City of St. Charles, Illinois

Ordinance No. 1997-M-119

An Ordinance Amending Title 10, "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking," of the St. Charles Municipal Code

Adopted by the

City Council

of the

City of St. Charles

December 1, 1997

Published in pamphlet form by authority of the City Council of the city of St. Charles, Kane and Du Page Counties, Illinois, December 5, 1997

Kristie C. Ward

City Clerk

(SEAL)

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MINUTES 12/1/97
PAGE

ORDINANCE NO. 1997-M-119

An Ordinance Amending Title 10, "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking," of the St. Charles Municipal Code

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 10, "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking," of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefor:

Chapter 10.41

HANDICAPPED PARKING

Sections:

10.41.010	Handicapped parking placards.
10.41.020	Applications.
10.41.030	Handicapped persons - Parking privileges.
10.41.040	Handicapped parking locations.
10.41.050	Posting signs.
10.41.060	Penalty and compromise of claims.

10.41.010 Handicapped Parking Placards.

The city shall provide a handicapped motorist placard which shall be issued to a handicapped person. This placard shall be the property of such handicapped individual and may be used only by that person to designate and identify a vehicle not owned by that person or not displaying a handicapped registration plate, as provided for in 625 ILCS 511-159.1 of the Illinois Compiled Statutes, to designate when the vehicle is being used to transport said handicapped person.

Such placard must be prominently displayed by hanging it from the rear view mirror so as to be visible through the front windshield. If no rear view mirror is available, the placard may be prominently displayed on the dashboard or sun visor so as to be visible through the front windshield.

A placard will be issued for a 90-day period to applicants who have a disability that is temporary in nature, and may be renewed once for a like period based upon continued disability. Any person needing more than one (1) renewal is to be referred to the Secretary of State's Office for a permanent handicapped parking placard.

The temporary placards will have a burnt orange background with white lettering. The placards will have the following specifications: 3" x 9.375" in size, hanging style, two-sided, have the International Symbol of Access at least 3" in height and centered on the placard, have an identification number at least 3/4" in height, have an expiration date at least 1" in height, and have identification of the issuing authority.

Temporary placards will be issued for a 90-day period beginning with the date of issuance. All individuals with permanent disabilities are to be referred to the Secretary of State's Office.

10.41.020 Applications.

An application for a special device for a motor vehicle shall be made by a physically handicapped person with the City Clerk who shall issue to such person the device, as provided for in this chapter. Such application shall be accompanied by a certificate of a physician that such person is unable to walk 200 feet without stopping to rest; is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; uses portable oxygen; has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; or is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition.

10.41.030 Handicapped persons - Parking privileges.

A motor vehicle bearing registration plates issued to a physically handicapped person pursuant to 625 ILCS 5/11-1301.1 is exempt from any ordinance imposing time limitations on parking in a business district, but otherwise is subject to the laws which prohibit parking in "No Stopping" and "No Standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops, loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard and the motor vehicle must be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Any motor vehicle bearing registration plates specified in this section or such devices as local authorities have deemed proper as evidence that the vehicle is operated by or for a handicapped person or disabled veteran may park, in addition to any other lawful place, in any parking place specifically reserved by posting of an official sign for such vehicle. Parking privileges granted by this section are strictly limited to the person to whom the special registration plate or devise was issued and to qualified operators acting under his express direction while the disabled person is present.

10.41.040 Handicapped parking locations.

It is unlawful for the operator or owner of any vehicle to cause or permit such vehicle to be parked in any parking place (including any private or public off-street parking facility) specifically reserved for a handicapped person or disabled veteran by the posting of any official sign bearing the design and inscription, as shown in Exhibit "C" attached hereto and made a part hereof, unless such vehicle bears registration plates issued to a physically handicapped person or a disabled veteran, or a handicapped parking placard bearing the design shown in Exhibit "A", attached hereto.

