

THE VILLAGE OF SOUTH BARRINGTON

ORDINANCE NO. 2023- 1390

AN ORDINANCE AMENDING THE SOUTH BARRINGTON VILLAGE CODE
REGARDING THE LOADING AND UNLOADING OF PASSENGERS
WITHIN THE VILLAGE OF SOUTH BARRINGTON, ILLINOIS

ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SOUTH BARRINGTON

THIS 28 DAY OF December, 2023

Published in pamphlet form by authority
of the President and Board of Trustees
of the Village of South Barrington, this
29 day of December, 2023

ORDINANCE NO. 2023 - 1390

**AN ORDINANCE AMENDING THE SOUTH BARRINGTON VILLAGE CODE
REGARDING THE LOADING AND UNLOADING OF PASSENGERS
WITHIN THE VILLAGE OF SOUTH BARRINGTON, ILLINOIS**

WHEREAS, the Village of South Barrington (the “Village”) is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the President of the Village (the “President”) and the Board of Trustees of the Village (collectively with the President, the “Corporate Authorities”) are committed to protecting the health, safety and wellbeing of the residents of the Village; and

WHEREAS, pursuant to Section 11-208 of the Illinois Vehicle Code (625 ILCS 5/11-208) local authorities may regulate the standing or parking of vehicles; and

WHEREAS, Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2) also authorizes the Corporate Authorities to regulate the use of the streets and other Village property; and

WHEREAS, Section 7-4-1 of the Illinois Municipal Code (65 ILCS 5/7-4-1) provides that the Corporate Authorities have jurisdiction in and over all places within one-half mile of the corporate limits for the purpose of enforcing health and quarantine ordinances and regulations; and

WHEREAS, pursuant to their community-caretaking function, police have authority to seize and remove vehicles impeding traffic or threatening public safety and convenience; and

WHEREAS, protecting the safety and well-being of passengers, motorists and others in the vicinity of vehicles that are unloading and loading passengers, is an urgent matter pertaining to the government and affairs of the Village; and

WHEREAS, Title 6 of the South Barrington Village Code (the “Village Code”) sets forth the regulations regarding motor vehicles and traffic within the Village; and

WHEREAS, to ensure that passengers are loaded and unloaded in a manner that is safe for

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them and the residents of the Village, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of South Barrington, Cook County, Illinois:

SECTION 1: That the foregoing recitals of the preamble are hereby incorporated in this Ordinance as findings of the Corporate Authorities.

SECTION 2: That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending the language of Section 6-4-1 of Chapter 4, Title 6 as set forth below (additions underlined; deletions ~~stricken~~):

6-4-1: GENERAL:

- A. Parking On Village Streets: It shall be unlawful to stand or park any vehicle on any public street of the village between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M.
- B. Parking With Left Wheels To Curb: It shall be unlawful to stand or park any vehicle on any public street of the village when the vehicle's left wheels are to the parkway or curb.
- C. Parking In A Designated Fire Lane: It shall be unlawful to park any vehicle in any area designated by sign or otherwise as a fire lane.
- D. Stopping, Standing Or Parking Prohibited In Specified Places:
 - 1. Prohibited Places: It shall be unlawful to 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. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

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- g. At any place where official signs prohibit stopping;
- h. In the area between roadways of a divided highway, including crossovers;
- i. In a public parking area if the vehicle does not display a current annual registration sticker or current temporary permit pending registration.
- j. That is an intercity vehicle that does not have prior approval as set forth subsection E. of this section.

2. Excepted Locations: This exception shall not apply to intercity vehicles unless prior approval has been granted by the chief of police of the village or his or her designee. It shall be unlawful to 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 fifteen feet (15') of a fire hydrant, including a dry hydrant;
- c. Within twenty feet (20') of a crosswalk at an intersection;
- d. Within thirty feet (30') 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. Additional Exception: This exception shall not apply to intercity vehicles unless prior approval has been granted by the chief of police of the village or his or her designee. It shall be unlawful to 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. Temporary Parking Restrictions:

a. At any place within the village where official temporary signs prohibit the stopping, standing or parking of motor vehicles. Temporary stopping, standing and parking restrictions shall become effective upon the chief of police declaring that parking is prohibited by order of the South Barrington police department and the placement of temporary signage stating "No Parking Any Time". Temporary stopping, standing and parking restrictions shall remain in effect until the temporary signage is removed by the police chief or his designee.

b. It shall be unlawful for any person other than the chief of police or his designee to place or remove any signage that restricts or prohibits the temporary stopping, standing or parking of motor vehicles.

E. Intercity Vehicles.

1. Definitions. The following words, terms and phrases, when used in this subsection shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different

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meaning:

“Chief of police” means the chief of police of the village or his or her designee.

