

**BOARD OF TRUSTEES
VILLAGE OF THIRD LAKE, ILLINOIS**

11-08-05

**ORDINANCE REGARDING STOPPING, STANDING AND PARKING
REGULATIONS AND REPEALING ORDINANCE NO. 11-04-01**

This 15th Day of August, 2011


Patricia Beggan, Village Clerk

**Published in pamphlet form by the authority of the Board of Trustees of the Village of
Third Lake, Lake County, Illinois this
15th Day of August, 2011**

ORDINANCE NO. 11-08-05

ORDINANCE REGARDING STOPPING, STANDING AND PARKING REGULATIONS AND
REPEALING ORDINANCE NO. 11-04-01

WHEREAS, the President and Board of Trustees of the Village of Third Lake are authorized to regulate the use of the Village's streets and other municipal property pursuant to 65 ILCS 5/11-80-2, *et seq.* and to regulate the standing or parking of vehicles with respect to streets under its jurisdiction pursuant to 625 ILCS 5/11-208; and,

WHEREAS, the President and Board of Trustees of the Village of Third Lake have found that it is in the best interests of the Village of Third Lake to designate certain areas on municipal property where parking shall be prohibited and to impose certain other stopping, standing and parking regulations.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Third Lake, Lake County, Illinois, as follows:

SECTION ONE: No person shall, at any time, stop or park a vehicle upon the following described parking area, except when necessary to conduct business at the Village of Third Lake Village Hall or in compliance with the direction of a police officer:

VILLAGE HALL PARKING LOT, 87 NORTH LAKE AVENUE.

Notwithstanding the foregoing, Village residents may, with the prior written approval of the Village President or his designee, utilize said parking lot for special events or gatherings during hours when the Village Hall is not open for business.

SECTION TWO: No person shall, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device:

- (A) 1. Stop, stand or park a vehicle:
- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - f. At any place where official signs prohibit stopping;
 - g. On any controlled-access highway;
 - h. In the area between roadways of a divided highway, including crossovers;

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
 - a. In front of a public or private driveway;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - e. At any place where official signs prohibit standing.
 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers at any place where official signs prohibit parking.
 4. Move a vehicle not lawfully under his control to any such prohibited area or away from a curb such a distance as is unlawful.
- (B) Park any vehicle trailer, including, but not limited to, boat, recreation vehicle, snowmobile, jet ski or motorcycle, whether connected to a vehicle or not, on any Village street; provided, however, that this prohibition shall not apply to commercial vehicles.
- (C) Park any vehicle on any residential street between the hours of 2:00 a.m. and 7:00 a.m., except upon prior notification to and approval by the Village President or his designee.
- (D) Park any vehicle on any Village street at any time within twelve (12) hours after a snowfall of one inch (1") or more has occurred.
- (E) Park any vehicle within any fire lane.
- (F) Park any vehicle within the areas indicated below:
1. Mainsail Drive, at Druce Lake Boat Launch, along the north pavement edge, east and west for a distance of forty seven feet (47') from the center line of the boat launch driveway.
 2. Mainsail Drive, at Third Lake Boat Launch, along the west pavement edge, north and south for a distance of forty three feet (43') from the center line of the boat launch driveway.
 3. Mainsail Drive, at Druce Lake Boat Launch, along the south pavement edge, east and west for a distance of forty seven feet (47') from the center line of the boat launch driveway.
 4. Mainsail Drive, at Third Lake Boat Launch, along the east pavement edge, north and south for a distance of forty three feet (43') from the center line of the boat launch driveway.

5. Grant Avenue, on both sides, from its intersection with Route 45, south for a distance of one thousand two hundred and fifty feet (1,250') from said intersection.
6. Sunshine Avenue, "on both sides, from its intersection with Grant Avenue, west for a distance of one thousand eight hundred feet (1,800') from said intersection.
7. North Lake Avenue, on the north side, east for a distance of three hundred feet (300') from the entrance to the Village Hall parking lot, 87 North Lake Avenue.
8. Lake Shore Drive, on both sides.

