to Woodland Drive.
 - Beachview Drive from ComEd R-O-W to Cedar Lake Road.
 - Brighton Lane from Route 83 to the end of the street.
 - Carnegie Court from Carnegie Lane to end of street.
 - Carnegie Lane from Brighton Lane to Regency Lane.
 - Clarendon Drive from Beachview Drive to Woodland Drive.
 - Glenwood Drive from Idlewild Drive to Cedar Lake Road.
 - Idlewild Drive from Beachview Drive to Woodland Drive.
 - Regency Lane from Brighton Lane to Shorewood Drive.
 - Shorewood Drive from the railroad right-of-way to Regency Lane.
 - Sunset Drive from Beachview Drive to Woodland Drive.
 - Woodland Drive from Sunset Drive to Cedar Lake Road.
 - North side of Ronald Terrace from 920 to the entrance of Raymond Ellis Elementary School.
 - 2. Upon application, the Round Lake Beach police department shall issue parking permits to residents living in the designated prohibited parking area without a fee. Such residents shall be entitled to one permit for each vehicle licensed to him or her by the state. The application shall be in the form attached to Ordinance No. 97-08-03 as Exhibit "A" on file in the clerk's office. Each permit shall show the state license plate number of the vehicle to which it applies and be capable of being hung on the rear view mirror of the vehicle. Permits may be used only by the residents of the designated prohibited parking area. Permits shall remain in effect until a notice of expiration issued by the Round Lake Beach police department is served upon the residents to whom the permit was issued. Such notices shall be in writing and served by first class mail. The date of the mailing shall be considered the date of service.
 - 3. Permits as provided for herein are only valid within the prohibited parking areas described in this subsection I. All other village parking restrictions, including, but not limited to, no parking during snow removal operations, no parking in front of fire

1. *Fees established:* A fee of \$60.00 shall be established for the purpose of parking for a defined two-month period within the village's commuter parking lot. A tag or visor hanger will be sold bimonthly for the following periods:

January—February

March—April

May—June

July—August

September—October

November—December

The fee for purchase subsequent to the beginning of any bimonthly period shall be prorated as follows:

First through fifteenth of first month	\$ 60.00
Sixteenth through end of first month	45.00
First through fifteenth of second month	30.00
Sixteenth through end of second month	15.00

The purchase of a convenience parking permit shall not guarantee a purchaser a parking spot within the village's commuter parking lot.

2. *Refunds:* No refund of fees paid for the purchase of convenience parking permits shall be made for whatever reason after the fifteenth day of the first month of any bimonthly period. Prior to the fifteenth day of the first month, the amount of refund shall be \$45.00.
3. *Penalty:* See subsection A. of this section for penalty provisions. The payment arrangements will be pursuant to subsection 1-4-4D.2. of this Code.

(Ord. No. 96-10-40, 10-14-1996; Ord. No. 96-11-44, 11-11-1996)

Sec. 5-3-8. - Handicap accessibility.

- A. *Adopted:* The regulations of the Illinois Accessibility Code, 71 Illinois Administrative Code, chapter 1, section 400 et seq., as amended, which relate to parking lots are adopted as the regulations for handicap accessibility with respect to parking lots in the village.
- B. *Penalty for violation:* Any person, firm or corporation violating any of the provisions of this section, in addition to other legal and equitable remedies available to the village, shall be fined not less than \$250.00 for each offense as provided in this Village Code. Each day during which a violation of this section continues or is permitted to exist shall be considered a separate and distinct offense.
- C.

C. *Parking violation notice:*

1. The parking violation notice shall contain the information required under subsection B.2. of this section. In addition, the notices shall state the applicable fine and provided herein, the monetary penalty which shall be automatically assessed for late payment, the vehicle immobilization and driver's license suspension that may be imposed if fines and penalties are not paid in full, that payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation, and information as to the availability of an administrative hearing in which the violation may be contested on its merits and the time and manner in which such hearing may be had.
2. The parking administrator shall distribute parking violation notices to parking enforcement aides, other persons authorized to issue parking violation notices, and the department of police for issuance pursuant to the provisions. The chief of police shall be responsible for the distribution of the notice forms within the department of police, shall maintain a record of each set of notices issued to individual members of the department and shall retain a receipt for every set so issued.
3. The parking administrator shall compile and maintain complete and accurate records relating to all parking violation notices issued and the dispositions thereof. In addition, the parking administrator shall make certified reports to the Secretary of State pursuant to 625 Illinois Compiled Statutes 5/6-306.5.

D. *Determination of liability:*

1. A person, hereinafter respondent, on whom a parking violation notice has been served pursuant to these provisions shall within seven days from the date of the notice: a) pay the indicated fine; or, in the manner indicated on the notices, either b) submit the materials necessary to obtain an adjudication by mail or c) request an administrative hearing as provided herein to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.
2. If the respondent submits documentary evidence to obtain an adjudication by mail, the parking administrator shall send the respondent a copy of the hearing officer's determination in accordance with subsection D.6. of this section.
3. If the respondent requests an administrative hearing to contest the cited violation, the parking administrator shall notify the respondent in writing of the location and time available for a hearing in accordance with subsection D.6. of this section.

Where a respondent who has requested an administrative hearing either fails to pay the indicated fine prior to the hearing or fails to appear at a hearing a final determination of parking violation liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 21 days of issuance of a hearing officer's determination of liability will result in the imposition of a late payment penalty pursuant to subsection D.5. of this section. Upon the occurrence of a final determination of parking violation liability, any unpaid fine or penalty will constitute a debt due and owing the village. The parking administrator will cause a notice of hearing providing this information to be sent to the respondent in accordance with subsection D.6. of this section.