“Intercity vehicle” means any bus, recreational vehicle or other vehicle used for transporting more than three (3) individuals between the village and locations outside of the village, but shall not include vehicles owned or leased by the village and buses of the Chicago Transit Authority or another component of the Regional Transportation Authority including, but not limited to, the suburban bus commonly known as “Pace.”

2. Additional Requirements for Intercity Vehicles.

a. No owner or operator of any intercity vehicle shall use any designated bus stop, bus stand, passenger loading/unloading zone or any other location for loading or unloading of passengers, luggage or other goods without first obtaining the approval of the chief of police. The prohibition in this subsection shall not apply to: (i) intercity buses or shuttle buses that are exclusively used to transfer passengers to trains operated by the National Railroad Passenger Corporation, commonly known as “Amtrak” and/or the Northeast Illinois Rail Corporation, commonly known as “Metra”; (ii) school buses while on authorized school business/ activities; (iii) taxicabs, limousines, ridesharing vehicles, including Ubers and Lyfts, or similar vehicles used for private hire by persons working or residing within the village or by persons visiting a specific residence or place of business located within the village when allowed or authorized by the owner of the property; (iv) non-commercial vehicles with a gross vehicle weight rating that is less than 16,000 pounds that are owned, leased or used by a resident or local business in carrying out ordinary business or customary activities of said business or resident; or (v) any commercial vehicle with a gross vehicle weight rating that exceeds 16,000 pounds if that vehicle is transporting persons as part of a past practice that has been occurring prior to January 1, 2020.

b. Application for such approval shall be made to the chief of police and shall contain the name and address of the applicant, the location of the proposed bus stop, bus stand, passenger loading/unloading zone or other location where such loading or unloading of passengers, luggage or other goods shall take place, the time of day and length of time any such intercity vehicle shall stand in the proposed bus stop, bus stand, passenger loading/unloading zone or other location, and the number of intercity vehicles that shall leave from and come to the proposed bus stop, bus stand, passenger loading/unloading zone or other location per day. The application shall be signed by the applicant. The chief of police shall approve or deny the application no later than thirty (30) days after the application was filed with the village.

c. The chief of police’s review of the application shall take into consideration administrative efficiency and available resources, public safety and orderly traffic flow, and an approval shall be subject to such conditions and restrictions that the chief of police may impose in his or her sole discretion (including, without limitation, those addressing day/time availability of any such location(s), number of daily arrivals/departures to/from any such location(s), and advance notification requirements by the applicant). The chief of police may also require certified medical documentation that passengers are not presently, and have not within the last thirty (30) days prior to the date of unloading, been diagnosed or has contracted any contagious disease such as malaria, tuberculosis or such other contagious disease that, if spread to others, would adversely affect others health, safety or welfare; provided, however, that such certification shall not be required of domiciled residents of the

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United States who have not, within the last thirty (30) days prior to unloading, traveled to a country experiencing an outbreak of any such contagious disease.

d. If the chief of police denies the application, it shall be based upon a determination that the loading/unloading of passengers, luggage or other goods at that time, or in that particular designated bus stop, bus stand, passenger loading/unloading zone or other location presents an unreasonable threat to the health, safety and welfare of the public or impedes the safe and efficient flow of traffic or imposes an unreasonable burden on available resources. If the chief of police denies the application, the chief of police shall send by e-mail or U.S. mail a notification to the applicant in writing specifying the reasons for the decision. Any applicant may seek review of the decision of the chief of police denying such application in the manner provided by law.

SECTION 3: That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending the language of Section 6-4-5 of Chapter 4, Title 6 as set forth below (additions underlined; deletions ~~stricken~~):

6-4-5: PENALTY PROVISIONS:

A. Penalties: The penalty for any violation of this chapter, other than the disability provisions of section 6-4-2 and the recreational vehicles provision of section 6-4-3 of this chapter, shall be not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00); provided, however, that in the event that the owner or operator does not make payment to the village within fourteen (14) calendar days after the date of the personal issuance of a ticket or the issuance of a hang-on ticket as specified in a final notice, the penalty shall be forty dollars (\$40.00) for such violation. The penalty for any violation of section 6-4-2, "Unauthorized Use Of Parking Places For Persons With Disabilities" of this chapter shall be three hundred dollars (\$300.00). The penalty for any violation of section 6-4-3. "Recreational Vehicles" of this chapter, shall not be more than five hundred dollars (\$500.00). The penalty for any violation of subsection 6-4-1 E. "Intercity Vehicles" of this chapter shall not be more than five hundred dollars (\$500.00) and the seizure and impoundment of the intercity vehicle in accordance with applicable laws. A separate offense shall be deemed committed of each day any violation under this chapter occurs or continues.

