

THE VILLAGE OF SOUTH BARRINGTON

ORDINANCE NO. 2023- 1357

ADOPTION OF AN ORDINANCE AMENDING SECTION 6-4-3 TO BE TITLED
“RECREATIONAL VEHICLES” AND SECTION 6-4-4 TO BE TITLED “EXCEPTIONS,
PARKING ENFORCEMENT” OF AND ADDING SECTION 6-4-5 TO BE TITLED
“PENALTY PROVISIONS” TO CHAPTER 4, TITLE 6 OF THE SOUTH
BARRINGTON VILLAGE CODE

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

THIS 22 DAY OF March, 2023

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

ORDINANCE NO. 2023 - 1357

ADOPTION OF AN ORDINANCE AMENDING SECTION 6-4-3 TO BE TITLED “RECREATIONAL VEHICLES” AND SECTION 6-4-4 TO BE TITLED “EXCEPTIONS, PARKING ENFORCEMENT” OF AND ADDING SECTION 6-4-5 TO BE TITLED “PENALTY PROVISIONS” TO CHAPTER 4, TITLE 6 OF THE SOUTH BARRINGTON VILLAGE CODE

WHEREAS, the Village of South Barrington (“South Barrington”) 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 South Barrington (the “President”) and the Board of Trustees of South Barrington (collectively with the President, the “Corporate Authorities”) are committed to protecting and promoting the health, safety and welfare of the general public; and

WHEREAS, driving and/or parking large vehicles on residential streets and in residential areas may decrease available parking and may cause safety hazards by obscuring visibility, interfering with normal traffic patterns and creating passing risks (collectively, the “Public Welfare and Safety Concerns”); and

WHEREAS, Subsection 11-208(a) of the Illinois Vehicle Code (625 ILCS 5/11-208(a)) provides that the Illinois Vehicle Code shall not be deemed to prevent local authorities from exercising their police power to reasonably regulate the standing or parking of vehicles, except in limited circumstances; and

WHEREAS, pursuant to Section 11-5-5 of the Illinois Municipal Code (65 ILCS 5/11-5-5), the Corporate Authorities may prohibit the parking of motor vehicles on private property without the consent of the owner of the private property; and

WHEREAS, the Corporate Authorities have determined that reasonable regulations associated with the parking of recreational vehicles in residential areas (the “Regulations”) must

Village of South Barrington

be established to mitigate the Public Welfare and Safety Concerns associated with driving and/or parking recreational vehicles in residential areas; and

WHEREAS, the purpose of the Regulations is to allow users of recreational vehicles to park in the driveway of a residence to load, unload, clean and maintain their recreational vehicles for a limited amount of time; and

WHEREAS, the Regulations promote the undisturbed use and enjoyment of neighboring property and allow the neighborhood to not be troubled by the unloading and reloading associated with recreational vehicles; and

WHEREAS, the parking of recreational vehicles is a privilege and is inconsistent with the general residential uses of South Barrington; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is in the best interests of South Barrington and its residents to amend Sections 6-4-3 and 6-4-4 of and to add 6-4-5 to Chapter 4, Title 6 of the South Barrington Village Code (the “Village Code”); and

WHEREAS, it is the intent of the Corporate Authorities to also amend certain sections of the Zoning Ordinance to impose the Regulations in a consistent manner;

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 of South Barrington.

SECTION 2: That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by replacing Title 6, Chapter 4, Section 6-4-3 in its entirety by deleting the current language and inserting the language set forth below:

6-4-3: RECREATIONAL VEHICLES:

A. Definitions. For the purposes of this chapter, the following words and phrases shall be construed to have the meanings ascribed to them in this section, unless it is apparent from the context that a different meaning is intended:

1. Day: any twenty-four (24) hour period.
2. Recreational Vehicle or RV: every camping trailer, boat, or similar water vehicle, motor home, mini-motor home, travel trailer, truck camper or van camper or other similar vehicle used primarily for recreational purposes. See, e.g. 625 ILCS 5/1-169.
3. Resident: a person who physically resides within the village or who maintains a legal place of residence or who owns land within the village. It shall not mean a person who maintains an address at a mailbox drop or who rents a room that is not his or her primary place of residence nor shall it mean a person who maintains only a post office box, unless that person also provides evidence of residence at a street address within the village.

B. Permission required. No person shall park, stop, or leave standing any recreational vehicle on any residential driveway, except after providing a written or telephonic request to the department of police of the village. The request shall note the affected address of the property in question. The person parking, stopping, or leaving the recreational vehicle, and if a separate individual is the resident where the RV is to be parked, shall each jointly and severally assume and bear responsibility for the making of said request. The request shall be deemed approved unless the requestor or a resident where the RV is to be parked is otherwise notified by the village.

C. Temporary RV Parking. The purpose of the temporary RV parking is to allow users of recreational vehicles to park in the driveway of a residence to load, unload, clean and maintain their recreational vehicles for a limited period of time, not to exceed a day. A separate incidence of RV parking shall mean any portion of a day. By way of example, if a resident parks a recreational vehicle for a period of fifteen (15) minutes, a day shall be counted.

