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AN ORDINANCE AMENDING TITLE 9, CHAPTERS 7 AND 15 OF THE ORLAND PARK VILLAGE CODE (HANDICAPPED PARKING SPACES)

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WHEREAS, the Illinois legislature has recently passed several new laws regarding stopping, standing and parking regulations related to handicapped parking spaces and their use; and

WHEREAS, the Corporate Authorities of the Village of Orland Park, an Illinois home rule municipality, deem it in the best interests of the Village and its residents to amend the Orland Park Village Code with regard to penalties for violation of stopping, standing and parking regulations related to handicapped parking spaces and their use.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, an Illinois home rule municipality, as follows:

SECTION 1

Title 9, Traffic, Chapter 7, Stopping, Standing and Parking, Section 7, Handicapped Parking Spaces, Subsection 9-7-7-2, Vehicle Identification, is hereby amended to add the words “or handicapped” between the words “disabled” and “veteran” in Item 1 of that subsection.

SECTION 2

Title 9, Traffic, Chapter 7, Stopping, Standing and Parking Regulations, Section 7, Handicapped Parking Spaces is hereby amended to delete Subsection 9-7-7-3 in its entirety and to substitute the following:

9-7-7-3: REGULATION: The text of 9-7-7-3 is hereby deleted in its entirety and the following is substituted:

(a) Any motor vehicle not displaying the registration plates or placard issued to a person with disabilities or a disabled or handicapped veteran is prohibited from parking or being parked in any private or public on or off street parking place designated by the posting of signs for motor vehicles displaying such plates or placards. It is also prohibited to park or be parked any motor vehicle in a designated access aisle adjacent to such parking place.

It is also a violation of this subsection (a) if the authorized holder of the disability license plate or placard does not enter or exit the vehicle at the time the parking privileges are being used.

(b) Any motor vehicle displaying the registration plates or a placard issued to a person with disabilities or a disabled or handicapped veteran, but not being used by, or for the transportation of, the authorized holder of the disability plates or placard is prohibited from being parked in a parking space designated for the parking of such vehicles or the designated access aisle for such space.

SECTION 3

Title 9, Traffic, Chapter 7, Stopping, Standing and Parking, Section 7, Handicapped Parking Spaces, Subsection 9-7-7-5, Signs and Size of Spaces, is hereby amended to add the words “and 11-1301.3” between the words “provisions of 625 ILCS 5/11-301” and “shall be posted” in the first sentence.

The following fourth paragraph is added to subsection 9-7-7-5:

“It is not a defense to a violation of this section if the signs posted or the intended accessible parking spaces do not comply with technical requirements or local regulations, if the actual sign or space would make a reasonable person aware that the space is reserved for persons with disabilities.”

SECTION 4

Title 9, Traffic, Chapter 7, Stopping, Standing and Parking Regulations is hereby amended to delete Subsection 9-7-7-8 in its entirety and to substitute the following:

9-7-7-8: PENALTY

(a) Any person who violates the prohibition of Subsection 9-7-7-3(a) (use of handicapped space or associated aisle without handicapped plates or placard or use of handicapped space when authorized holder of plates or placard does not enter or exit the vehicle) shall be fined two hundred and fifty dollars (\$250) for each offense of which such person is convicted. Signs shall be posted indicating the fine amount.

(b) Any person who violates the prohibition of Subsection 9-7-7-3(b) (use of handicapped plates or placard to exercise the privilege of such plates or placard by one who is not either the authorized holder of the plates or placard or transporting the authorized holder) shall be fined five hundred dollars (\$500) for the first offense, seven hundred fifty dollars (\$750) for the second offense and one thousand dollars (\$1,000) for the third or subsequent offenses. In addition, the Secretary of State may revoke the person’s driving privileges or suspend them for a period of time to be determined by the Secretary of State for a second, third or subsequent offense.

SECTION 5

Title 9, Traffic, Chapter 7, Stopping, Standing and Parking, Section 10, Parking Regulations for Commercial Center, Section 7, Penalty, is hereby amended by deleting the second sentence in its entirety, deleting that part of the first sentence beginning with the word “nor” and ending with the word “convicted” and adding the following, “unless a different fine is so specified in this Chapter.”

