



FINANCE DEPARTMENT
MUNICIPAL COLLECTOR'S DIVISION
M E M O R A N D U M

TO: Mayor Prussing and City Council Members

FROM: Rich Hentschel, Interim Comptroller
Elizabeth Beaty, Finance Supervisor

DATE: November 12, 2013

RE: Revisions of the Urbana Local Traffic Code

Brief Description of the item(s)

Revise four (4) sections of the Urbana Local Traffic Code concerning person with disabilities parking in accordance with current Illinois State Statute.

Identification of the Issues and any approvals required:

A summary of the proposed changes is as follows:

1. References throughout the Code to “handicapped” were changed to “person with disabilities.”
2. Section 23-159: The definition of “handicapped” was deleted. This definition is contained in Section 23-1.
3. Section 23-1: The definition of “handicapped” was replaced with a definition of “person with disabilities.” The new definition coincides with the definition contained in the Illinois Vehicle Code.
4. Section 23-159: The provision concerning parking in spaces reserved for persons with disabilities was reworded.
5. Section 23-159: The requirement for display of a meter-exempt decal or device was added pursuant to Public Act 97-845.
6. Section 23-159: The provision that persons displaying a meter-exempt decal or device must pay to park in a city-owned parking structure, but not in a city-owned parking area was added pursuant to Public Act 98-577, which was signed into law in August.
7. Section 23-159: Two identical provisions concerning parking fines were deleted, because the fines for violating this section are established in § 23-211(2)(d).
8. Section 23-159: The provision stating “[a] vehicle driven by, or carrying as a passenger, a handicapped person, is not subject to the time limitations on parking set out in this chapter or other codes or ordinances” was deleted.

This provision conflicts with a provision in the same section stating that such vehicles are subject to time limitations of one-half hour or less.

9. Section 23-159: The subsection prohibiting persons from parking on private property without the owner's consent was deleted. This provision repeats language contained in § 23-188 (Parking on private property).

10. Section 23-159: The definition of "business development and redevelopment district" was deleted and added to Section 23-1.

11. Section 23-159: The provision concerning the handicapped accessible space on Elm Street was deleted at the recommendation of Public Works because this space was removed.

12. Section 23-1: The section title was revised.

13. Section 23-1: The definition of "meter-exempt decal or device" was added.

14. Section 23-1: The definitions of "special decal or device" and "special registration plates" were revised.

Fiscal impact

Meter revenue could increase slightly due to meter exempt placard requirements.

Recommendation

Staff recommends approval of the attached ordinance amending the above mentioned sections of the Urbana Local Traffic Code.

ORDINANCE NO. 2013-11-103

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWENTY-THREE

(Persons with disabilities parking)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, Public Act 97-845, adopted by the 97th Illinois General Assembly, amended the Illinois Vehicle Code to allow certain persons with disabilities to be issued meter-exempt parking decals or devices, exempting them from paying fees for parking in a metered space or in a publicly owned parking structure or area, effective on January 1, 2014; and

WHEREAS, Public Act 98-577, adopted by the 98th Illinois General Assembly, further amended the Illinois Vehicle Code to provide that persons with meter-exempt parking decals or devices shall be exempt from paying fees for parking in a publicly owned parking area but not in a publicly owned parking structure, effective on January 1, 2014; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Chapter 23, *inter alia*, to regulate parking for persons with disabilities within the City; and

WHEREAS, the City Council finds that amending said chapter to establish regulations in conformity with Public Acts 97-845 and 98-577, as hereinafter provided, will protect the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The following provisions of Urbana City Code Chapter 23, "Local Traffic Code," are hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference:

- a) Article I, "In General," Section 23-1, "Definition of words and phrases";
- b) Article XII, "Stopping, Standing or Parking Prohibited in Specified Places," Section 23-159, "Handicapped parking";
- c) Article XIV, "Stopping, Standing or Parking Restricted or Prohibited on Certain Streets," Section 23-188, "Parking on private property"; and

d) Article XIX, "Towing," Section 23-275, "Vehicles parked in spaces reserved for a handicapped person."

Section 2.

This ordinance will take effect on January 1, 2014.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

Exhibit A

Chapter 23 Local Traffic Code

Sec. 23-1. **Definition**Definitions of words and phrases.

(a) The following words and phrases when used in this traffic code shall, for the purpose of this traffic code, have the meanings respectively ascribed to them in this article, except when the context otherwise requires.

(b) Whenever any words and phrases used herein are not defined herein but are defined in the State of Illinois laws regulating the operation of vehicles, as amended, any such definition therein shall be deemed to apply to such words and phrases used herein except when the context otherwise requires.