1. Residential Zones. Temporary RV parking shall only be permitted in residential zones of the village. No more than one (1) recreational vehicle shall be permitted to park at any residential address at any given time, unless the RV is towing another recreational vehicle.

2. Parking Restrictions. There shall be no more than fourteen (14) separate days when a resident may have an RV parked in their residential driveway during any calendar year. Each day or portion of a day must be separate and distinct, and no user of a recreational vehicle may combine or bank days. Any part of a day shall count as a whole day.

D. Prohibited Activities. No person shall:

1. Use slide outs, pop outs or other appurtenances on a recreational vehicle that encroach on or into the roadway, parkway and/or sidewalk in such a manner as to interfere with the path of safe travel of vehicles or pedestrians;

Village of South Barrington

2. Open or partially open any awnings on a recreational vehicle in such a manner as to interfere with the path of safe travel of vehicles and/or pedestrians;

3. Cause or permit any utility connections, electrical cords, extension cords, hoses or cables to cross over, above, on or across any street or sidewalk to or from a recreational vehicle with the uses limited to loading, unloading, and maintaining the RV;

4. Use power generators or other noise-generating equipment between the hours of 10:00 p.m. and 7:00 a.m. within or adjacent to a recreational vehicle;

5. Conduct any commercial activity with an RV, including renting or leasing an RV, while parked in a residential district;

6. Connect a recreational vehicle to the public sewer system or dump waste onto public or private land or into streets, gutters, or storm drains, other than lawfully at a designated, licensed and permitted recreational vehicle sanitary wastewater dump station; or

7. Knowingly allow any type of grease, oil, fuel or other harmful substance to leak or be emitted onto any public right of way.

E. Revocation.

1. The chief of police shall have the authority to revoke temporary RV parking permission if the chief of police makes any one of the following findings:

a. The recreational vehicle has fallen into a state of disrepair and has become a public nuisance, or a danger to pedestrians or other vehicles;

b. The recreational vehicle has become inoperable; and/or

c. There has been a violation of this section.

F. To revoke RV parking permission, the chief of police shall issue a notice of revocation in writing to the grantee specifying the basis for and the effective date of the revocation. To the extent permission expires pursuant to its own terms before the effective date of such revocation, the chief of police may use such revocation as a basis to deny a future request from the same requester. The chief of police's determination to revoke temporary RV parking permission shall be final.

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

6-4-4-6-4-3: PRIVATE EXCEPTIONS, PARKING ENFORCEMENT:

Except as specifically set forth in this code, a written or telephonic request may be submitted to the chief of police of the village for the purpose of regulating vehicle parking and traffic upon private property, which includes the parking and storage of vehicles set forth in chapter 9 of the Zoning Ordinance titled "Vehicle Storage and Parking Regulations." The request must be submitted by the owner(s) of the property or the person(s) having a legal right to manage or control the property. After such written request has been approved by ~~or a resolution adopted by the corporate authorities of the village,~~ such property shall be subject to all of the provisions of this chapter or chapter 9 of the Zoning Ordinance.

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

6-4-5-6-4-4: 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 ~~o~~Of Parking Places ~~F~~for Persons ~~W~~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). 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 prosecute the violation administratively or file a complaint and to prosecute the same in the circuit court of Cook County.

SECTION 5: That the officers, employees, and/or agents of South Barrington shall take all action necessary or reasonably required to carry out, give effect to, and consummate the

Village of South Barrington

amendment contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees, and/or agents of South Barrington are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with the amendment contemplated by this Ordinance.

SECTION 6: That all past, present and future acts and doings of the officials of South Barrington 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 South Barrington, 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 South Barrington as provided by the Illinois Municipal Code, as amended.

SECTION 11: This Ordinance shall be in full force and effect ten (10) days after passage, approval, and publication in pamphlet form or as otherwise provided by applicable law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Village of South Barrington

PASSED: This 22 day of March, 2023.

APPROVED: This 22 day of March, 2023.

ATTEST:



Ashley Hrynko, Deputy Village Clerk

APPROVED:



Paula McCombie, Village President

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

PUBLISHED: March 23, 2023

Village of South Barrington

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

DEPUTY CLERK'S CERTIFICATE
(ORDINANCE)

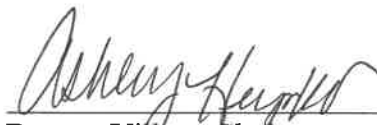
I, Ashley Hrynko, the duly qualified and acting Deputy Village Clerk of the Village of South Barrington, Cook County, Illinois, do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance titled:

ADOPTION OF AN ORDINANCE AMENDING SECTION 6-4-3 TO BE TITLED “RECREATIONAL VEHICLES” AND SECTION 6-4-4 TO BE TITLED “EXCEPTIONS, PARKING ENFORCEMENT” OF AND ADDING SECTION 6-4-5 TO BE TITLED “PENALTY PROVISIONS” TO CHAPTER 4, TITLE 6 OF THE SOUTH BARRINGTON VILLAGE CODE

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 regular meeting held on the 22nd day of March 2023, approved by the Village President on the 22nd day of March 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 22nd day of March 2023.



Deputy Village Clerk
Village of South Barrington

