

Chapter 14 PERMIT PARKING*

*Cross reference(s)--Permit parking fee, § 6-2(b); motor vehicles and traffic, Ch. 13; stopping, standing and parking, § 13-7 et seq.

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Sec. 14-1. Findings.

The Board of Managers finds that the health, safety and welfare of many residents of the Village may be adversely affected by the burdens placed on residents by virtue of nearby public and private facilities. Frequently, the use of streets within Village residential areas for parking of vehicles by commuters and other persons using adjacent commercial, industrial and transit areas or facilities results in hazardous traffic conditions; the overburdening of existing streets, roads and other facilities; air and noise pollution; litter and the difficulty or inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to alleviate to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and car pools, to preserve the value of the property, to preserve the residential character of the area and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the Village, the Board of Managers deems it essential that the parking permit authorization provided for in this section be enacted.

Sec. 14-2. Designation of areas.

The Board of Managers may designate, by written order the regulation of roads, streets and other areas within the Village in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to vehicles displaying valid parking stickers or guest cards issued pursuant to this section. The authority provided herein shall be in addition to, and may be exercised in conjunction with, any other authority the Board of Managers may have to regulate the times and conditions of motor vehicle parking.

Sec. 14-3. Criteria for designation.

The decision whether to designate a parking permit area (including the terms and conditions of any such designation) shall take into account, among other things:

- (a) The effect on the safety of residents of the area under consideration resulting from intensive use of such area by nonresidents for the parking of vehicles.
- (b) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.
- (c) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of the available parking spaces by nonresident, transient motorists. There shall be a rebuttable presumption that a condition of "difficulty or inability" exists when the average number of nonresident vehicles parked in the area, as shown by a survey or vehicle count taken by Village staff on two (2) separate days, is in excess of twenty-five (25) percent of the number of parking spaces on such streets and the total number of spaces actually occupied by vehicles exceeds seventy-five (75) percent of the number of such spaces.
- (d) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.
- (e) The likelihood of alleviating, by use of a parking permit system, any problem of non-availability of residential parking spaces.
- (f) The desire of the residents in the area for the institution of a parking permit system. This condition shall be deemed to have been met when two-thirds or more of the households in the area proposed for designation sign a petition requesting designation.
- (g) The fact that the residents of a contemplated parking permit area having contributed to the cost of construction, improvement and/or maintenance of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in taxes or purchase or rental prices paid by those residents.
- (h) Such other factors as the Board of Managers shall deem relevant.

For purposes of this subsection only, "residents" shall include churches, and government, quasi-governmental and other noncommercial entities.

(No. 6-02-98, 7-13-98)

Sec. 14-4. Notice of public hearing.

In order to determine whether a particular area or location should be designated as a parking permit area or whether such a designation already made should be withdrawn, the Board of Managers or its designee shall conduct a public hearing in conjunction with a regular or specially scheduled meeting of the Board of Managers at which time any interested person shall be entitled to appear and be heard. Such hearing shall be held only after due notice has been published in the Village Crier. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the parking permit area under consideration, and the reasons why such area is being proposed for designation or withdrawal of designation as a parking permit area. In addition to the public notice, a similar notification shall be permanently published in the area under consideration for designation as a parking permit area.

Sec. 14-5. Decision of Board of Managers.

After giving the notice provided in section 14-4 hereof, the Board of Managers shall decide, at its regular meeting or at a special meeting scheduled by it, whether or not to designate the area under consideration as a parking permit area or to remove the designation in the case of an established parking permit area. The Board of Managers' decisions shall set forth the terms and conditions applicable to any such designation.

Sec. 14-6. Implementation.

Following the designation of a parking permit area by the Board of Managers, the Village Manager or his designee shall issue appropriate parking permits, stickers and guest cards, and shall cause parking signs to be posted in the area, indicating the times, locations and conditions under which parking shall be by permit only, and shall perform all other incidental acts necessary (including the preparation of permit forms) to implement the decisions of the Board of Managers. The parking signs placed in such areas shall be of such character as to inform readily an ordinary observant person of the existence of the rules and regulations imposing the foregoing restrictions. It shall be unlawful for any person to violate such rules and regulations.