Abandoned vehicle. A motor vehicle or other vehicle located on private or public property other than a highway or other municipal property that has not been moved or used for seventy-two (72) consecutive hours or more and is apparently deserted or any motor vehicle or other vehicle located on a highway or other municipal property that has not been moved or used for more than seventy-two (72) consecutive hours.

Antique vehicle. A motor vehicle or other vehicle which is more than twenty-five (25) years old or is a bona fide replica thereof.

Bicycle. The term "bicycle" shall mean and include a device with two (2) wheels in tandem propelled by human power and having wheels over sixteen (16) inches in diameter with tires inflated.

Business development and redevelopment district. An area identified as such in the Urbana Zoning Ordinance, as amended.

Central business district. All streets and portions of streets within the area described as follows: All that area bounded by Illinois, Water, Urbana and Cedar Streets, and including the said streets.

Chief of police. The chief of police of the City of Urbana.

City. The City of Urbana, Illinois.

Commercial vehicle. Every vehicle designed, maintained or used primarily for the transportation of property, and if licensed, licensed as a commercial vehicle; if not licensed, the design or use primarily for transportation of property shall control.

Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Established city policy. Urbana ordinances, Illinois statutes, and past practices of the city all constitute established city policies. A written policy manual outlining these established city

policies is available in the municipal collector's office at 400 S. Vine Street in Urbana, Illinois.

Final determination. A final determination of parking violation liability occurs if the defendant fails to pay the fine after a hearing officer's determination of parking violation liability and the parking violator has failed to exhaust any administrative review procedures provided by ordinance. Payment of a ticket shall result in a final determination of liability.

Front of the parking space. The portion of an individual parking space which is most distant from the access drive which provides vehicular access to that individual parking space.

~~*Handicapped person.* Every natural person who is unable to walk two hundred (200) feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device or a wheelchair or without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs.~~

Head-in parking. Parking a vehicle such that the front end of the vehicle is facing the front of the parking space.

Hearing administrator. The person appointed pursuant to section 23-218 of this chapter.

Hearing officer. The chief administrative officer of the City of Urbana or the designee thereof.

Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is opened for the use of the public for purposes of vehicular traffic.

Inoperable vehicle. Any motor vehicle or other vehicle incapable of, or prohibited from, being driven due to the removal of the engine, wheels or other parts or the damage, disrepair or disuse of such vehicle; also, any motor vehicle not displaying valid registration plates or proper evidence of application therefor shall be an inoperable vehicle under this traffic code.

Just cause. Any valid legal reason which justifies nonliability of the parking violator for a particular violation or an extension of the time limits imposed in Article XVI.

~~*Meter-exempt decal or device.* Such permanent placard issued by the secretary of state of the State of Illinois pursuant to Section 11-1301.2 (c-5) of the Illinois Vehicle Code, as amended, exempting the authorized holder from parking meter fees and time limitations at parking meters exceeding a one-half hour time limit.~~

Official time standard. Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this city.

Parade. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind in which more than ten (10) persons or three (3) vehicles are acting jointly or in concert to display themselves as a unit in or upon any public street (not including sidewalks) in the city.

Parade permit. A permit as required by section 23-110 of this chapter.

Parking administrator. The person appointed pursuant to section 23-218 of this chapter.

Parking violator. Any person convicted or accused of violating any of the provisions of Articles XII, XIII, XIV or sections 23-234 through 23-240 of this chapter, sometimes also called "defendant."

Peak traffic periods. The hours between 7:30 a.m. and 9:00 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Saturday inclusive.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Person with disabilities. A natural person, as defined in Section 1-159.1 of the Illinois Vehicle Code, as amended.

Police officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Posting authority. The city engineer, director of public works or the chief of police, who by virtue of this traffic code have authority to create a temporary no parking area and post temporary no parking signs under authority of this traffic code.

Private space. A space rented for the exclusive use of a person or persons for a set period of time; or a space that is included in the rental of, including but not limited to, apartments or offices; which spaces are designated in some manner for that exclusive use.

Property owner. The owner of the property or the agent, employee of the owner, or the person lawfully in possession or control of the private property. For the purposes of this chapter, no relocater shall be an authorized agent of a property owner for the purpose of removing unauthorized vehicles from the property of the property owner.

Relocation service. The business of removing trespassing vehicles from private property.

Relocator. Any person or entity engaged in the business of removing trespassing vehicles from private property by means of towing or otherwise, and thereafter relocating and storing such vehicles.

Special decal or device. Such decal or device as is provided for by the secretary of state of the State of Illinois by administrative rule for the design, size and color of such decal or device which, pursuant to Section 11-1301.2 of the Illinois Vehicle Code, as amended, shall be used by local authorities, including the City of Urbana, in the issuance thereof to any ~~handicapped~~ person with disabilities or to any not-for-profit organization which transports any ~~handicapped~~ person with disabilities or any other decal or device issued by any local authority of any other state jurisdiction designating that the vehicle is operated by or for a ~~handicapped~~ person with disabilities.