10.41.050 Posting signs.

The director of public works is directed to post, or cause to be posted, handicapped parking signs bearing the design and inscription as shown in Exhibit "C", attached to the ordinance codified in this chapter, on file in the office of the City Clerk, and made a part hereof at the following locations:

A. Municipal Parking Facility, First Avenue and Main Street, northwest corner, one space as identified and properly signed (last space northwest section of the facility);

B. Municipal Parking Facility, west of Second Street (Route 31) between State Street and Cedar Street, two spaces as identified and properly signed (last two spaces in the southwest and southeast sections of the facility);

C. On-street public parking, Main Street (Route 64), one space directly in front of One West Main Street on the south side of Main Street (Route 64), as identified and properly signed.

D. On-street public parking, Cedar Street, with two spaces directly in front of St. Patrick's Church with one located 98 feet westerly of North Fourth Street and a second located 129 feet westerly of North Fourth Street. Spacing shall be placed such that the two spaces shall be located on opposite sides of a handicapped curb cut located on the northerly side of Cedar Street.

10.41.060 Penalty and Compromise of Claims.

A. Any person who violates any section of this chapter shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. However, on or before April 30, 1985, any vehicle displaying a device in its left rear window, such device being at least 4 inches by 6 inches, shown in Exhibit "D", shall be deemed to be in compliance with all of the provisions of this chapter.

B. Any person accused of a violation of this chapter may settle and compromise the claim against him or her for such illegal parking by paying to the City the sum of fifty dollars. If the claim is not settled within fourteen days after the ticketing, such person shall have an additional fourteen days to settle the claim but at the sum of sixty dollars. If the claim is not settled within the 28-day period, the Police Department shall initiate the appropriate legal action against the alleged violator. The payment may be made at the Municipal Center of the City of St. Charles located at 2 East Main Street, St. Charles, Illinois, 60174. Such payments received shall be promptly turned over and credited to the appropriate fund. This subsection shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency equipment is kept or housed, or so as to block any emergency entrance to a hospital, nor shall this subsection apply to any person charged with parking a vehicle so as to entirely obstruct traffic on any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor shall it apply to any person charged with double parking or parking in a tow-away zone; nor shall it apply to any person who refuses at the request of any member of the Police Department to move a vehicle illegally parked.

2. That Title 10, "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking,"

Exhibit "A" of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the attached therefor.

3. That Title 10, "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking,"

Exhibit "B" of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the attached therefor.

4. That Title 10, "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking," Exhibit "D" of the St. Charles Municipal Code, be and is hereby amended by deleting the same.

5. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles. This ordinance shall be effective January 1, 1998.

PRESENTED to the City Council of the city of St. Charles, Illinois, this 1st day of December, 1997.

PASSED by the City Council of the city of St. Charles, Illinois, this 1st day of December, 1997.

APPROVED by the Mayor of the city of St. Charles, Illinois, this 1st day of December, 1997.

Susan L. Klinkhamer
Mayor

ATTEST:
Kristie C. Clark
City Clerk

COUNCIL VOTE:
Ayes: 11
Nays: 0
Absent: 1

APPROVED AS TO FORM:

Timothy D. O'Neill
City Attorney
DATE: 11/26/97

EXHIBIT A

REMOVE BEFORE VEHICLE IS IN MOTION
T 0700
EXPIRES:
ST. CHARLES
PRIDE OF THE FOX
CITY OF
ST. CHARLES
ILLINOIS

EXHIBIT B

GEORGE H. RYAN
Secretary of State • State of Illinois

SIDE A
(To be completed by physician)

Persons with Disabilities Certification for Plates or Parking Placard

DIRECTIONS: Both sides of this document must be signed and completed, side A by the physician and side B by the applicant.

DEFINITION: "PERSONS WITH DISABILITIES" (625 ILCS 5/1-159.1)
"A natural person who, as determined by a licensed physician: (1) cannot walk 200 feet without stopping to rest; (2) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (3) is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; (4) uses portable oxygen; (5) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; or (6) is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition."

