

Subject: **Parking Enforcement**Policy #: **403.3**

Effective Since: 8-21-03

Revision Effective: 1-1-19

FTO Training Task: # 14

Reference Material: City Ordinance Chapter 51; IVC

ILEAP Standards Covered: OPR.06.12(a)

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PURPOSE: The department's primary purpose in parking enforcement is to deter motorists from illegally or otherwise improperly parking. Illegal parking can pose safety hazards to the motoring public and create inconveniences for residents and business people. The purpose of this policy is to describe the department's parking enforcement activities.

POLICY: It is the policy of the department to have its officers enforce parking regulations. Quality enforcement can facilitate smooth traffic flow, reduce the potential for accidents, and reduce the inconveniences caused from illegally parked vehicle.

DEFINITIONS: IVC - Illinois Vehicle Code; SOS - Secretary of State; ILCS - Illinois Compiled Statutes

PROCEDURE:

I. Parking regulations :

- A. City ordinance Chapter 51 lists the parking regulations currently in place. Included in Chapter 51 are the location lists of the various parking restrictions.
- B. Other parking regulations in the IVC that have not been adopted into city ordinance may be enforced under the appropriate statute number on a state traffic citation.
- C. Officers are expected to have a good working knowledge of the various parking restrictions in place through city ordinance or the IVC.

II. Parking enforcement :

- A. Officers are expected to enforce parking regulations on public roadways and parking lots, whether from personal observation or citizen complaint. Although tickets are usually issued, officers have some discretion in enforcement and may issue a verbal or written warning in appropriate situations; e.g., new parking restrictions, technical violations, the driver can quickly move the vehicle, etc.
- B. Officers should ensure that parking regulations are posted with the requisite parking restriction sign. Any problems with the posting of parking regulations should be brought to the attention of a supervisor and/or Street Department.
- C. City ordinance parking violations are written on a city parking ticket and placed under the windshield wiper of the offending vehicle; for motorcycles or other vehicles without a windshield wiper, the parking ticket should be secured in a conspicuous location.
- D. Parking violations in the IVC that have not been adopted into city ordinance should be written on a state traffic citation and served in person to the driver or owner.
- E. The department may employ Community Service Officers to enforce parking regulations citywide.
- F. The department cannot legally enforce parking restrictions in a private parking lot unless specifically excepted in the Illinois Vehicle Code. Violations or obstructions are the responsibility of the property owner to enforce and remedy.
- G. **Handicap parking violations** should receive particular attention and enforcement.
 - 1. Handicap parking restrictions apply on both public and private property. A vehicle must have a disability license plate or placard to park in a handicap spot; violators are subject to a \$350 fine. 625 ILCS 11-1301.3(a)
 - 2. Handicap parking spots must be marked in such a way that a reasonable person could discern that it is designated for handicapped

- persons; the parking area should have at minimum either pavement markings or a sign, though it is preferred to have both. 11-1301.3(c)
3. Illinois disability license plates and placards can be checked by dispatch through the SOS to determine who is the registered owner.
 4. Only registered disability plate or placard holders are allowed to use a disability license plate or placard. If a person is using someone else's disability plate or placard, they can be issued a citation (not just a parking ticket) for 11-1301.3(a-1) and are subject to a \$500 fine. The placard should be confiscated and forwarded to the Secretary of State along with a copy of any report and/or ticket issued.
 5. A placard holder must either be exiting or entering the vehicle in order to use the placard or otherwise park in a handicap parking area.
 6. A person who is fraudulently using or has fraudulently created or altered a disability license plate or placard is subject to custodial arrest pursuant to 11-1301.5 & .6 as a Class A misdemeanor. The placard should be confiscated and forwarded to the Secretary of State along with a copy of any report and/or ticket issued.
 7. As provided for 5/11-1301.7, police volunteers, after receiving training, may write parking tickets for these violations.
- H. **Snow emergency routes** are placed into effect by the Director of Public Works in forecasted anticipation of significant snowfall, **or** automatically go into effect after a 2" or more snowfall. Snow emergency routes are enforced as provided for in city ordinance 51.21. Snow Route tickets should be issued and vehicles towed as soon as practical.
- I. **Towing away of vehicles** : vehicles illegally parked are subject to tow; immediate tows are generally authorized for the following situations, subject to approval from the supervising officer:
1. vehicles parked in marked reserved stalls when the designated renter of the stall wishes the vehicle removed;
 2. vehicles blocking a traffic lane or creating a traffic hazard;
 3. vehicles blocking a driveway when the property owner requests removal due to being blocked in or out;
 4. vehicles being towed due to abandonment (see Policy 403.7)
 5. vehicles specifically authorized to tow under ordinance; e.g., tow trucks on residential streets, vehicles parked on designated snow routes during snow emergencies, etc.
 6. vehicles parked in temporary tow-away zones due to construction or special events
 7. Tow sheets will be completed for any removal of an illegally parked vehicle.
 8. If possible, attempt contact with the vehicle owner prior to the tow in case other arrangements for moving the vehicle have already been made. Otherwise, officers should attempt to advise the owner about the tow and the location for retrieval.
 9. After towing a vehicle, a copy of the tow sheet will be forwarded to the department's Abandoned Vehicle officer, who will follow the abandoned vehicle procedure listed in Policy 403.7 if the vehicle is not claimed.
- J. When encountering the driver or owner of an illegally parked vehicle, officers should maintain a professional and courteous climate.

DEKALB POLICE DEPARTMENT

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- K. **Persons wishing to contest a city parking ticket** : The issuing officer or supervisor can discuss the reason of contention with the person to try to resolve the matter; otherwise, if a person wishes to contest the violation in court, he should be referred to the city legal department for an administrative hearing and/or court date.
- L. **Voiding a parking ticket** : The issuing officer may void his own parking tickets if he is satisfied that there is no longer a need to enforce the violation with a ticket. If the ticket has already been turned in, the officer needs to ensure that the parking ticket clerk receives a copy of the voided ticket. Supervisors may void other officer's parking tickets if the supervisor is satisfied that the violation no longer needs to be enforced with a ticket. Patrol officers shall not void other officer's tickets, unless specifically directed by the issuing officer or a supervisor.

[ILEAP OPR.06.12(a)]

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.