



# Office of the City Clerk

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## Legislation Text

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### ANTHONY A. BEALE

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### CITY COUNCIL

City of Chicago

COUNCIL CHAMBER

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COMMITTEE MEMBERSHIPS

Transportation & Public Way (Chairman)

Budget and Government Operations Committees, Rules and Ethics Education and Child Development Finance

Public Safety Workforce Development and Audit

May 18, 2016

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body re-refer the proposed order transmitted herewith for the amendment of Municipal Code Section 9-64-050, 02016-2647, concerning parking restrictions for persons with disabilities, to the Committee on Traffic and Pedestrian Safety.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote.

Anthony A. Beale Chairman

Ward 2

### ORDINANCE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. Section 9-64-050 of the Municipal Code of Chicago is hereby amended by deleting the the

language struck through, and by inserting the language underscored, as follows:

**9-64-050 Parking restrictions - Parking for persons with disabilities.**

a) Subject to prior written approval by the Alderman of the ward in which the sign is being sought, the commissioner of transportation, subject to the approval of city council, is authorized to erect signs on any residential street in an R1, R2, R3, R4 or R5 district to prohibit parking except by vehicles displaying a person with a disability or disabled veterans state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. The parking administrator is authorized to determine the specific times and days that the restrictions shall be in effect. Fees for the installation and maintenance of signs erected pursuant to this section shall be \$35.00 for erection of the signs and maintenance for the first year; an annual surcharge of \$3.50 per lineal foot of curb space in excess of 25 feet; and \$12.50 annually for continued maintenance. These fees shall be paid in the same manner as fees charged pursuant to Section 9-68-030; provided, however, that the installation and maintenance fee shall be waived by the comptroller for any person holding a valid, current disabled veterans state registration plate.

b) An application shall be required for an initial authorization and revocable permit for a restricted parking space created pursuant to subsection (e) of this section. The initial application shall be made to either the alderman of the ward in which the sign is being sought ~~or to the department of finance~~. If the application is made to the alderman of the ward, the office of the alderman shall forward a copy of the application to the department of finance for processing compliant with subsection (d) of this section. If the application is made to the department of finance, the department of finance shall forward a copy of the application to the alderman of the ward in which the sign is being sought.

The department of finance shall collect the required application fee. The application fee requirement may only be waived if the applicant holds a valid, current disabled veterans state registration plate or provides a certification of approval under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, 320 ILCS 25/1, et seq., as amended.

The applicant shall provide proof of assurances satisfactory to the city that the applicant has met and shall continue to meet all of the following conditions as long as restricted parking is authorized pursuant to subsection (e) of this section:

1) That the applicant holds a valid, current disabled veterans state registration plate or permanent person with a disability license plate, parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code.

2) That any vehicle that will be parked by or for the applicant in the parking space applied for bears the license plates, parking decal or device issued to the applicant pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code.

(3) That the applicant resides at the primary residence that is accessible to the parking space for which application is made.

An applicant for, or user of, a restricted parking space issued pursuant to subsection (d) of this section shall immediately notify the department of finance of any change in one or more of these conditions (1) through (3).

c) Subject to subsection (e)(2) of this section, all restricted parking spaces created pursuant to this section shall require approval by a vote of the city council to be effective. Upon receiving an initial application, the alderman of the ward in which the restricted parking space will be located may introduce an ordinance proposing approval of the creation of a restricted parking space. However, the city council shall not take action

on the ordinance to create a restricted parking space during the 30 day period required for the comptroller to complete the parking study.

d) After introduction of an ordinance described in subsection (c), the comptroller shall arrange for a parking study if:

- 1) the applicant has tendered the required fee for restricted parking, and
- 2) the comptroller concludes that the above conditions (1) through (3) of subsection (b) of this section are met and the application is otherwise acceptable.

