

ORDINANCE NO. 21 - _____

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 2, ARTICLE B
OF THE NAPERVILLE MUNICIPAL CODE TO MODIFY REGULATIONS FOR
THE CITY'S COMMUTER PARKING LOTS**

Recitals

1. **WHEREAS**, the City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois; and
2. **WHEREAS**, the City of Naperville has the authority, and as set forth herein, does hereby establish regulations to provide a fair and efficient method for operating its municipal owned parking lots for the commuter train stations; and
3. **WHEREAS**, on May 6, 2008 the City Council approved the current fee structure for commuter parking permits; and
4. **WHEREAS**, on August 17, 2021 the City Council approved a Commuter Parking and Access principle that the City will provide commuter parking programs that maximize the use of the existing total parking supply by providing flexible parking options and fair privileges to all commuters; and
5. **WHEREAS**, converting the Parkview parking lot to daily fee parking from permit parking will provide more flexible parking options and increase privileges to more commuters; and
6. **WHEREAS**, the City Council has determined that the establishment of this ordinance regulating its municipal owned parking lots for the commuter train stations is in the best interests of the City and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Recitals above are incorporated herein and made part hereof as though fully set forth in this Section 1.

SECTION 2: Section 11-2B-5 of the Naperville Municipal Code, entitled "Commuter Parking Permits" is hereby amended to include the following underlined language and delete the following stricken language:

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 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 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 his or her 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 permit holders in the Finance Department Transportation, Engineering and Development Business Group and shall be mailed or emailed to each permit holder 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. 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 AND DAILY FEE PARKING AREAS			
Location	Permit Parking	Handicapped Accessible Parking	Daily Fee Parking
Illinois 59 commuter lot	1,065 <u>966</u>	27	722 <u>811</u>
Burlington lot	544 <u>525</u>	13 <u>25</u>	
Kroehler lot	281 <u>282</u>		44 <u>45</u>
Parkview lot	129	8 <u>12</u>	<u>122</u>
4th Avenue (Serpentine)			132
5th Avenue (Washington to Main)			23
5th Avenue (Washington to Wright)			91 <u>82</u>
6th Avenue (Loomis to Sleight)			10
North Avenue (Washington to Ellsworth)			30 <u>29</u>
Spring Avenue (Webster to Washington)			21
Center Street (North Avenue to 4th Avenue)			9
Ellsworth Street (BNRR to 5th Avenue)			6
4th Avenue (in front of station)		2	20
Ellsworth Street (North Avenue to 4th Avenue)			10
DuPage Children's Museum			28 <u>54</u>
Total spaces	1,983 <u>1,773</u>	50 <u>66</u>	1,257 <u>1,374</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 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 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 fax number~~ email address of the ~~owner(s) of the vehicle(s) applicant;~~ and
 - 4.3.2. ~~An accurate description of the vehicle(s), including make, model, year, and license number(s); and~~ The applicant's State of Illinois driver's license number and State of Illinois license plate numbers for the applicant's vehicles.
 - 4.3.3. ~~The identification number of commuter parking permit issued for each vehicle.~~
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.

<u>Commuter Parking Lots</u>	<u>Quarterly Permit Fee</u>	
	<u>Residents</u>	<u>Nonresidents</u>
Kroehler lot (northeast corner of 5th Avenue and Loomis Street)	\$50.00 <u>\$110.00</u>	\$55.00 <u>\$135.00</u>
Burlington lot (east of Washington Street and south of North Avenue)	60.00 <u>\$120.00</u>	n/a <u>\$120.00</u>
Parkview commuter parking lot (east corner of Washington Street and north of North Avenue)	60.00	n/a

IL Route 59 commuter parking lot (Fairway Drive south of North Aurora Road)	60.00 <u>\$120.00</u>	65.00 <u>\$145.00</u>
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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 ~~City Finance Department~~ 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 ~~and the payment of a five dollar (\$5.00) fee to the City Finance Department~~ 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.

SECTION 3: Section 11-2B-6 of the Naperville Municipal Code, entitled “Daily Fee Parking Zones” is hereby amended to include the following underlined language and delete the following stricken language:

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 And 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, 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). 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, the electronic daily fee parking machines shall receive payment by coin, paper currency, credit card, or City parking debit card.
 - 5.2. For 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. 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.

SECTION 4: Any ordinances, or parts of ordinances, in conflict with this Ordinance, are hereby expressly repealed.

SECTION 5: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 6: That this Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED this ____ day of _____ 2021.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____ 2021.

By: _____
Steve Chirico
Mayor

ATTEST

Pam Gallahue, Ph.D.
City Clerk