

Request For Board Action

REFERRED TO BOARD: June 8, 2022

AGENDA ITEM NO: 11

ORIGINATING DEPARTMENT: Administration

SUBJECT: Consideration of an Ordinance Amending Title 1, Chapter 3, Section 1-3-1, and Title 7, Chapter 3, Sections 7-3-5 and 7-3-18 of the Antioch Village Code Regulating Handicapped Parking and Imposing Fines for Violations

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Village of Antioch currently charges fines of \$250.00 for unlawfully parking in a designated handicapped parking space. The amendment to the Village code would increase the fine for this offense to \$350.00 for each occurrence. Section 7-3-5 which deals with off street parking zones is being amended to only include time restrictions, and removal of vehicles. Section 7-3-18 was added to include the definitions for Handicapped Parking eligibility, and removal of Vehicles from On-Street and Off-Street Parking violations.

FINANCIAL IMPACT: Increase in fines is \$100.00 per occurrence.

DOCUMENTS ATTACHED:

- 1) Ordinance

RECOMMENDED MOTIONS:

We move that the Village Board approve Ordinance 22-06-33 to Amend Title1, Chapter3, Section 1-3-1, and Title 7, Chapter 3, Sections 7-3-5 and 7-3-18 of the Antioch Village Code Regulations Handicapped Parking and Imposing Fines for Violations.

VILLAGE OF ANTIOCH

22-06-33

*AN ORDINANCE AMENDING TITLE 1, CHAPTER 3, SECTION 1-3-1,
AND TITLE 7, CHAPTER 3, SECTIONS 7-3-5 AND 7-3-18 OF THE
ANTIOCH VILLAGE CODE REGULATING HANDICAPPED
PARKING AND IMPOSING FINES FOR VIOLATIONS*

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF ANTIOCH, ILLINOIS
ON
JUNE 8, 2022**

**Published in pamphlet form by authority of the Village Board of the Village of
Antioch, Lake County, Illinois,
this 9th day of June, 2022.**

SCOTT J. GARTNER	President	MARY C. DOMINIAK	Trustee
		MARY J. PEDERSEN	Trustee
LORI K. ROMINE	Clerk	ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
DEL GALDO LAW GROUP, LLC	Attorney	PETRINA A. BURMAN	Trustee
		BRENT C. BLUTHARDT	Trustee

Ordinance No. 22-06-33

***AN ORDINANCE AMENDING TITLE 1, CHAPTER 3, SECTION 1-3-1,
AND TITLE 7, CHAPTER 3, SECTIONS 7-3-5 AND 7-3-18 OF THE
ANTIOCH VILLAGE CODE REGULATING HANDICAPPED
PARKING AND IMPOSING FINES FOR VIOLATIONS***

WHEREAS, the Village of Antioch (the “Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

WHEREAS, the Village President (the “President”) and the Village Board of Trustees (the “Village Board”, and together with the President, the “Corporate Authorities”) are committed to protecting, promoting and preserving the health, safety, and welfare of its residents; and

WHEREAS, Section 1-3-1 of the Village Code of Antioch (the “Village Code”) sets forth the fines for the unauthorized parking of motor vehicles in a designated handicapped parking zone; and

WHEREAS, 625 ILCS 5/11-1301.3(c) authorizes a municipality to impose fines of up to three hundred fifty dollars (\$350.00) for unauthorized parking in a designated handicapped parking zone; and

WHEREAS, the Corporate Authorities desire to raise the fine for unauthorized parking in a designated handicapped zone from two hundred and fifty dollars (\$250.00) to three hundred fifty dollars (\$350.00); and

WHEREAS, Section 7-3-5 of the Village Code regulates off-street handicapped parking zones, but does not regulate on-street handicapped parking zones; and

WHEREAS, the Corporate Authorities desire to regulate on-street and off-street handicapped parking zones and to have the regulations set forth in a new Section 7-3-18 of the Village Code; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village and its residents to amend the Village Code accordingly;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION 1: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 1, Chapter 3, Section 1-3-1 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

1-3-1: GENERAL PENALTY:

A. Violation: Any person who pleaded guilty to, stipulated to the facts supporting a charge or has been found guilty of a violation of any section of this code shall be fined in a sum not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. (Ord. 06-05-17, 5-15-2006) ADJUDICATION HEARING CODE VIOLATION

CODE	OFFENSE	SET FINES – PER OFFENSE			
		FIRST	SECOND	THIRD	FOURTH
	Motor Vehicles and Traffic				
	* * *				
7-3-5C	Handicapped parking	250.00	250.00	250.00	250.00
	* * *				
<u>7-3-18A</u>	<u>Handicapped Parking</u>	<u>350.00</u>	<u>350.00</u>	<u>350.00</u>	<u>350.00</u>

SECTION 2: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 7, Chapter 3, Section 7-3-5 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

7-3-5: OFF STREET PARKING ZONES:

* * *

~~—C. Unauthorized Use Of Parking Places Reserved For Handicapped Persons:~~

~~—1. Unauthorized Use Prohibited: It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a physically handicapped person or to any disabled veteran as defined below as evidence that the vehicle is operated by or for a handicapped person 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, for motor vehicles bearing such registration plates.~~

~~—2. Removal Of Vehicles: Any person or local authority owning or operating any public or private off street parking facility may, after notifying the village police, 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 the physically handicapped which does not display handicapped registration plates or decals as required under this section.~~

~~—3. Definitions:~~

~~—PHYSICALLY HANDICAPPED: Every person who has permanent loss of the use of a leg or both legs, or an arm or both arms, or any combination thereof, or any person so severely disabled as to be unable to move without the aid of crutches or a wheelchair.~~

~~—VETERAN: A disabled veteran of WWI or WWII or the national emergency between June 25, 1950, and January 31, 1955, or any armed conflict involving the armed forces of the United States, who has a service connected disability of such a nature that it~~

would, if it had incurred in WWII, have entitled him to be awarded an automobile by the United States federal government, or who is receiving compensation from the veterans' administration for total service connected disability.

