



MEETING NOTICE

Committee of the Whole
Tuesday, August 15, 2017
Start Time Immediately Follows
Village Board Meeting

Cary Village Hall
655 Village Hall Drive
Cary, IL 60013

Mark Kownick, Mayor

AGENDA

- I. Call to Order
- II. Roll Call
- III. Pledge Of Allegiance
- IV. Public Comments
- V. Discussion Regarding the Fiscal Year 2018/2019 Budget and New Revenue Sources
- VI. Discussion on Solicitors Ordinance
- VII. Discussion on Parking Restrictions
- VIII. Department Head Updates
- IX. Adjourn



Agenda Item: Discussion Regarding the Fiscal Year 2018/2019 Budget and New Revenue Sources

Type: Discussion

Report From: Finance

Introduction

On June 20, 2017, Village staff completed a Village Board orientation presentation. During this discussion, Village staff presented new revenue options for the Village Board to consider in anticipation of the projected budget deficit for fiscal year 2018-2019. The Village Board asked for additional information relating to the new revenue options. Village staff has completed additional research and gathered additional information for the Village Board's review.

Since Village staff discussed this information with the Village Board, the State of Illinois approved a state budget that included a 10% reduction of LGDF (Local Government Distributive Fund) transfers to municipalities thereby increasing our projected deficit by an additional \$160,000-\$175,000. This reduction impacts the current fiscal year and is expected to remain in place for years to come.

Next year's budget deficit is significant and with the reduction in LGDF the budget deficit is now projected to be in excess of \$700,000. Numbers that large generally require solutions other than just reducing expenditures. To put in perspective the Village's general fund budget is \$8,236,000. Salaries and benefits comprise approximately 75% of the total general fund budget. With salaries and benefits comprising a significant amount of the budget, the Village has worked to reduce staff while still providing high level municipal services to our customers. Since 2008, full-time Village staff have been reduced from 85 full-time positions to 54 current full-time positions. This has resulted in a full-time staff reduction of over 36%.

Department directors are seeking ways to reduce expenses daily and we will continue to evaluate and prioritize projects as they come along. In the event expenses cannot be reduced to cover the deficit the other alternative is to identify alternative revenue sources. As a non-home rule municipality our choices are limited and illustrated below:

- Natural Gas Utility Tax
 - Approximately \$200,000 in new revenue
- Eating Establishment Tax
 - Approximately \$150,000 in new revenue
- Increase Cable Franchise fee from 4% to 5%
 - Approximately \$60,000 in new revenue
- Increase License and Permit Fees
 - Revenue varies based on increase
- Increase Property Taxes (New Growth)
 - Revenue varies

Both the natural gas utility tax and the eating establishment tax can be considered. Both would require board approval and neither would be required to be taken to referendum. Using a conservative estimate the natural gas utility tax should generate \$200,000 per year based on revenue figures supplied by Nicor. Annual revenue from an eating establishment tax should equate to approximately \$150,000 per year. However, an eating establishment tax would not apply to all eating establishments in Cary as some establishments do not provide seating.

The natural gas utility tax is clearly the more popular choice when considered by municipalities. Attached for your review is a schedule provided by Nicor showing the communities and the tax rate that have approved a natural gas utility tax. This tax is approved by ordinance, is collected by Nicor and submitted to municipalities on a monthly basis.

The eating establishment tax is allowed for non-home rule communities but there are very few municipalities that have imposed the tax. Some municipalities that have approved the tax include Libertyville, Prospect Heights, Homewood, Lombard and Villa Park. In order to collect this tax, municipalities must register their establishments, create a tax form, collect and process the tax payments and take responsibility for enforcing the ordinance. Based on Village staff's analysis, this tax requires a great deal of administrative time and can create issues if businesses do not make their payments to the Village.

The Village's cable franchise fee was previously at 5%. When the Village implemented a cable franchise fee for AT&T, the Village made the decision to implement a 4% franchise fee for AT&T as well as reduce Comcast's franchise fee to 4%. The franchise fee can be raised to 5% via ordinance and this increase in the franchise fee would generate approximately \$60,000 per year.

Another option that is available is to review our license and permit fees. To the best of Village staff's knowledge this has not been done in some time and there are probably changes warranted. Collectively those changes may only amount to \$25,000 per year.

The final option for future consideration is the ability to increase the annual tax levy by the amount of new growth in assessed value in the Village. Since the Village is subject to tax caps any increase in our tax levy is limited to the lesser of 5% or CPI. As you may know, CPI has been averaging 2.5% or less for at least the past 4 years. Until recently new growth in the Village of Cary was not all that substantial in terms of the Village's levy. Village staff does believe that will change beginning this year and we will have an opportunity going forward for at least the next two years.

Recently, Village staff contacted the township assessor to see when the Garden Place Apartments project and the Sage Products expansion might be reflected in the Village's EAV (Equalized Assessed Valuation). The assessor was not certain Sage would show up this year but offered to check on Garden Place Apartments which at least a portion should be reflected as new growth.

Going forward the PIHRL project could also have a significant impact on our new growth. New growth or new construction allows the Village to increase its levy based on the increase in assessed value associated with new development in the Village. These increases in the levy can be significant and the taxes being reflected by the increased assessed value are paid by the new development. Village staff sees this as a revenue source to watch and consider for the next two to three years.

Staff will be present at the Committee of the Whole meeting to discuss the projected deficit and new revenue sources. It is important that we stay in front of this issue as it is hard to make up \$700,000 plus in the course of one year whether it is by reducing expenses or increasing revenue.