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finding that the specified regulation was a violation.

F. *Adjudication by mail; procedure:*

1. Administrative hearings to review materials submitted for the adjudication by mail of parking violations shall be held by the parking administrator or hearing officer appointed by the parking administrator conducted in accordance with this subsection.
2. The respondent may contest a parking violation based on one or more of the grounds provided in subsection E. of this section by mailing to the department of parking enforcement the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge, and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.
3. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking violation notice, or a copy thereof, issued in accordance with these provisions shall be prima facie evidence of the correctness of the facts specified therein.
4. Upon review of the materials submitted in accordance with subsection F.2. of this section, the hearing officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided herein. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

G. *Administrative hearings; procedure:*

1. Administrative hearings for the adjudication of parking violations issued pursuant to this provision shall be held before a hearing officer appointed by the parking administrator and conducted in accordance with this subsection.
2. The respondent may appear pro se, or, at his own expense, by an attorney. An attorney who appears on behalf of any person shall file with the hearing officer a written appearance on a form provided by the parking administrator for such purpose.
3. The formal and technical rules of evidence shall not apply in the conduct of the hearing.
4. All testimony shall be given under oath or affirmation, which shall be administered by the hearing officer. The hearing officer may issue subpoenas to secure the attendance and testimony of witnesses and the production of relevant documents.
5. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking violation notice, or a copy thereof issued and signed in accordance with these provisions shall be prima facie evidence of the correctness of the facts specified therein.
6. The hearing officer may, on a showing of good cause, grant one continuance to a date certain.
7. The parking administrator shall cause record to be made of each hearing, and recording devices may be used for such purpose. However, this subsection is not intended to require a verbatim account of the hearing.

H. *Hearing; determination of liability or of no liability; petition:*

- 1.

The officer or employee certifies that the vehicle was in use for the performance of official government business during an emergency or during an official business at the time of the alleged violations;

2. The head of the respective government agency or a designee chosen by such person concludes that the statements contained in the certificate are accurate and submits a written request to the parking administrator that the liability for the alleged violation be released; and,
3. If the parking administrator approves the release of liability for the alleged parking violation, the parking violation notice shall be withdrawn.

L. *Lessor of vehicle; liability:*

1. In accordance with 625 Illinois Compiled Statutes 5/11-1306, no person who is the lessor of a vehicle pursuant to a written lease agreement shall be liable for a violation of any standing or parking regulation of this section involving such vehicle during the period of the lease if upon receipt of a notice of violation he shall, within 60 days thereafter, provide to the parking administrator the name and address of the lessee.
2. Upon receipt of a lessor's notification of the name and address of his lessee, provided pursuant to 625 Illinois Compiled Statutes 5/11-1305 or 5/11-1306, the parking administrator shall cause a notice of violation to be sent to the lessee as provided herein.
3. If the lessor fails to provide the parking administrator with the name and address of the lessee within 60 days of receiving notice, the lessor shall be liable for the full amount of the violation and late penalties, and a final determination will be issued.

M. *Immobilization program:*

1. The parking administrator is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking regulations of the traffic code. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle located on the public way or any village-owned property by placement of a restraint in such a manner as to prevent its operation, or if the eligible vehicle is parked or left in violation of any provision of the traffic code for which such vehicle is subject to an immediate tow, or in any place where it constitutes an obstruction or hazard, or where it impedes village workers during such operations as snow removal, the parking administrator may cause the eligible vehicle to be towed to a vehicle pound or relocated to a legal parking place and there restrained.
2. When the registered owner of a vehicle has accumulated five or more final determinations of parking violation liability for which the fines and penalties, if applicable, have not been paid in full, the parking administrator shall cause a notice of impending vehicle immobilization to be sent as prescribed in prior subsections of this provision.

The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of parking violation notices which have resulted in final determination of liability for which the fines or penalties remain unpaid. Failure to pay the fines and penalties owed within 21 days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by

N. *Driver's license suspension:*

1. When a person has failed to pay any fine or penalty due and owing pursuant to this section on ten or more parking violations, the parking administrator shall cause a notice of impending driver's license suspension to be sent in the form as required by the Secretary of State. The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the village's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to 625 Illinois Compiled Statutes 5/6-306.5.
2. If a person sent a notice pursuant to subsection N1 of this section fails to pay the amount owing within the time stated on the notice, the parking administrator may file with the Secretary of State a certified report, in accordance with 625 Illinois Compiled Statutes 5/6-306.5(c), that the person is eligible for initiation of suspension proceedings. The parking administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the village for the expense of preparing and filing the certified report with the Secretary of State.
3. A person named in a certified report filed pursuant to subsection N.2. of this section may, within 21 days of the date of the notice sent by the Secretary of State pursuant to 625 Illinois Compiled Statutes 5/6-306.5(b), file with the parking administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited to: a) the person not having been the owner or lessee of the vehicle or vehicles receiving ten or more parking violation notices on the date or dates such notices were issued, or b) the person having already paid the fine and penalty for the ten or more violations indicated on the report. The parking administrator shall send notice of the decision on the challenge of the report after receipt thereof.
4. If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the parking administrator to be in error, the parking administrator shall notify the Secretary of State in accordance with 625 Illinois Compiled Statutes 5/6-306.5D. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein.

(Ord. No. 97-01-03, 1-27-1997; Ord. No. 00-08-04, 8-14-2000; Ord. No. 02-12-08, 12-9-2002; Ord. No. 02-12-09, 12-9-2002)