Such parking study shall be completed within 30 days after the conditions in subsections (d)(1) and (d)(2) are met and shall include a determination regarding the feasibility and, if appropriate, the proposed location of a proposed restricted parking space. The determination shall be based upon the number of restricted parking spaces currently installed on the residential street; the proximity of the requested restricted parking space to crosswalks, curb cuts, alleys, intersections and fire hydrants; and any other information concerning the applicant's needs and local traffic restrictions. The determination may also be based upon the extent of the alternative accessible off-street parking at the applicant's primary residence.

e) (1) Upon completion of the parking survey and the recommendation that a restricted parking space be installed, and upon obtaining approval of the alderman of the ward in which the restricted parking space will be located, the comptroller shall inform the applicant of the proposed location of the proposed parking space and shall report such recommendation ~~to the alderman of the ward in which the restricted parking space will be located~~ and to the city council committee on pedestrian and traffic safety. Upon determining that an application for a restricted parking space should not be recommended, the comptroller shall provide written notice to the person submitting the application as well as the alderman of the ward in which the application was made. Any person whose application has not been recommended because the city has determined that a restricted parking space cannot be situated in a location accessible to the applicant's primary residence or was not recommended on the basis of the extent of the alternative accessible off-street parking at his or her primary residence may, within ten days of the date of denial, respond in writing to the mayor's office for people with disabilities requesting a review of the findings and stating reasons in support of reconsideration. The mayor's office for people with disabilities shall conduct such review and shall make a determination within 30 days of the date the request for reconsideration was made. The mayor's office for people with disabilities shall report its determination to the comptroller, who shall follow, and, if appropriate, reevaluate the application in light of, such determination.

(2) Upon completion of the parking survey and a recommendation by the comptroller that a restricted parking space be installed: (1) the comptroller is authorized to issue a revocable permit evidenced by a decal indicating the permit number for the restricted parking space; and (2) the

commissioner of transportation is authorized to install a sign to prohibit parking except by the applicant; provided that if the proposed ordinance is not passed within four months after its introduction, the permit shall be revoked and the commissioner of transportation shall immediately remove the restricted parking sign. The issuance of the permit and installation of the sign under this subparagraph does not confer any property rights to the applicant and the sign may be removed and the permit may be revoked at any time without consent of the applicant.

3) Upon approval of the city council of the designation of a restricted parking space under this subsection, the comptroller shall issue to the applicant a revocable permit evidenced by decal or other device indicating the permit number for the restricted parking space.

4) In the event that (1) the department of finance does not recommend the creation of a restricted parking space, (2) a request for review with the mayor's office for people with disabilities is not timely made, (3) a request for review with the mayor's office for people with disabilities is timely made but a determination

is issued consistent with the earlier findings of the

' comptroller, and/or (4) the city council fails to approve creation of a restricted parking space, the department of finance shall refund the applicant his or her application fee directly.

f) If the city determines, as to a pending application, that the applicant has falsely represented any one or more of conditions (1) through (3) of subsection (b) of this section, the applicant shall be subject to a fine of not less than \$100.00 nor more than \$500.00 and the application shall be denied. If the city determines, either at the time of a renewal or at any other time, that a person who applied for and is using a restricted parking space issued pursuant to subsection (e) of this section is not in compliance with any one or more conditions (1) through (3) of subsection (b) of this section, the comptroller, 30 days after providing written notice to the person and the alderman of the ward in which application was made or in which the sign was installed, and an opportunity to respond, is authorized to revoke the permit issued under subsection (e) and the restricted parking space, and the commissioner of transportation is authorized to remove the sign designating such parking space. Any person not in compliance with any one or more of conditions (1) through (3) of this section shall be subject to a fine of not less than \$100.00 nor more than \$500.00. In addition, the permit and restricted parking space issued and created under subsection (e) shall be deemed revoked whenever the commissioner of transportation removes the sign for reasons of public convenience or necessity under subsection (d) of 9-68-030.

Upon death of an applicant, there shall be a revocation of the permit issued hereunder, except in the case of a spouse or child of an applicant meeting the qualifications set forth in subsection (b) of this section.

