

ORDINANCE NO. 23 - _____

**AN ORDINANCE
AMENDING CHAPTER 2 (PARKING),
ARTICLE B (MUNICIPAL PARKING LOTS AND PARKING REGULATIONS)
OF TITLE 11 (MOTOR VEHICLES AND TRAFFIC), OF
THE NAPERVILLE MUNICIPAL CODE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 11 (Motor Vehicles and Traffic), Chapter 2 (Parking), Article B (Municipal Parking Lots and Parking Regulations) of the Naperville Municipal Code is hereby amended by deleting the stricken language and by adding the underlined language as follows:

TITLE 11 – MOTOR VEHICLES AND TRAFFIC

CHAPTER 2 – PARKING

ARTICLE B – MUNICIPAL PARKING LOTS AND PARKING REGULATIONS

11-2B-1: - DEFINITIONS:

BICYCLE STORAGE LOCKER: Lockers restricted for the storage of bicycles at the Illinois Route 59 and 4th and Ellsworth commuter parking lots in accordance with Section 11-2B-10 of this Article.

CENTRAL BUSINESS DISTRICT PARKING LOT: A parking lot located within the "central business district" as defined by Title 6 of this Code.

COMMUTER PARK-AND-RIDE LOT: A municipal parking lot where parking is permitted for the purpose of utilizing a shuttle or transit to a commuter train station.

COMMUTER PARKING LOT: A municipal parking lot where 12-hour parking is permitted in parking spaces allocated to commuter ~~permit parking or~~ daily fee parking.

DAILY FEE PARKING ZONE: Areas on streets and other public places over which the City has jurisdiction for the parking of motor vehicles, which are designated in accordance with this Article, ~~consisting of marked parking spaces with posted parking space numbers,~~ where lawful parking is restricted only to those vehicles for which a daily fee parking payment has been paid.

ELECTRONIC MOBILE PAYMENT: The option to pay daily parking fees through an electronic mobile method via a phone, other personal electronic device, or through a mobile electronic application.

ELECTRONIC DAILY FEE PARKING MACHINE: An electronic device located at a public place under the City's jurisdiction which receives payment for the privilege of temporarily parking ~~in a specified numbered space~~ for the posted time period.

MUNICIPAL PARKING LOTS: Parking areas and lots under the jurisdiction of the City of Naperville.

PARKING HOLIDAYS: Except as otherwise provided, the provisions of this Article shall not apply on the following designated holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving (commuter lots and Washington Street only)
- Christmas Day

PARKING LOT: Both ~~off~~ on street, surface parking areas and off street parking in decks, garages, and other structures which are open to parking of vehicles by the public either with or without compensation.

RESTRICTED SIZE PARKING SPACE: Those parking spaces designated by the Director of Public Works from time to time, on the City streets and within the municipal parking lots, which are restricted to vehicles no greater than five (5) feet in overall height and eighteen (18) feet in overall length, including anything attached, connected, or joined thereto.

VISITOR: Any person having business with the City for the length of time such person is conducting such business.

11-2B-2: - MUNICIPAL PARKING LOTS:

through

11-2B-4: - CENTRAL BUSINESS DISTRICT EMPLOYEE AND RESIDENTIAL TENANT PARKING PERMITS AND VISITOR TEMPORARY PARKING PASSES:

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11-2B-5: - COMMUTER PARKING PERMITS:

Except as provided in Section 11-2B-7 of this Article, and "parking holidays", as defined by this Article, parking is ~~prohibited~~ allowed in any "commuter parking lot", as defined by this Article, from six o'clock (6:00) a.m. to six o'clock (6:00) p.m. Monday through Friday with paid daily fee parking ~~without a commuter parking permit issued and displayed in accordance with this Section~~, and any ~~permit~~ parking rules and regulations promulgated by the City Manager.