(Please fill in the applicant's name, describe the condition, and indicate the impairments below.)

Person with Disabilities Name _____

Condition _____

_____

___ Cannot walk 200 feet without stopping to rest.
___ Cannot walk without the assistance of another person, prosthetic device, wheelchair, or other assistive device.
___ Is restricted by lung disease to such a degree that the person's forced (respiratory) expiratory volume (FEV) in one second, when measured by spirometry, is less than one liter.
___ Uses portable oxygen.
___ Has a Class III or Class IV cardiac condition according to the standards set by the American Heart Association.
___ Is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

LENGTH OF DISABILITY: Circle one

Condition is permanent

(Not to exceed 6 months)
Condition is temporary—expected duration (in months) _____

I hereby certify that the physical condition of the person with disabilities listed herewith constitutes him/her as a person with disabilities as described under 625 ILCS 5/1-159.1.

_____ _____
Physician's signature Physician's license number

PLEASE PRINT OR TYPE BELOW:

Physician's Name _____

Address _____

City _____ ZIP _____

Telephone ( )_____

Please mail all required documentation to Secretary of State, Non-Standard Plate Section, 501 S. 2nd St., Room 539, Springfield, IL 62756.

GEORGE H. RYAN
Secretary of State • State of Illinois

SIDE B
(To be completed by applicant)

DIRECTIONS: Both sides of this document must be signed and completed in its entirety in order for the application to be processed. Complete Part 1, if the person with disabilities is applying for plates and/or parking placard. Complete Parts 1 and 2, if member of the person with disabilities immediate family is applying for license plates.

PART 1. PERSON WITH DISABILITIES

I hereby apply for:

____ Person with Disabilities Parking Placard

____ Person with Disabilities License Plates (Application and fee for registration must accompany this form. Fee is based upon the current plate expiration, date of purchase of vehicle if newly acquired or the date of applicaiton, whichever is applicable.) MUST HAVE PERMANENT DISABILITY TO OBTAIN PLATES.

under the statutory provision, (625 ILCS 5/1-159.1) and certify that my physical condition entitles me to the issuance thereof. I am also aware that the person with disabilities parking device (whether plates or parking placard) must not be used unless I am a passenger in the vehicle.

_____ _____
Date Applicant's Signature

PLEASE PRINT OR TYPE BELOW:

Applicant's Name	Address	
City	ZIP	Telephone ( )
Driver's License # or State ID #	Social Security #	

Please provide the following information for the primary vehicle(s) used to transport the applicant:

Vehicle 1: Vehicle Identification # _____ Plate # _____

Vehicle 2: Vehicle Identification # _____ Plate # _____

PART 2. FAMILY MEMBER

Family Member's Name		Date
Address	City	ZIP
Relationship of member to person with disabilities		Telephone ( )

FOR OFFICE USE ONLY

1st _____ 2nd _____ Expiration date _____

Issued by _____ Issue date _____

WARNING: MISUSE OF OR FALSE APPLICATION FOR THE PERSON WITH DISABILITIES PARKING DEVICE can result in its revocation, a 30-day driver's license suspension, and a fine up to $1,000. The person with disabilities must be present when parking the vehicle in areas reserved for such person or for free at metered spots.

GEORGE H. RYAN
Secretary of State • State of Illinois

SIDE B
(To be completed by applicant)

DIRECTIONS: Both sides of this document must be signed and completed in its entirety in order for the application to be processed. Complete Part 1, if the person with disabilities is applying for plates and/or parking placard. Complete Parts 1 and 2, if member of the person with disabilities immediate family is applying for license plates.

PART 1. PERSON WITH DISABILITIES

I hereby apply for:

____ Person with Disabilities Parking Placard

____ Person with Disabilities License Plates (Application and fee for registration must accompany this form. Fee is based upon the current plate expiration, date of purchase of vehicle if newly acquired or the date of applicaiton, whichever is applicable.) MUST HAVE PERMANENT DISABILITY TO OBTAIN PLATES.

under the statutory provision, (625 ILCS 5/1-159.1) and certify that my physical condition entitles me to the issuance thereof. I am also aware that the person with disabilities parking device (whether plates or parking placard) must not be used unless I am a passenger in the vehicle.