Application shall be made pursuant to subsection (b) of this section without additional fees or the removal of existing signs, and the permit shall be reissued to the spouse or child of the decedent subject to subsection (e) of this section.

g) A renewal fee for a permit and restricted parking space issued and created pursuant to subsection (e) of this section shall be required annually. The renewal fee requirement may only be waived if the applicant holds a valid, current disabled veterans state registration plate or provides a certification of approval under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, 320 ILCS 25/1, et seq., as amended. The comptroller shall provide written notice of the renewal fee requirement annually to each person using such restricted parking space. Upon a person's failure to submit the required fee in a timely fashion, the comptroller shall provide a second written notice to the person and an opportunity to respond. If the fee, along with any prior unpaid fees, is not received by the city within 30 days from the date the second notification is mailed, the comptroller is authorized to revoke the permit

issued under this section and the restricted parking space, and the commissioner of transportation is authorized to remove the sign designating such restricted parking space.

(h) Any space designated as an on-street person with a disability parking space pursuant to this section shall be a maximum of 25 feet in length. Any such space shall be indicated by two signs, one located at each end of the parking space, unless conditions in the public way dictate the placement of a single sign located at one end of the parking space. The signs indicating a restricted parking space created under subsection (e) of this section shall indicate that parking in that space is restricted to the holder of the permit for such space, and shall indicate the permit number for such space; provided further, that if the restricted parking space is created for a person that holds a valid, current disabled veterans state registration plate, the sign also shall indicate that the restricted parking space is for a disabled veteran.

(i) The parking administrator is authorized to designate certain areas on business streets in which parking is prohibited except by vehicles displaying person with a disability or disabled

veterans state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. Such areas shall comprise at least two percent of the available on-street parking spaces on any street within the area bounded by Roosevelt Road to the south, Halsted Street from Roosevelt Road to Chicago Avenue and LaSalle Street from Chicago Avenue to Division Street on the west, Chicago Avenue from Halsted Street to LaSalle Street and Division Street from LaSalle Street to Lake Michigan on the north and Lake Michigan on the east. The parking administrator is authorized to determine the specific times and days that the restrictions shall be in effect. The parking administrator shall consult with the commissioner of transportation in the selection of locations. All locations selected by the parking administrator pursuant to this subsection shall be subject to the review and approval of the mayor's office for people with disabilities. The commissioner of transportation and the mayor's office for people with disabilities shall develop a comprehensive plan for designating areas of restricted parking pursuant to this subsection. The commissioner of transportation shall install appropriate signs at areas designated pursuant to this section.

(j) It shall be unlawful to park any vehicle in any space designated by signage as a person with a disability parking space or in any parking stall of a private or public parking lot designated by the lot owner or his agent as reserved for person with disability parking unless the vehicle clearly displays valid person with a disability or disabled veteran state registration plates or a valid person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code, and such vehicle is operated by the person to whom the special registration plates, special decal or device was issued or a properly licensed driver acting under the express direction of the person with a disability while the person with a disability is present at the time the parking privileges are being used. It shall be unlawful to park any vehicle on or in which there is displayed an expired, or otherwise invalid person with a disability or disabled veteran state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. In addition, it shall be unlawful to park in a restricted parking space created under subsection (e) of this section unless the vehicle clearly displays a valid decal or other device issued under that subsection, and the vehicle is operated by the permit holder, or by a properly licensed driver acting under the express direction of the permit holder while the permit holder is present at the time the parking privileges are being used.

(k) Except as otherwise provided in this section, any motor vehicle bearing a valid person with a disability license plate or a person with disability parking decal or device containing the international symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized as a valid license plate or device and receive the same parking privileges as provided in this section.

Brian Hopkins

Alderman, 2<sup>nd</sup> Ward

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 3-11-98, p. 63463; Amend Coun. J. 9-5-01, p. 66166, § 1; Amend Coun. J. 5-1-02, p. 83018, § 1; Amend Coun. J. 11-19-03, p. 14216, § 6.1; Amend Coun. J. 12-14-05, p. 66648, § 1; Amend Coun. J. 4-26-06, p. 75403 § 1; Amend Coun. J. 11-16-11, p. 13798, Art. I, § 7; Amend Coun. J. 12-14-11, p. 17753, §2; Amend Coun. J. 11-8-12, p. 38872, § 162)