

ORDINANCE 2017-052 PASSED: DECEMBER 11, 2017

AMENDING CHAPTER 51 "TRAFFIC", SCHEDULE C "PARKING PROHIBITED", SUBSECTION 33 "RESIDENT PARKING ONLY, TOW ZONE", SUBSECTION 35 "NO PARKING 10:00 P.M. TO 6:00 A.M.", SUBSECTION 36 "NO PARKING AT ANY TIME, TOW ZONE", AND ADOPTING SECTION 51.32 "RESIDENT PARKING PERMITS FOR ON-STREET PARKING".

WHEREAS, the City of DeKalb is a home-rule municipality with the power and authority conferred thereupon by virtue of the Illinois Constitution, Illinois Vehicle Code and Illinois Municipal Code; and,

WHEREAS, the City presently maintains vehicle restrictions inclusive of parking regulations applicable in various portions of the City; and,

WHEREAS, the City has experienced occurrences of significant crimes being committed by persons who are not residents of the City of DeKalb and who are within the City during overnight periods, and such crimes have threatened the public health, safety and welfare; and,

WHEREAS, the City Council has determined that it is necessary and appropriate to adopt certain regulations to prohibit overnight parking within certain areas of the City, and to enforce the same in order to protect and promote public health, safety and welfare;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Chapter 51 Amended.

- i) Chapter 51, Schedule C, Subsection 33, "Resident Parking Only, Tow Zone" shall be created as follows:

"Pursuant to the provisions of Section 51.32 of the City Code, it is unlawful for any vehicle not displaying a current, valid Resident Parking Pass issued by the City of DeKalb for the location at which the vehicle is parked to be parked on the following streets at any time. Any vehicle parked in violation of these restrictions is subject to immediate towing.

Pheasant Run (Southern half of said road; with northern half remaining No-Parking at Any Time).

Evergreen Circle (Southern half of said road; with northern half remaining No-Parking at Any Time).

Moraine Terrace (Southern half of said road; with northern half remaining No-

Parking at Any Time).
Charles Street
High Terrace

- ii) Chapter 51, Schedule C, Subsection 34, "No Parking 10:00p.m. to 6:00a.m., Tow Zone" shall be created as follows:

"Pursuant to the provisions of Section 51.32 of the City Code, it is unlawful for any vehicle to be parked on the following streets between the hours of 10:00p.m. and 6:00a.m. Any vehicle parked in violation of these restrictions is subject to immediate towing.

Crane Drive, south side, from a point 680 feet east of the east right of way line of Annie Glidden Road, east to the west right-of-way line of Russell Road.
Russell Road, west side, from the north right-of-way line of Crane Drive to a point 200 feet north of the north right-of-way line of Crane Drive, and from a point 100 feet south of the south right-of-way line of Crane Drive to a point 517 feet south of the south right-of-way line of Crane Drive, and from a point 662 feet south of the south right-of-way line of Crane Drive to a point 855 feet south of the south right-of-way line of Crane Drive.

- iii) Chapter 51, Schedule C, Subsection 34, "No Parking at Any Time, Tow Zone" shall be created as follows:

It is unlawful for any vehicle to be parked on the following streets at any time, and vehicles parked in violation are subject to immediate tow.

Crane Drive (Northern side of road for westerly facing parked vehicles).

- iv) Chapter 51, Section 51.32 "Resident Parking Permits for On-Street Parking" shall be created as follows:

51.32 Resident Parking Permits for On-Street Parking:

- a) **Parking Prohibited:** It shall be unlawful to park in any area designed in Schedule C of Chapter 51 of the City Code as a Resident Parking Only area in violation of the times specified within such regulations (and related signage), unless the parked vehicle has a then-valid Resident Parking Permit issued for the location at which the vehicle is parked, in accordance with these provisions. Any vehicle parked in violation of these provisions shall be subject to immediate tow. (No City-issued resident parking permit shall be required for off-street parking on private property.)
- b) **Issuance:** Resident Parking Permits shall be issued by the City of DeKalb.
- 1) Resident Parking Permits shall have a cost of \$25.00 per year or

portion thereof. Resident Parking Permits shall have a term from August 1 of each year to July 31 of the following year. No permit fee shall be prorated or refundable.