_____ Date

_____ Applicant's Signature

PLEASE PRINT OR TYPE BELOW:

Applicant's Name	Address	
City	ZIP	Telephone ( )
Driver's License # or State ID #	Social Security #	

Please provide the following information for the primary vehicle(s) used to transport the applicant:

Vehicle 1: Vehicle Identification # _____ Plate # _____

Vehicle 2: Vehicle Identification # _____ Plate # _____

PART 2. FAMILY MEMBER

Family Member's Name		Date
Address	City	ZIP
Relationship of member to person with disabilities		Telephone ( )

FOR OFFICE USE ONLY

1st _____ 2nd _____ Expiration date _____

Issued by _____ Issue date _____

WARNING: MISUSE OF OR FALSE APPLICATION FOR THE PERSON WITH DISABILITIES PARKING DEVICE can result in its revocation, a 30-day driver's license suspension, and a fine up to $1,000. The person with disabilities must be present when parking the vehicle in areas reserved for such person or for free at metered spots.

EXHIBIT C

WHITE (reflective) symbol on
BLUE background

legend and border:
GREEN

background: WHITE

WHITE symbol on
BLUE background

HANDICAPPED

PARKING

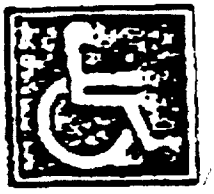
The owner of this card is authorized to park in a designated handicapped space.

(Illinois Revised Statutes Chapter 95½ Sec. 11-1301.2)

Issued by _____

Serial No. 0018

(Reverse Side)



HANDICAPPED PARKING IDENTIFICATION

Sec. 11-1301.2. Special decals for handicapped parking. The Secretary of State shall provide for, by administrative rules, the design, size and color of a handicapped motorist decal or device which shall be used by local authorities in the issuance thereof to a handicapped person. This decal or device shall be the property of such handicapped individual and may be used by that person to designate and identify a vehicle not owned or displaying a registration plate as provided in Sections 3-609 and 3-616 of this Act to designate when the vehicle is being used to transport said handicapped person, and thus is entitled to enjoy all the privileges that would be afforded a handicapped licensed vehicle.

The local governing authorities shall be responsible for the provision of such decal or device, its issuance and designated placement within the vehicle. The cost of such decal or device shall be at the discretion of such local governing authority.

HANDICAPPED

PARKING

The owner of this card is authorized to park in a designated handicapped space.

(Illinois Revised Statutes Chapter 95½ Sec. 11-1301.2)

Issued by _____

Serial No. 0018

(Reverse Side)

HANDICAPPED PARKING IDENTIFICATION

Sec. 11-1301.2. Special decals for handicapped parking. The Secretary of State shall provide for, by administrative rules, the design, size and color of a handicapped motorist decal or device which shall be used by local authorities in the issuance thereof to a handicapped person. This decal or device shall be the property of such handicapped individual and may be used by that person to designate and identify a vehicle not owned or displaying a registration plate as provided in Sections 3-609 and 3-616 of this Act to designate when the vehicle is being used to transport said handicapped person, and thus is entitled to enjoy all the privileges that would be afforded a handicapped licensed vehicle.

The local governing authorities shall be responsible for the provision of such decal or device, its issuance and designated placement within the vehicle. The cost of such decal or device shall be at the discretion of such local governing authority.

State of Illinois)
)
Counties of Kane and DuPage)

ss.

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on December 1, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-119, entitled

"An Ordinance Amending Title 10, "Vehicles and Traffic,"
Chapter 10.41, "Handicapped Parking,"
of the St. Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1997-M-119, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 5, 1997, 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 St. Charles, Illinois, this _____ day of December, 1997.

Kristie A. Darula
Municipal Clerk

(SEAL)