(G) Park any vehicle upon a residential street within the Village with the following exceptions:

1. Vehicles owned or operated by residents of the Village.
2. Any service or delivery vehicle whose operator is doing business with a resident of said street.
3. Any other guest or invitee of a resident of said street.

(H) Parking for disabled persons:

1. Any motor vehicle bearing registration plates issued to a person with disabilities, pursuant to 625 ILCS 5/3-616, or to a disabled veteran pursuant to 625 ILCS 5/3-609 or a special decal or device issued pursuant to 625 ILCS 5/3-616 or 625 ILCS 5/11-1301.2 or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a person with disabilities shall be exempt from the payment of parking meter fees and exempt from any statute or ordinance imposing time limitations on parking, except limitations of one-half (1/2) hour or less, on any street or highway zone, or any parking lot or parking place owned, leased or owned and leased by the Village; but such vehicle shall be subject to those laws and ordinances 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 and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a police officer to a location designated by such officer.

No such motor vehicle may park in any location where prohibited by subsection (A) of this Section Two or where an official sign controlling such area expressly prohibits parking at any time or during certain hours.

Any such motor vehicle may park, in addition to any other lawful place, in any parking place specifically reserved for such vehicles by the posting of an official sign as provided by 625 ILCS 5/11-301.

2. Parking privileges granted by paragraph 1 of this subsection (G) are strictly limited to the person to whom the special registration plates, special decal or

device was issued and to qualified operators acting under his or her express direction while the disabled person is present.

Such parking privileges are also extended to motor vehicles of not-for-profit organizations used for the transportation of persons with disabilities when such motor vehicles display the decal or device issued pursuant to 625 ILCS 5/11-1301.2:

3. It shall be unlawful to park any motor vehicle which is not bearing registration plates, special decals or devices as set forth in paragraph 1 of this subsection (G), as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as provided for by 625 ILCS 5/11-301 for motor vehicles bearing such registration plates, special decals or devices.

Any person owning or operating any public or private off-street parking facility may, after notifying the police department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by persons with disabilities which does not display such registration plates, special decals or devices as required by this subsection.

Any person found guilty of violating the provisions of this paragraph 3. shall be fined Three Hundred and Fifty Dollars (\$350) in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this paragraph.

4. Any person with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under 625 ILCS 5/3-616, 5/11-1301.1 or 5/11-1301.2 or to a disabled veteran under 625 ILCS 5/3-609 is in violation of this paragraph 4. if (i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and (ii) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices.

Any person found guilty of violating the provisions of this paragraph 4 a first time shall be shall be fined Five Hundred Dollars (\$500). Any person found guilty of violating the provisions of this paragraph 4 a second time shall be fined Seven Hundred Fifty Dollars (\$750). Any person found guilty of violating the provisions of this paragraph 4 a third or subsequent time shall be fined One Thousand Dollars (\$1,000).

SECTION THREE: Appropriate signs shall be posted in areas where parking is limited or prohibited pursuant to Sections One and Two of this Ordinance, indicating such limitation or prohibition.

SECTION FOUR: That for the purposes of this Ordinance, registration with the Secretary of State or with a municipality of a vehicle involved in any violation and the owner of record disclosed by such registration shall be prima facie evidence that the owner of record in such registration is the violator and that he was in control of or was the operator of the vehicle at the time of the alleged violation.

SECTION FIVE: In lieu of using any Section, or in addition to any Section of this Ordinance, the Village official issuing a citation may issue it by using any sections of the Illinois Vehicle Code, 625 ILCS 5/1-100 to 5/20-204, as the same are amended from time to time, which are incorporated and adopted by reference as part of this Ordinance, three (3) copies of said Code having been on file in the office of the Village Clerk and available for public use, inspection and examination for at least thirty (30) days prior to the passage of this Ordinance, as provided in 65 ILCS 5/1-3-2. All citations issued for these violations shall be in the name of this Village and shall refer to the numbered section in the Illinois Vehicle Code, but shall also be referred to as an ordinance violation in the traffic ticket or complaint.