1. Rules And Regulations: The City Manager or their designee shall promulgate ~~permit~~ parking rules and regulations to implement the provisions of this Section and Section 11-2B-10 of this Article concerning ~~the issuance, display, and use of~~ commuter parking ~~permits~~ and bicycle storage locker permits. A copy of such rules and regulations shall be available to commuters ~~permit holders~~ in the Transportation, Engineering and Development Business Group and shall be ~~mailed or emailed to each permit holder~~ posted to the City website when substantive changes are made to the rules and regulations ~~or every three (3) years if no substantive changes have been made during the preceding three-year period.~~
2. Daily fee commuter parking lots shall be designated from time to time as provided in Table 11-2B-5 of this Section:~~Commuter Permit Parking Spaces: Commuter permit parking spaces shall be designated from time to time and published in table 11-2B-5 of this Section:~~

TABLE 11-2B-5 COMMUTER DAILY FEE PARKING AREAS			
Location	Permit Parking	Accessible Parking	Daily Fee Parking
Illinois 59 commuter lot	<u>966</u>	27	<u>811 1,775</u>
Burlington lot	<u>525</u>	25	<u>525</u>
Kroehler lot	<u>282</u>		<u>45 327</u>
Parkview lot		12	<u>422 121</u>
190 E. 5 th Avenue			<u>169</u>
4 th Avenue (Serpentine)			132
5 th Avenue (Washington to Main)			23
5 th Avenue (Washington to Wright)			82

6 th Avenue (Loomis to Sleight)			10
North Avenue (Washington to Ellsworth)			29
Spring Avenue (Webster to Washington)			21
Center Street (North Avenue to 4 th Avenue)			9
Ellsworth Street (BNRR to 5 th Avenue)			6
4 th Avenue (in front of station)		2	20
Ellsworth Street (North Avenue to 4 th Avenue)			10
DuPage Children's Museum			54
Water Tower East			19
Water Tower West			291
Total spaces	1,773	66	1,374 <u>3,623</u>

3. Towing: All commuter parking lots specified in table 11-2B-5 of this Section are hereby designated as "tow away zones" and shall be appropriately posted as such. Any vehicle parked in such areas in violation of this Section may be towed in accordance with Section 11-2A-14 of this Chapter.

4. Application:

4.1. Application for a ~~commuter parking permit~~ reverse commute hang tag may be made in the City Finance Department or Transportation, Engineering and Development Business Group on a form provided. A nonrefundable administrative fee of twenty-five dollars (\$25.00) shall be paid for each ~~commuter parking permit~~ reverse commute hang tag sought. Said fee shall be paid prior to the City's acceptance of any application.

4.2. Such application may be made by the owner(s) of the vehicle(s) to be parked in the commuter parking lot.

4.3. Such application shall include:

4.3.1. The name, address, telephone and email address of the applicant; and

4.3.2. The applicant's State of Illinois driver's license number and State of Illinois license plate numbers for the applicant's vehicles.

5. ~~Fees:~~

~~5.1. Quarterly fees shall be paid in accordance with this Subsection before any commuter parking permit is issued, and all fees paid pursuant to this Subsection shall be nonrefundable.~~

Commuter Parking Lots	Quarterly Permit Fee	
	Residents	Nonresidents
Kroehler lot — (northeast corner of 5th Avenue and Loomis Street)	\$110.00	\$135.00
Burlington lot — (east of Washington Street and south of North Avenue)	\$120.00	\$120.00
IL Route 59 commuter parking lot — (Fairway Drive south of North Aurora Road)	\$120.00	\$145.00

~~6. Display And Use: Commuter parking permits shall be valid only if displayed and used in accordance with this Subsection and any duly promulgated regulations.~~

~~6.1. Commuter parking permits shall be displayed by hanging over the rearview mirror so that the permit number is clearly visible through the front windshield from outside the vehicle.~~

~~7. Lost Permits: Lost commuter parking permits may be replaced by the Transportation, Engineering and Development Business Group upon the payment of a fee equal to one-half (1/2) of the quarterly fee and completion of a sworn affidavit attesting that the permit is lost.~~

~~8. Damaged Permits: Damaged commuter parking permits will be replaced upon surrender of the damaged permit to the Transportation, Engineering and Development Business Group.~~

~~9. Permits Nontransferable: Commuter parking permits shall be nontransferable.~~

~~10. Fraudulent Permit: It shall be unlawful to display a City of Naperville issued commuter permit with altered and/or false information or to display a device not issued by the City purporting to be an actual City of Naperville commuter permit. The penalty for each such offense shall be one hundred dollars (\$100.00) with no compromise payment. The display of an altered and/or false commuter permit shall raise a rebuttable presumption that the registered owner of the vehicle in which it is displayed has altered or fraudulently displayed the permit.~~

~~11. Violation: Any violation of this Section shall be subject to compromise payment of parking violation penalties in accordance with Section 11-2B-11 of this Article, except where otherwise provided.~~

11-2B-6: - DAILY FEE PARKING ZONES:

Except as specified in this Section, it shall be unlawful to park any vehicle, or to permit any vehicle to remain parked in a "daily fee parking zone", as defined by this Article, as specified in table 11-2B-5 of this Article.