- 2) Application shall be made on a form provided by the City Manager or designee, which shall specify (at minimum)
 - i) the vehicle year/make/model/license plate;
 - ii) the name, address, phone number and driver's license number of the registered owner of the vehicle and the primary driver of the vehicle (if different than owner). Where there is more than one driver of the vehicle at the premises, all such drivers shall be identified with the information prescribed above;
 - iii) the local address at which the vehicle is parked (supported by documentation acceptable to the City such as a current, written lease specifying a specific location and apartment number), which address must be the address of the primary driver of the vehicle;
 - iv) proof of current automobile insurance meeting or exceeding minimum state law requirements for motor vehicles;
 - v) a copy of a current, valid driver's license for the primary driver of the vehicle;
 - vi) a copy of the current registration for the vehicle; and,
 - vi) such other information as the application shall require.
- 3) Renewal shall require completion of a renewal application and payment of the then-current fee.
- 4) No more than one permit per primary driver residing at the address in question shall be issued.

c) **Display:** Any vehicle parked in an area where a permit is required shall be required to display the parking permit issued to that specific vehicle, in a clear and unobstructed fashion. Parking permits are only valid for the vehicle to which they are issued. Parking permits that are not displayed or that are obstructed shall not be considered valid permits and vehicles shall be subject to ticketing and tow.

d) **Other Violations:** Unobstructed display of a parking permit shall constitute authorization to park within the specified restricted area authorized on the permit, for the vehicle listed on the permit, in accordance with all other parking restrictions. Display of a permit shall not excuse any other parking violation such as parking within a no-parking zone, parking in a fire-hydrant zone, parking of an inoperable motor vehicle or any other unlawful condition. Such other violations shall be cause for immediate tow. Issuance of a permit is not a guarantee that parking will be available within the authorized area.

e) **Parking Area:** Parking permits shall be issued for specific geographic

areas based upon the address of the primary driver of the vehicle, and shall only be valid for parking within the specific geographic area authorized.

- f) **Transferal:** Parking permits shall be valid for the vehicle and driver to which they are issued only, and shall not be transferred or transferrable.
- g) **Suspension and Revocation:** Parking permits issued hereunder may be suspended or revoked for any of the following violations:
 - i) The violation of any terms of this Ordinance, including but not limited to use of a parking permit in a vehicle to which the permit is not issued;
 - ii) The use of the vehicle, at any location in the City of DeKalb, in an offense for which vehicle seizure and impoundment is permitted under Section 35.07 of the City Code;
 - iii) The accrual of four or more parking citations to the vehicle at any location in the City of DeKalb;
 - iv) The expiration or suspension of the registration or insurance of the vehicle or the license of the driver or owner; or,
 - v) The occurrence of any condition which renders the vehicle inoperable as defined in City Code.

The Chief of Police or designee may authorize the suspension of a parking permit upon the issuance of written notice of the same, for a duration of not longer than 60 days. Any notice due hereunder shall be sent to the addresses of the owner and of the primary driver as indicated on the permit application. Within three days of the date of dispatch of such notice, the primary driver shall surrender the physical permit to the City of DeKalb Police Department. If the Chief of Police seeks suspension of the permit for a period of longer than 60 days or if the Chief seeks revocation of the permit, the City shall offer the permit holder the ability to request or to waive the conduct of an Administrative Hearing pursuant to Chapter 17 of the City Code. If a hearing is not waived, and if the result of the hearing is the imposition of a suspension or revocation, the owner of the vehicle and primary driver of the vehicle shall be jointly and severally liable for the costs of hearing, and for any fines imposed by the Administrative Hearing Officer.

- h) **Guest Permits:** Any resident within the above-described area may apply for and obtain a guest parking permit from the City of DeKalb Police Department. Guest parking permits shall have a fee of \$5 per day, and shall require the completion of a guest parking permit application identifying the guest vehicle (and current license plate of the guest vehicle), the registered owner of the vehicle (and the registered owner's driver's license number), the driver of the vehicle (and the driver's license

number for the same), as well as the dates and duration of the permit requested (not to exceed three days). ~~No more than five (5) guest parking permits may be issued per residential unit (e.g., per single family house, or per apartment unit), per calendar year.~~

- i) ~~Temporary Parking Areas: The Chief of Police or designee shall be authorized to establish temporary areas within no-parking or resident-only parking zones for use as authorized parking areas on terms and conditions acceptable to the Chief of Police or designee. Such areas shall have signage if necessary based upon the circumstances of the temporary approval.~~
- j) ~~Contractor Services: Where a commercial contractor or business is providing services to a resident within a restricted resident-only parking area, the contractor or business shall be permitted to park within a resident parking zone without obtaining a guest pass or resident parking permit, provided that: 1) the contractor or business is operating a vehicle clearly marked as a contractor/business vehicle; 2) the contractor is present at all times and actually engaged in the course of commerce when the vehicle is so parked; and, 3) the contractor is parked immediately in front of or adjacent to the residential premises being served.~~

Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed. In the process of installing signage relating to this Ordinance, the Public Works Director is authorized and directed to install such signage as shall be required to effectuate this ordinance without undue conflict with other, existing parking regulations.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: December 12, 2017. Effective date: December 21, 2017.