Sec. 14-7. Issuance of permits.

Upon the decision of the Board of Managers to designate any area for restricted parking, permits shall be issued to the following:

- (a) Any resident of the area in which parking is so restricted, but not more than one permit per dwelling.
- (b) Churches, governmental, quasi-governmental and other noncommercial entities located within the Village but only upon the showing of special need.
- (c) Persons who reside in the Village outside the particular area but only upon the showing of special need.

Provided, however, the parking prohibitions of this section shall not apply to service or delivery vehicles, which are being used to provide services or make deliveries to dwellings in the area.

Sec. 14-8. Application for permit.

Any person or entity desiring to obtain a parking permit shall show to the Village Manager or his designee satisfactory evidence that he fulfills all the conditions of obtaining such a permit. Whenever the

conditions for issuance no longer exist, the person holding a permit shall surrender it to the Village Manager or his authorized representative. It shall be unlawful for any person to represent that he is entitled to such a permit when he is not so entitled, to fail to surrender a permit to which he is no longer entitled, or to park a vehicle displaying a parking sticker or guest card at any time when the holder of such is not entitled to it. Permits issued hereunder shall be valid for a twelve-month period and may be renewed upon expiration provided the conditions for issuance continue to exist. Permits shall be nontransferable.

Sec. 14-9. Issuance of parking stickers.

The Village Manager or his designee shall issue to each permit holder one parking sticker for every vehicle owned or regularly used by the permit holder; provided, however, that no parking sticker shall be issued to an entity holding a parking permit.

Sec. 14-10. Issuance of guest cards.

The Village Manager or his designee shall issue to each permit holder one guest card entitling a vehicle to park in a permit area. Churches and governmental, quasi-governmental and other noncommercial entities located within the Village which demonstrate a special need for a greater number of guest cards shall be given such allotment of guest cards as the Board of Managers or its designee shall deem appropriate. Each such guest card shall be marked with the address of the household or name of the entity to which it has been issued. In addition, upon request to the Village Manager or his designee by any resident of a permit parking area and showing that additional guest cards are temporarily required for a social function or other legitimate purpose, the Village Manager or his designee shall issue to such resident without fee, the required number of guest cards, provided that such cards shall be valid for one day only. Residents of the parking permit area, who hold parking permits and who have bona fide visitors will be issued a guest card to be valid for a stated period not to exceed thirty (30) days, provided that no more than three (3) such guest cards shall be outstanding for any one household for any one time. Notwithstanding anything hereinabove provided for, no guest card shall be valid for longer than the duration of the permit under which the guest card is issued. All guest cards shall be displayed in the vehicle so as to be clearly visible from the outside of the vehicle.

Sec. 14-11. Fees.

The Board of Managers shall determine from time to time the fees to be charged for the issuance of parking permits, parking stickers and guest cards. The fees and any penalties collected hereunder will be utilized to defray the administrative costs of administering the program and the cost of procuring new signs and their installation.

Cross reference(s)--Fine for violation of this section, § 6-5(cc).

Sec. 14-12. Penalties for violation.

The parking of any vehicle or the use of any parking permit or guest card in a manner contrary to the provisions established by the Board of Managers pursuant to this Chapter is prohibited and the same is hereby declared to be a municipal infraction subject to such prosecution and penalties as are provided in Chapters 5 and 6 of this Code. In addition, any vehicle parked in violation of this Chapter may be towed with all costs incurred in connection with the towing and storage of the vehicle to be paid by the owner of said vehicle.

(No. 9-3-95, 9-18-95)

Cross reference(s)--Fine for violation of this section, § 6-3(b.1A).

Sec. 14-13. Severability.

The provisions of this chapter are severable and if any provision, sentence, clause, or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses or parts of the chapter or their application to any other persons or in other circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such an illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which this chapter or any part hereof is inapplicable had been specifically exempted herefrom.

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