Special registration plates. Such registration plates issued by the secretary of state of the State of Illinois pursuant to Section 3-616 of the Illinois Vehicle Code, as amended, to a ~~handicapped~~ person or with disabilities, to a ~~non-handicapped person if a~~ member of such person's immediate family is a handicapped person, or to any disabled veteran pursuant to

Section 3-609 of the Illinois Vehicle Code, as amended, or any other registration plate or plates issued by any other state jurisdiction designating that the vehicle is operated by or for a handicapped person with disabilities.

Temporary no parking area. An area in which parking would be otherwise lawful, but which has been posted with temporary no parking signs as provided for in this traffic code.

Temporary no parking sign. A temporary sign which shall bear the following legend: "No Parking [from (date, hours) to (date, hours)] - Violators Will Be Towed at Owner's Expense."

Unauthorized vehicle. Any vehicle parked in private property or in a private space where the owner or operator of that vehicle does not have permission to park that vehicle.

Sec. 23-159. Handicapped Persons with disabilities parking.

(a)

~~(1) In general. No person who is not handicapped shall park any vehicle in any parking space which has been designated as handicapped parking. A vehicle driven by, or carrying as a passenger, a handicapped person may be parked in a space designated as handicapped parking if the vehicle displays any of the following:-~~

~~a. Current registration plates for handicapped persons;~~

~~b. State authorized decals or devices for handicapped persons;~~

~~c. City special decal or device issued pursuant to subsection (c) below.~~

~~d. Any current decal or device issued by any unit of local government other than the city.~~

~~For the purposes of this section, a handicapped person is a natural person who is unable to walk two hundred (200) feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device or a wheelchair or without great difficulty or discomfort due to the following impairments; neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs.~~

~~A vehicle driven by, or carrying as a passenger, a handicapped person, is not subject to the time limitations on parking set out in this chapter or other codes or ordinances of the city where that vehicle displays any of the items set out above.~~

~~(2) Parking vehicles on private property.~~

(a) Reserved parking for persons with disabilities.

~~a) No person shall park any motor vehicle on private property without the consent of the owner of the private property.~~

~~b) Any person who is not handicapped, and who parks a motor vehicle in a parking space on private property designated as handicapped parking, shall be deemed to have parked without the permission of the owner of the private property. However, such permission shall be presumed to a vehicle bearing any of the decals or devices listed above, where such vehicle is driven by, or carries as a passenger, a handicapped person as defined above.~~

~~3. On street/residential areas. The director of upon public works is directed to issue a set of regulations to provide for on street accessible parking for persons with disabilities to respond to requests for on street accessible parking spaces for purposes of providing accessible parking near the residence of a handicapped person. The regulations shall provide for the installation of handicapped parking signs where adequate accessible off street parking is not available. The regulations shall provide that after approved, such accessible space will be maintained as a space or private property in a parking space reserved for handicapped only so long as the individual requesting the accessible space demonstrates that such space is reasonably necessary.~~

~~4. Fine. Any person violating this subsection by parking in a space reserved for handicapped shall be fined in accordance with the fine schedule approved by the city council under section 1-10(j) of the City Code.~~

~~use by persons with disabilities unless that vehicle is transporting a person with a disability, including a disabled veteran, and is displaying valid special registration plates or a valid special decal or device. Any motor vehicle parked in any such space without displaying valid~~

~~(1) A motor vehicle bearing special registration plates or a valid special decal or device shall be presumed to be parked in violation of this subsection.~~

~~(1)(2) A motor vehicle special displaying a valid meter-exempt decal or device issued to a handicapped person or to a disabled veteran shall be exempt from the payment of parking meter fees generated by parking in a metered space or in a city-owned parking area other than a city-owned parking structure, and exempt from any ordinance imposing time limitations on parking, except limitations of one-half (1/2) hour or less, on any street or highway, or in any parking lot or parking place which is owned or leased by the city, but, such vehicle shall be subject to any law or ordinance which prohibits parking in "no stopping" and "no standing" zones in front of or near fire hydrants,~~

driveways, public building entrances or exits, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard. Parking privileges granted by this subsection are strictly limited to the ~~handicapped~~ person with a disability or disabled veteran to whom the ~~special registration plates or special meter-exempt~~ decal or device ~~was~~ issued and to qualified operators acting under such ~~person's~~ person's express direction while such ~~handicapped~~ person with a disability or disabled veteran is present. No ~~handicapped~~ person with a disability or disabled veteran shall use any area for the parking of any motor vehicle pursuant to section 23-187 of this traffic code or where an official sign controlling such area expressly prohibits parking at any time or during certain hours.