SECTION 6

FINE AND PENALTY PAYMENT SCHEDULE A

SCHEDULE		GENERAL VIOLATION AMOUNT	TRAFFIC COMPLIANCE
Step 1	Upon service of a "Violation Notice" issued and paid prior to the commencement of the 1st Hearing Date, on the 1st Hearing Date, or prior to the 2nd Hearing Date, the fine amount due will be:	\$50.00	\$50.00
Step 2	Having failed to pay the fine amount specified in Step 1 prior to the commencement of the 2nd Hearing Date, the amount due if paid on the 2nd Hearing Date or prior to the 3rd Hearing Date will be:	\$150.00	\$150.00
Step 3	Having failed to pay the fine amount and penalty specified in Step 2 prior to the commencement of the 3rd Hearing Date, the amount due, if paid on the 3rd Hearing Date or upon the finding of Liability for the violation, after failure to appear at the 3rd Hearing, will be:	\$250.00	\$250.00

HANDICAPPED PARKING FINE AND PENALTY PAYMENT SCHEDULE B

SCHEDULE		VIOLATION OF 9-7-7-8(a) USE OF HANDICAPPED SPACE WITHOUT LICENSE OR PLACARD	VIOLATION OF 9-7-7-8(b) USE OF HANDICAPPED LICENSE OR PLACARD TO EXERCISE PRIVILEGES WITHOUT AUTHORIZED USE
Step 1	Upon service of a "Violation Notice" issued and paid prior to the commencement of the 1st Hearing Date, on the 1st Hearing Date, or prior to the 2nd Hearing Date, the fine amount due will be:	\$250.00	1st offense \$500.00 2nd offense* \$750.00 3rd offense* \$1,000.00 or subsequent

Step 2	Having failed to pay the fine amount specified in Step 1 prior to the commencement of the 2nd Hearing Date, the amount due if paid on the 2nd Hearing Date or prior to the 3rd Hearing Date will be:	\$300.00	1st offense	\$ 550.00
			2nd offense*	\$ 800.00
			3rd offense* or subsequent	\$1,050.00
Step 3	Having failed to pay the fine amount and penalty specified in Step 2 prior to the commencement of the 3rd Hearing Date, the amount due, if paid on the 3rd Hearing Date or upon the finding of Liability for the violation, after failure to appear at the 3rd Hearing, will be:	\$350.00	1st offense	\$ 600.00
			2nd offense*	\$ 850.00
			3rd offense* or subsequent	\$1,100.00

*note that for a second offense of violation of 9-7-7-8(b), the Secretary of State is to be notified. The Secretary of State may revoke or suspend driving privileges for a second offense and may revoke or suspend the disability license plate or placard for a third or subsequent offense.

SECTION 7

All other parts of Chapter 9 not specifically changed by this Ordinance shall remain unchanged and effective. All ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION 8

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

SECTION 10

The Village Clerk is hereby ordered to publish this Ordinance in pamphlet form, such pamphlets to be available to the general public at the Village Clerk's office.

DID NOT REMOVE BELOW:

Section 1: “Handicapped veteran” is a new category of driver eligible for disability parking plates. This category was added by PA 95-167, effective January 1, 2008. A handicapped veteran is a disabled veteran whose degree of disability has been determined by the US Department of Veterans Affairs to be less than 100%, but who has been declared eligible for funds for the purchase of a motor vehicle because of his or her disability. See 625 ILCS 5/3-609.01. Now that this kind of plate is available, it needs to be referenced in the Village Code.

Section 2, 4, 5 and 6:

a. These fine amounts are required by PA 95-167, effective January 1, 2008. They are set out in the statutes at 625 ILCS 5/ 11-1301.3(c).

b. These fine amounts are required by PA 95-430, effective June 1, 2008. They are set out in the statutes at 625 ILCS 5/11-1301.3(c-1), and imposed on local governments by 625 ILCS 5/11-1301.3(d). Chapter 11 of the Illinois Vehicle Code, “Rules of the Road” limits the authority of home rule units except pursuant to certain sections, which do not include 11-1301.3. See 625 ILCS 5/11-208.2.

Section 3: Section 11-1301.3(c) states that it is not a defense to a charge under that section that the signs posted or the intended accessible parking space do not comply with technical requirements or local regulations, if the actual sign would make a reasonable person aware that the space is reserved for persons with disabilities. This is a good reference to include in the Village Code.