Notwithstanding the foregoing, Section (1)(i) of this ordinance (resident parking only) Section 1(ii) of this ordinance (no parking 10:00p.m. to 6:00a.m.) and Section 1(iii) of this ordinance (no parking at any time) shall not take effect until the later to occur of January 1, 2018, or the date which is ten days after signage is posted indicating the revised parking restrictions.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 11th day of December, 2017, and approved by me as Mayor on the same day. First Reading November 27, 2017. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

ATTEST:

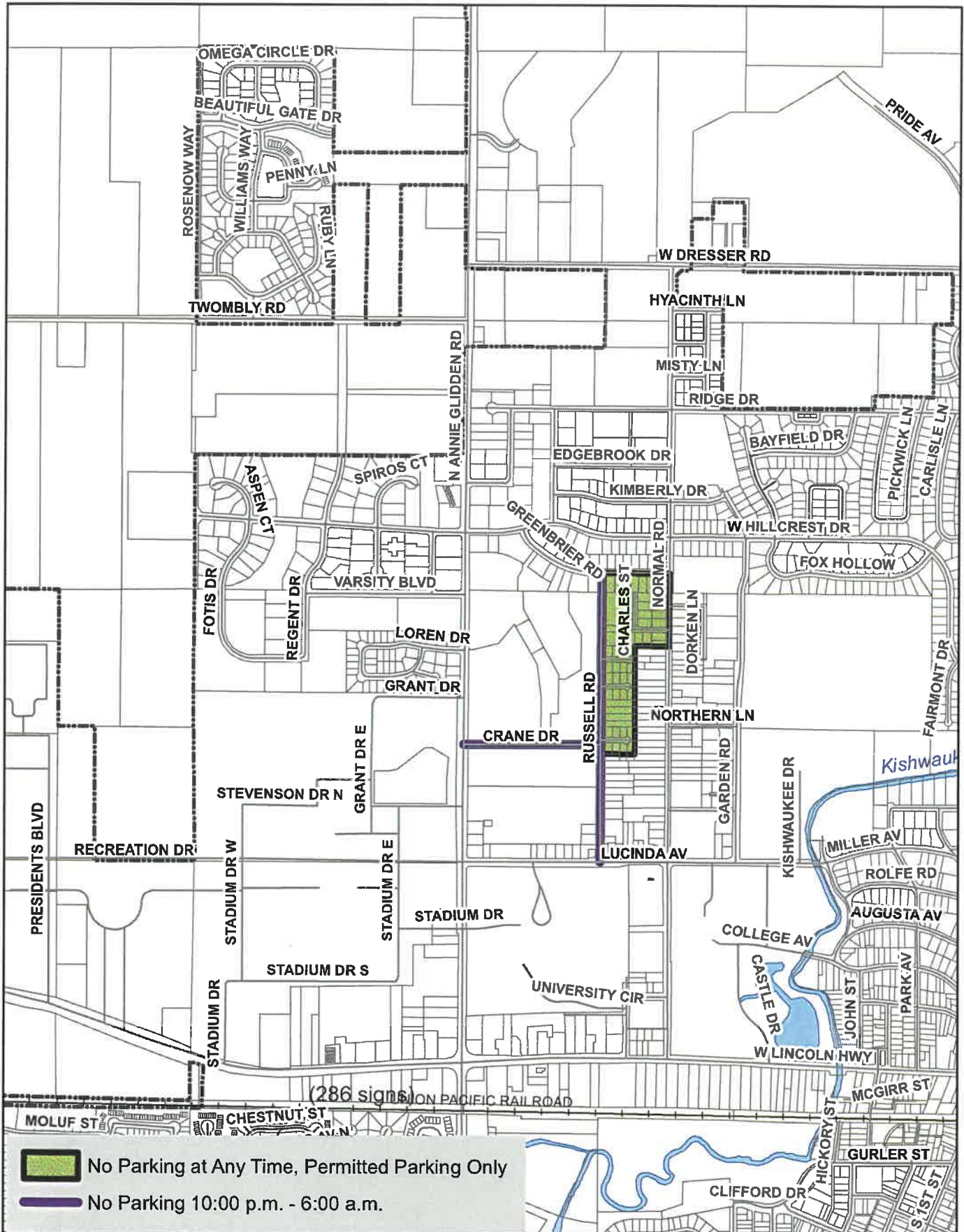

SUSANNA HERRMANN, City Clerk


JERRY SMITH, Mayor



The seal is circular with a dotted border. The outer ring contains the text "CITY OF DE KALB" at the top and "STATE OF ILLINOIS" at the bottom. The center features a shield with a plow, a sheaf of wheat, and a sheaf of corn, with the word "DEKALB" written below the shield.

Proposed Parking Restrictions, Phase 1



File: \\Police\Parking overnight restriction Phase 1.mxd
Created: 11/13/2017 RJT