B. Procedure On Nonpayment Of Penalty Fee: In the event that the person to whom a citation is issued pursuant to this section fails to settle and pay said violation within the prescribed time, or within a period of time specified in a final notice, then the police officer or the designated village employee or entity is authorized to cause a notice to appear to be served upon said alleged violator by personal service or certified mail, return receipt requested, and is authorized to file a complaint and to prosecute the same in the circuit court of the appropriate county.

SECTION 4: That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending the language of Section 6-6-1 of Chapter 6, Title 6 as set forth below (additions underlined; deletions ~~stricken~~):

6-6-1: VEHICLE SEIZURE AND IMPOUNDMENT:

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A. Seizure And Impoundment By Village: Any motor vehicle operated or used, with the express or implied permission of the registered owner of record (as registered with the secretary of state, state of Illinois) during the commission of or in furtherance of any offense or violation set forth in subsection B of this section, shall be subject to seizure and impoundment by the village, and the owner of record of said vehicle may be liable to the village for a civil penalty in the amount of five hundred dollars (\$500.00), in addition to any towing and storage fees as hereinafter provided.

B. Violations Or Offenses Subject To Seizure And Impoundment:

1. Operating or in physical control of a motor vehicle while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked (625 ILCS 5/6-303); or a similar Local Ordinance, except that vehicles shall not be subjected to seizure and impoundment if the suspension is for violation of the Vehicle Emissions Inspection Law of 2005 625 ILCS 5/13c-1 et seq., or for an unpaid citation (parking or moving); or

2. Operating a motor vehicle without having ever been issued a valid driver's license in violation of (625 ILCS 5/6-101); or a similar Local Ordinance, or operating a motor vehicle while driver's license has been expired for a period in excess of one (1) year in violation of (625 ILCS 5/6-101); or a similar Local Ordinance; or

3. Operating or in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof¹; or

4. Unlawful use of a firearm (UUW)², aggravated discharge of a firearm³, reckless discharge of a firearm⁴, or unlawful possession of a firearm and firearm ammunition; or

5. Operation of a motor vehicle during the commission of, or in the attempt to commit, a felony or in violation of cannabis control act⁶ or the controlled substances act⁷; or

6. Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to 720 Illinois Compiled Statutes 5/36-1 of the criminal code of 2012; or

7. Operation or use of a motor vehicle by a person against whom a warrant for arrest has been issued by a circuit clerk in Illinois for failing to appear in court and answer charges that the driver violated section 6-101, 6-303 or 11-501 of the Illinois vehicle code; or-

8. Operation or use of an intercity vehicle in violation of subsection 6-4-1 E. "Intercity Vehicles" of the village code.

Notes

- 1. 625 ILCS 5/11-501.
- 2. 720 ILCS 5/24-1.
- 3. 720 ILCS 5/4-1.2
- 4. 720 ILCS 5/24-1.5
- 5. 720 ILCS 5/24-3.1

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6 6. 720 ILCS 550/1 et seq.

7 7. 720 ILCS 570/1 et seq.

SECTION 5: The officers, employees, and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith.

SECTION 6: That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

SECTION 7: That the provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 8: In the event of any conflict between the terms of this Ordinance and the terms of the Village Code, or any other code, ordinance or regulation of the Village, the terms of this Ordinance shall control and prevail in all instances.

SECTION 9: All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 10: A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 11: This Ordinance addresses a crucial safety concern, as such, this Ordinance shall be effective and in full force after passage and approval, unless otherwise as provided by law.

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Village of South Barrington

PASSED: This 28 day of December, 2023.

APPROVED: This 28 day of December, 2023.

ATTEST:


Village Clerk (or Deputy Village Clerk)

APPROVED:


Paula McCombie, Village President

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

PUBLISHED: December 29, 2023

Village of South Barrington

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

CLERK'S CERTIFICATE
(ORDINANCE)

I, Daniel Zierk, the duly qualified and acting Village Clerk of the Village of South Barrington, Cook County, Illinois, do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance titled:

**AN ORDINANCE AMENDING THE SOUTH BARRINGTON VILLAGE CODE
REGARDING THE LOADING AND UNLOADING OF PASSENGERS
WITHIN THE VILLAGE OF SOUTH BARRINGTON, ILLINOIS**

which Ordinance was duly adopted and passed by the Board of Trustees of South Barrington (or the Corporate Authorities, if required by law) at a special meeting held on the 28 day of December 2023, approved by the Village President on the 28 day of December 2023 and thereafter published in pamphlet form to the extent required by law.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the meeting was held in compliance with all requirements of the Open Meetings Act (5 ILCS 120/1, *et seq.*).

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of December 2023.



Daniel P. Zierk
Village Clerk
Village of South Barrington