~~(2)(b)~~ City-issued special decal or device. A special decal or device shall be issued by the city upon application therefor to the comptroller of the city, provided that any person making such application must submit either a statement certified by a licensed physician to the effect that such person is a ~~handicapped~~ person with a disability, as defined by section 23-1 of this chapter, or an Illinois ~~Disabled~~ Person with a Disability Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person thereon named has a Class 1A or 2A disability. A temporary special decal or device may be issued by the city to any ~~handicapped~~ person with a temporary ~~disabilities~~ disability in accordance with this subsection, such temporary ~~disabilities~~ disability being ~~conditions~~ a condition which can reasonably be expected to cease or become alleviated to a degree that such disability no longer exists, provided that such temporary special decal or device shall be valid for no more than ninety (90) days and, provided further, that such temporary special decal or device shall clearly set forth the date that the special decal or device expires. Any such temporary special decal or device may be subject to renewal for like periods based upon continued temporary disability.-

~~(d) On-street handicapped parking/business development and redevelopment zone.~~

~~(a) —~~

(c) On-street/residential parking. The director of public works is directed to issue a set of regulations to provide for on-street accessible parking for persons with disabilities to respond to requests for on-street accessible parking spaces for purposes of providing accessible parking near the

residence of a person with a disability. The regulations shall provide for the installation of person with a disability parking signs where adequate accessible off-street parking is not available. The regulations shall provide that after approved, such accessible space will be maintained as a space reserved for a person with a disability only so long as the individual requesting the accessible space demonstrates that such space is reasonably necessary.

(d) On-street person with a disability parking; business development and redevelopment district.

(1) The director of public works is authorized to make determinations and implement such determinations as are needed to provide on-street accessible parking spaces where the director determines such are needed in accordance with regulations promulgated by the said director pursuant to the directive in this ~~chapter.~~ section.

~~(2)~~ The director of public works is hereby directed to issue regulations which shall be used to determine when an on-street accessible parking space is needed (or no longer needed) within the business development and redevelopment district based upon the following criteria:

~~(3)~~

(2) It shall be the policy of the city that, as a goal, the city shall seek to provide an accessible parking space within two hundred (200) feet, along an accessible route, to an entrance of each business located within the business development and redevelopment district which is open to the public and where customers or clients are reasonably expected to visit, if such business does not have off-street parking spaces which ~~they provide~~ it provides for ~~their~~ its customers and clients.-

~~(4)~~ ~~Business development and redevelopment district shall have the same meaning as such has from time to time as set forth in the Urbana Zoning Ordinance.~~

~~(5)~~

~~(6)~~ (3) The director of public works shall, from time to time, review the adequacy of the regulations issued hereunder and report to the city council.-

~~(5)~~ ~~A handicapped accessible space shall be established on the south side of Elm Street in the closest possible proximity to the ramp leading to the library's north entrance. A ramp shall be constructed to lead from the street level to the sidewalk level.~~

~~(6) Fine. Any person violating this subsection by parking in a space reserved for handicapped shall be fined in accordance with the fine schedule approved by the city council under section 1-10(j) of the City Code.~~

Sec. 23-188. Parking on private property.

- (a) It shall be unlawful to park any motor vehicle on private property without the consent of the owner of the private property.
- (b) Any person who is not ~~handicapped, and a person with disabilities~~ who parks a motor vehicle in a parking space on private property designated for ~~handicapped or disabled persons, a person with disabilities~~ shall be deemed to have parked without the permission of the owner of the private property. Such permission, however, shall be presumed as to a vehicle which is driven by, or carries as a passenger, a person ~~who is handicapped with disabilities~~ within the meaning of section 23-1 of this chapter, if the ~~certificatespecial decal or device~~ provided for by state law or by this traffic code or current ~~statespecial~~ registration plates ~~for handicapped persons is~~ are displayed on such vehicle.
- (c) Any person who parks a motor vehicle in a space on private property designated as a fire lane shall be deemed to have parked without the permission of the owner of the private property.

Sec. 23-275. Vehicles parked in spaces reserved for a ~~handicapped person~~ with disabilities.

Any vehicle parking in violation of section 23-159(~~ba~~), entitled "~~Unauthorized use of Reserved~~ parking ~~spaces reserved for a handicapped person~~persons with disabilities," of this traffic code, as amended, may be immediately removed by or upon the order of the police department at the expense of the registered owner, and nothing in this section pertaining to inoperable or abandoned vehicles shall be applicable to vehicles found parking in violation of section 23-159(~~ba~~).