SECTION SIX: Other than as set forth in subsection (G) of Section Two hereof, any person convicted of a violation of any provision of this Ordinance shall be fined a sum of not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty Dollars (\$750). Notwithstanding the foregoing, other than as set forth in subsection (G) of Section Two hereof, whenever any Village official is authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated a specific Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him with the violation. Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of Twenty-Five Dollars (\$25) within a period to be specified in the citation, which period shall not be more than 10 days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instructions contained in the citation at the Office of the Village Clerk. In the event that the person to whom the citation is issued fails to settle and pay the violation claim within 10 days of issuance of the citation, a second notice shall be issued. If payment of the prescribed amount plus Ten Dollars (\$10) is not made within 15 days of issuance of the second notice, a final notice shall be issued. If a final notice is issued, the settlement payment shall be Five Hundred Dollars (\$500), which settlement payment shall be due within 30 days of issuance of the final notice. If payment of the final settlement amount is not made within said 30 day period, then the Village President or his designee is authorized to cause a notice to appear to be served upon the alleged violator and the Village President or his designee is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

For purposes of this Ordinance, "Village official" shall mean the Village President or his designee.

SECTION SEVEN: In addition to the imposition of any penalty provided for elsewhere in this Ordinance, a Village official may authorize the removal and towing of any car or other vehicle illegally parked, or in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs, or may obstruct, the movement of any emergency vehicle.

The owner of a towed vehicle may reclaim the vehicle upon payment of all costs and expenses that have been incurred for the towing and storage of such vehicle. The payment of such costs, expenses and charges shall be in addition to the penalty that may be imposed upon conviction of a violation of this Ordinance or any settlement payment provided for in Section Six of this Ordinance.

The owner, or other person who has a legal entitlement to possession of an impounded vehicle, has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand with the Village within five (5) days after such person has learned such vehicle has been impounded. The hearing shall be conducted before a hearing officer designated by the President within two (2) business days of receipt of a written demand therefore from the person seeking the hearing. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question. For purposes of this Ordinance, "probable cause" means such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local or state law to grant legal authority for the removal of the vehicle. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence.

The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Village shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not, the person requesting the hearing). The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner, or their agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

The hearing officer shall only determine that, as to the vehicle in issue, either:

1. There was probable cause to impound the vehicle; or
2. There was no such probable cause.

In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the Village. Upon receipt of the possessor's copy of such certificate, the garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the Village in accordance with arrangements made between the Village and the garage. If the possessor fails to present such certificate to the garage having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

SECTION EIGHT: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed. In addition, Ordinance No. 11-04-01 is hereby expressly repealed in its entirety.

SECTION NINE: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

The following Ordinance was passed by a roll call vote as follows:

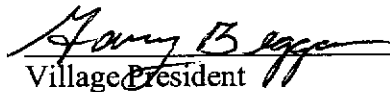
AYES: Hoppe, Kowalke, Kotulla, Rogers, VanZeyl, Penny

NAYS: None

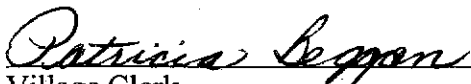
ABSENT/NOT VOTING: None

PASSED: 8-15, 2011

APPROVED: 8-15, 2011


Village President

ATTEST:


Village Clerk

PUBLISHED: 8-16-2011

STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

I, Patricia Beggan, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

11-08-05

**ORDINANCE REGARDING STOPPING, STANDING AND PARKING REGULATIONS
AND REPEALING ORDINANCE NO. 11-04-01**

This 15th Day of August, 2011

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Third Lake, Lake County, Illinois.

Done at Third Lake, Illinois this 15th
Day of August, 2011



Patricia Beggan, Village Clerk

(SEAL)