

ORDINANCE NO. 89-2

AN ORDINANCE PERTAINING TO PARKING FOR HANDICAPPED PERSONS

WHEREAS, the Village of Chatham has power with respect to streets and highways under its jurisdiction and within the reasonable exercise of its police power to impose fines as penalties for use of any parking place reserved for handicapped persons or disabled veterans by any person using a motor vehicle not bearing registration plates or a special decal or device as specified by State law as evidence that the vehicle is operated by or for a handicapped person or disabled veteran.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, that:

Section 1. All signs erected and used to designate the reservation of parking facilities for handicapped persons shall be in a form and manner prescribed by State law and all parking spaces reserved for the handicapped, except those reserving on-street parking areas, shall be at least 16 feet wide. Non-conforming signs or spaces in use prior to July 1, 1988 shall not constitute a violation during their useful lives, which shall not be extended by means other than normal maintenance. Signs adopted by the Illinois Department of Transportation to designate the reservation of parking facilities for the handicapped shall also exhibit, in a manner determined by the Department, the words, "\$50 fine".

Section 2. Any motor vehicle bearing registration plates or a special decal or device specified by State law or such devices as local authority deem proper as evidence the vehicle

is operated by or for a handicapped person or disabled veteran 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 under Section 1. Parking privileges granted by this ordinance are strictly limited to the person to whom these special registration plates, special decals or devices were issued and to qualified operators acting under his express direction while the disabled person is present.

Section 3. Such parking privileges as are recognized by this Ordinance are also extended to motor vehicles of not-for-profit organizations used for the transportation of handicapped persons when such motor vehicles display the decal or device issued under State law.

Section 4. No person shall use any area for the parking of any motor vehicle pursuant to State law or Village Ordinance where an official sign controlling such area expressly prohibits parking at any time or during certain hours.

Section 5. Pursuant to State law, the Village may issue a decal or device prescribed by the Secretary of State which shall be used by a handicapped person or not-for-profit organization which transports handicapped individuals. Such a decal or device shall become the property of such handicapped individual or organization and may be used by that person or organization to designate and identify a vehicle not owned or displaying a registration plate as otherwise provided by State law. Such decal or device shall entitle the vehicle to enjoy all the privileges that would be afforded a vehicle to which is attached

handicapped registration plates by State law. The Village of Chatham Police Department will recognize and honor handicapped decals or devices issued by any local authority of the State of Illinois as prescribed by State law.

Section 6. The Village will issue such a decal or device only upon a showing by adequate documentation that the person for whose benefit the decal or device is to be used has a Class 1A or 2A disability under the provisions of Section 4(a) of the Illinois Identification Card Act, (Ill.Rev. Stat. Ch. 124, par.24A). An Illinois Disabled Person Identification Card issued pursuant to that Act shall be deemed adequate documentation of such disability.

Section 7. Nothing in this Ordinance shall prohibit the Village of Chatham from issuing such a decal or device to a person with a temporary disability, provided that such decal or device is valid for no more than 90 days, subject to renewal for like periods, based upon continued disability, and further provided that such decal or device clearly sets forth the date that the decal or device expires. A certificate by a licensed medical doctor shall be required to obtain a decal or device based upon temporary disability.

Section 8. Such decal or device shall be placed on the dashboard of the vehicle where it is readily visible through the windshield. The Village of Chatham shall collect a \$2.00 fee for each such decal or device issued.

Section 9. It shall be prohibited to park any motor vehicle not bearing registration plates or decals issued to a

handicapped person or to a disabled person under State law, as evidence that the vehicle is operated by or for a handicapped person 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 set forth in Section 1 for motor vehicles bearing such registration plates.

Section 10. Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the Village of Chatham Police Department, may 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 handicapped persons, which does not display handicapped registration plates or a special decal or device as required by this ordinance.

Section 11. Any person found guilty of violating the provisions of this ordinance shall be fined \$50.00 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this ordinance.

Section 12. The Village of Chatham shall impose fines as established in Section 11, for vehicles parked in spaces for the handicapped, that do not display the registration plates or the special decal or device issued pursuant to State law.

Section 13. The Village of Chatham shall recognize reciprocal agreements entered into between the Illinois Secretary of State and other jurisdictions to grant the same parking privileges which are granted to disabled residents of this state to any non-resident whose motor vehicle is licensed

in another state or foreign country, if such vehicle displays the international wheelchair plates or the distinguishing insignia placard, issued in accordance of the laws of the non-resident's state or foreign country.

Section 14. The Chief of Police, any police officer, or other city employee designated by the Chief of Police, who shall receive the payment of any sum of money by a violator charged with violating the provision of this ordinance, shall issue such person a receipt therefore, on an official receipt form of the Village of Chatham, bearing the signature of the person receiving the fine on behalf of the Village, and the date of its payment. A duplicate receipt, together with the money paid to such officer or other designated person, shall be delivered to the Village Treasurer, who shall credit the funds to the appropriate fund of the Village.

Section 15. Ordinance No. 88-1 "AN ORDINANCE REVISING REGULATIONS PERTAINING TO THE PARKING OF VEHICLES ON PUBLIC STREETS" passed and approved 1-26, 1988, is hereby supplemented and amended as of the effective date of Ordinance No. 89-2.

Section 16. In the event State law permits greater or lesser parking privileges or a greater or lesser fine to be imposed for non-compliance with State-prescribed handicapped parking privileges, those provisions of State law will be automatically adopted for application upon their effective date within the Village of Chatham by virtue of this Ordinance.

This Ordinance shall be published in a newspaper serving the Village of Chatham within 30 days after its passage, and shall also be published in pamphlet form. This Ordinance shall take effect 10 days after its newspaper publication.

PASSED 6

APPROVED 0

PUBLISHED 1-18-89

RE Moore
President, Board of Trustees
Village of Chatham, Illinois

ATTEST:

Barbara Bickhaus
Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

CERTIFICATE

I, Barbara Berkhaus, certify that I am the duly elected and acting municipal clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 1-10-89, 1989, the Corporate Authorities of such municipality passed and approved Ordinance No. 89-2, entitled An Ordinance Pertaining to Parking for Handicapped Persons which provided by its terms that it should be published in accordance with the Illinois Municipal Code.

The pamphlet form of Ordinance No. 89-2, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on 1-10-89, 1989, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Chatham, Illinois, this 10 day of January, 1989.

(SEAL)

Barbara Berkhaus
Municipal Clerk

STATE OF ILLINOIS)
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COUNTY OF SANGAMON)

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Barbara Berkhaus
Municipal Clerk