1. Restricted Times: Parking is prohibited in any daily fee parking zone or space from six o'clock (6:00) a.m. to six o'clock (6:00) p.m. Monday through Friday without the payment of the prescribed fee.
2. Weekends, Overnight, Aand Parking Holidays: Public parking is allowed in any daily fee parking zone or space without payment of a fee on Saturdays, Sundays, and parking holidays, as designated by this Article.
3. Parking Within The Lines: Vehicles parked in any daily fee parking zone shall park within the marked parking space lines with no portion of the vehicle projecting over the marked lines, whether the space is parallel or diagonal.
 - 3.1. It shall be unlawful to park any vehicles across or touching any such line or marking.
 - 3.2. Every vehicle shall be properly parked so that it does not interfere with the parking of a vehicle in the adjacent space or spaces.
4. Amount Of Fee: The fee for parking in any daily fee parking zone or space is outlined below; ~~with the exception of those spaces located on the DuPage Children's Museum property and the Parkview Lot, shall be two dollars (\$2.00). The fee for parking in any daily fee parking zone or space on the DuPage Children's Museum property and the Parkview Lot shall be five dollars (\$5.00).~~

Commuter Lot	Fee
<u>Naperville Station</u>	<u>\$3.00</u>
<u>Route 59</u>	<u>\$3.00</u>

The applicable fee shall be paid immediately upon parking any vehicle, received, and recorded by a daily fee parking machine for the 12-hour period, or any portion thereof, during which the provisions of this Section apply.

5. Electronic Daily Fee Parking Machines: Electronic daily fee parking machines are placed at the platform of the commuter stations for the payment and receipt of fees for parking in daily fee parking zones or spaces.
 - 5.1. For each ~~numbered space~~ licensed vehicle, the electronic daily fee parking machines shall receive payment by coin, paper currency, credit card, or City parking debit card.

- 5.2. For each licensed vehicle, ~~the specified parking space~~, such machines shall provide a printed receipt which indicates the date, the time of the transaction, ~~the space number~~, and the amount of the payment.
- 5.3. ~~Possession of a payment receipt or payment for a daily fee parking space other than that which is occupied shall not be a defense to a citation for a violation of this Section.~~
6. Mobile Electronic Payment: As an alternative to Electronic Daily Fee Parking Machines, the City of Naperville may provide a Mobile Electronic Payment option that allows Daily Fee Parking Zone users to pay daily parking fees through a phone, other personal electronic device, or through a mobile electronic application (app). Said payment option may require the user to accurately enter a license plate or a specific parking zone or space number. Users must comply with the payment instructions to use this Mobile Electronic Payment option. A service fee shall apply to each Mobile Electronic Payment transaction. The City of Naperville reserves the right to modify the service fee without advanced notice to users. Mobile Electronic Payment fees are due at the time the vehicle is parked. Violations are subject to ticketing and fines consistent with this Chapter.
7. Violations: Any violation of this Section shall be subject to compromise payment of parking violation penalties in accordance with Section 11-2B-11 of this Article.
8. Payment or possession of a receipt for a Daily Fee Parking Zone or space other than that which is occupied, or for a license plate number other than the license plate number displayed on the parked vehicle, shall not be a defense to a citation for a violation of this Section

11-2B-7: - RESERVED. DAILY FEE USE OF UNUSED PERMIT SPACE:

~~Portions of the Kroehler, Burlington, and Route 59 commuter parking lots currently used as permit only parking, may be designated for use by nonpermit holders, in accordance with the following regulations:~~

1. ~~Nonpermit Holders: Unused designated permit only spaces may be used by nonpermit holders only after 9:00 a.m.~~
2. ~~Fee: The fee shall be two dollars (\$2.00), and shall be paid pursuant to Section 11-2B-6 of this Article.~~
3. ~~Violations: Any violation of this Section shall be subject to compromise payment of parking violation penalties as provided in Section 11-2B-11 of this Article.~~

11-2B-8: - TAMPERING WITH DAILY FEE PARKING MACHINES:

through

11-2B-12: - COMMUTER PARK-AND-RIDE LOTS:

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SECTION 2: This Ordinance shall be in full force and effect on January 1, 2024.

ADOPTED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVAL this _____ day of _____, 2023.

Scott A. Wehrli,
MAYOR

ATTEST:

Pam Gallahue, Ph.D.,
CITY CLERK