~~—D.~~ C. Parking Restriction:

1. Restriction: The two (2) hour maximum restriction for parking in the municipal parking lot on the east side of Main Street, located adjacent to the businesses at 945 Main Street, is hereby changed from two (2) hours to four (4) hours, effective as of September 7, 1993. The parking restriction affects approximately twenty (20) parking stalls.

~~—E.~~ D. Moving Of Vehicle: A vehicle shall be deemed to be parked in violation of any such limitation if it is moved with the purpose of evading such parking time limitation to another parking space located within five hundred feet (500') from the closest point of the parking space at which such vehicle shall have been so first parked. (1976 Code § 76.005)

SECTION 3: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 7, Chapter 3, Section 7-3-18 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

7-3-18: HANDICAPPED PARKING

A. Definitions. Whenever used in this Chapter, the following terms or phrases shall have the meanings set forth below, unless the context requires a different meaning.

“Person with Disabilities” has the same meaning as set forth in Section 625 ILCS 5/1-159.1 of the Illinois Vehicle Code.

“Veteran with Disabilities” means a veteran of the United States Armed Forces who satisfies the requirements of Section 625 ILCS 5/3-609 of the Illinois Vehicle Code.

“Authorized Holder” means a Person with Disabilities or a Veteran with Disabilities.

“Official Sign” means a traffic sign designated under Section 625 ILCS 5/11-301 of the Illinois Vehicle Code located at, near or adjacent to a parking space or area designating such space or area as reserved for one or more Authorized Holders.

“Eligible Motor Vehicle” means a motor vehicle properly displaying the registration plate or parking decal issued to an Authorized Holder. An Eligible Motor Vehicle includes a 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.

“Illinois Vehicle Code” means 625 ILCS 5/1, et. seq. as amended and supplemented.

B. Unauthorized Use Of Parking Spaces Reserved For Handicapped Persons.

1. Unauthorized Use Prohibited: A person shall not park a motor vehicle in any on-street or off-street public or private parking space unless:
 - i. The motor vehicle is an Eligible Motor Vehicle;
 - ii. The Authorized Holder is present and enters or exits the Eligible Motor Vehicle at the time the parking privilege is being used; and
 - iii. An Official Sign is posted at the location specifically reserving the parking space for an Eligible Motor Vehicle.
2. When a person is using the parking privileges for a Person with Disabilities or a Veteran with Disabilities, the parking decal or device must be displayed properly in the motor vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the motor vehicle in clear view.
3. Disability license plates and parking decals and devices are not transferable from person to person.
4. A person with an Eligible Motor Vehicle is in violation of this Section if:
 - i. The person is using the disability license plate or parking decal or device, but is not the Authorized Holder of the disability license plate or parking decal or device or is not transporting the Authorized Holder to or from the parking location, and
 - ii. The person uses the disability license plate or parking decal or device to exercise privileges granted through the disability license plate or parking decals or devices under the Illinois Vehicle Code.
5. A driver of an Eligible Motor Vehicle is in violation of this Section if:
 - i. The person to whom the disability license plate or parking decal or device was issued is deceased; and
 - ii. The driver uses the disability license plate or parking decal or device to exercise privileges granted through a disability license plate or parking decal or device under the Illinois Vehicle Code.

C. Removal of Vehicles from On-Street and Off-Street Parking.

1. The village police may remove or have a third-party remove any motor vehicle parked in any on-street or off-street public or private parking stall or space in violation of this Section.

2. Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the village police, remove or have a third-party remove to the nearest garage or other place of safety any motor vehicle parked in a public or private parking stall or space in violation of this Section.

SECTION 4: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 5: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

SECTION 7: This Ordinance shall be in full force and effect ten (10) days after passage and publication as provided by law.

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PASSED by the President and Board of Trustees of the Village this 8th day of June, 2022.

Voting Aye (list names):

Voting Nay (list names):

Abstaining (list names):

Absent (list names):

SCOTT J. GARTNER, MAYOR

ATTEST:

LORI K. ROMINE, VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on June 8, 2022, the Corporate Authorities of such municipality passed and approved Ordinance No. 22-06-33, titled “**AN ORDINANCE AMENDING TITLE 1, CHAPTER 3, SECTION 1-3-1, AND TITLE 7, CHAPTER 3, SECTIONS 7-3-5 AND 7-3-18 OF THE ANTIOCH VILLAGE CODE REGULATING HANDICAPPED PARKING AND IMPOSING FINES FOR VIOLATIONS**” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 22-06-33**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 9, 2022 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 9th day of June, 2022

Lori K. Romine, RMC/CMC
Village Clerk