



Legislation Details (With Text)

**File #:** 18-953      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/29/2018      **In control:** City Council

**On agenda:** 11/7/2018      **Final action:** 11/7/2018

**Title:** Pass the ordinance enabling the City of Naperville, by the Naperville Police Department, to patrol the Carillon Club of Naperville and authorizing the City Manager to execute the related agreement between the City and the Carillon Club Homeowners Association.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance-Carillon Club, 2. Exhibit A-Agreement

Date	Ver.	Action By	Action	Result
11/7/2018	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance enabling the City of Naperville, by the Naperville Police Department, to patrol the Carillon Club of Naperville and authorizing the City Manager to execute the related agreement between the City and the Carillon Club Homeowners Association.

**DEPARTMENT:** Police Department

**SUBMITTED BY:** Robert Marshall, Chief of Police and Joseph Solon, Jr., City Prosecutor

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

The Carillon Club of Naperville is an active adult 55+ townhome community built starting in the late 2010's by DR Horton. Carillon Club is a private, gated community located north of 95th Street and west of Route 59. It is managed by the Carillon Club of Naperville Homeowners Association ("Association").

There are residential streets within the Carillon Club, however, because they are located on private property within the gated community, the Carillon Club's streets are not automatically subject to police enforcement of the Illinois Vehicle Code ("IVC").

Recently, the Carillon Club experienced an increase of what would be traffic violations if its streets were subject to the IVC, such as speeding, disobeying stop signs, etc. Out of concern for the safety of its residents and guests, the Carillon Club contacted the City for help implementing police enforcement of the IVC on its streets.

The IVC provides a solution for when private property owners want police enforcement on private streets. Section 625 ILCS 5/11-209.1. of the IVC states that a board of directors representing a residential subdivision, containing a minimum of 10 single family residences may file a written request, with the appropriate local authority wherein such property is situated, requesting their law enforcement agency enforce the provisions of the IVC on all private streets open to or used by the tenants, owners, employees or the public for the purposes of vehicular traffic by permission of such board of directors.

If the local authority grants such request by the adoption of an enabling ordinance then all such private streets or roads shall be considered “highways” only for the enforcement purposes of the IVC.

**DISCUSSION:**

The Association has requested the City implement police patrol of the Carillon Club’s private streets. To that end, the Association passed the attached resolution on May 15, 2018, granting the Naperville Police Department access and patrol the roads of the Association for no cost.

The Naperville Police Department considered the Association’s request and concluded police enforcement of the Carillon Club is reasonable and appropriate and can be done with existing resources.

The attached agreement between the City and Association allowing for police patrol of the Association has been executed on behalf of the Association.

Upon Council approval of the attached ordinance and agreement, Naperville police will begin traffic enforcement within the Carillon Club.

**FISCAL IMPACT:**

This ordinance will not have a fiscal impact associated with the cost of patrol in that the Association is within the City and patrol would not require any additional resources other than exist currently.