Exhibits

A. Nicor Gas Tax Rate

NICOR GAS
Rider 8
History (Since April 11, 1996)

<u>TOWN</u>	<u>Current Tax Rate</u>		<u>Tax Rate</u>	<u>Effective Date</u>	<u>Tax Rate</u>	<u>Effective Date</u>	<u>Tax Rate</u>	<u>Effective Date</u>	<u>Tax Rate</u>	<u>Effective Date</u>	<u>Tax Rate</u>	<u>Effective Date</u>
	<u>Tax Rate</u>	<u>Effective Date</u>										
Gulfport	5.15%	10/01/97										
Hainesville	5.15%	04/01/98										
Hamilton	5.15%	7/1/12015										
Hampshire	5.15%	09/01/04	3.09%	09/01/01	0.00%	04/01/01-08/31/01	3.09%	02/01/98				
Hanover Park	1.50¢	06/01/02										
Harvard	5.15%	10/01/06										
Harvey	5.15% ; 2.50¢	08/01/12	5.15%									
Harwood Heights	5.15% ; 5.00¢	01/01/12	5.15%									
Hawthorn Woods	5.15%	10/01/10										
Hazel Crest	5.15%; 5.00¢	09/01/16	5.15%	06/01/01	0.00%	03/01/01-05/31/01	5.15%					
Hebron	4.89%											
Hickory Hills	5.15%	06/01/06	3.09%	2/1/06-05/31/06	5.15%	06/01/01	2.06%	02/01/01-05/31/01	5.15%			
Hillside	5.15%											
Hinckley	5.15%	01/01/99	3.09%									
Hinsdale	5.15%	02/01/08	3.61%	04/01/02	3.09%	05/03/01	2.06%	05/01/01	3.09%			
Hodgkins	2.06%											
Hoffman Estates	5.00¢	12/01/13										
Holiday Hills	5.15%	04/01/99										
Hometown	2.06%	07/01/10										
Homewood	5.15%	05/01/04										
Hudson	5.15%	12/01/02										
Indian Head Park	5.15%											
Island Lake	5.15%											
Itasca	5.15%	07/01/11										
Johnsburg	5.15%	08/01/10										
Joliet	3.09% ; 2.00¢	11/01/11	2.06%	06/01/01	0.00%	03/01/01-05/31/01	2.06%					
Justice	5.15%											
Kankakee	5.15% ; 4.50¢	08/01/09	5.15%									
Kenilworth	5.15%											
Kirkland	5.15%	12/01/02										
LaGrange	5.15%	06/01/15	3.09%									
LaGrange Park	5.15%	03/01/02	0.00%	01/01/02-02/28/02	5.15%							
Lake Barrington	5.15%	09/01/13	1.03%	09/01/06								
Lake in the Hills	0.00%	09/07/00	5.15%									
Lake Villa	5.15%	03/01/10										
Lake Zurich	5.15%	12/01/14	2.58%	06/06/14	0.00%	06/01/12	2.58%	06/01/10				
Lakemoor	5.15%	04/01/98										
Lakewood	5.15%											
Lansing	5.15% ; 5.00¢	09/01/08	3.09%									
Leaf River	5.15%											
Lee	5.15%											
Leland	5.15%	11/01/98										
Lemont	5.15%	06/01/01	0.00%	02/01/01-05/31/01	5.15%	07/01/97						
Leonore	5.15%	03/01/13										
LeRoy	5.15%	07/01/00										
Lily Lake	5.15%	09/01/13										
Lincolnwood	5.15% ; 4.00¢	04/01/08	5.15%									
Lisle	5.15%	05/01/08										
Loda	3.09%											
Lombard	5.15%	09/01/01	2.06%	03/01/01-08/31/01	5.15%							

**NICOR GAS
Rider 8
History (Since April 11, 1996)**

TOWN	<u>Current Tax Rate</u>		Tax Rate	Effective Date	Tax Rate	Effective Date	Tax Rate	Effective Date	Tax Rate	Effective Date	Tax Rate	Effective Date
	Tax Rate	Effective Date										
South Holland	5.15%	07/01/03	4.12%	06/01/00	3.09%							
Spring Grove	5.15%											
Steger	5.15%	10/01/03										
Sterling	5.15%	05/01/16										
Stickney	2.50¢	09/01/05										
Stillman Valley	5.15%	07/01/05										
Stone Park	5.15%											
Streamwood	5.15% ; 3.25¢	01/01/12	4.12%									
Streator	5.15%	05/01/12	3.09%	04/01/06	2.06%	06/01/04						
Sugar Grove	5.15%											
Summit	5.15%											
Sun River Terrace	5.15%											
Thornton	5.00¢	12/01/13	0.00% ; 3.00¢	08/01/12	4.12%							
Timberlane	5.15%	01/01/13										
Towanda	5.15%											
Union	5.15%											
University Park	5.15% ; 4.50¢	09/01/15	5.15%									
Verona	5.15%	09/01/01										
Villa Park	5.15%											
Volo	2.00¢	05/01/15										
Walnut	5.15%	12/01/12										
Warren	5.15%											
Warsaw	5.15%	05/01/12										
Warrenville	3.09% ; 2.36¢	05/01/13										
Wauconda	2.58%	05/01/11	5.15%	10/01/05	2.06%	03/01/02	0.00%	02/01/01	5.15%	09/01/97		
Waukegan	5.15%											
Wayne	5.15%											
West Chicago	2.50¢	07/01/06	0.00¢	4/1/06-06/30/06	2.50¢	11/01/04	5.15%	11/01/01	0.00%	04/01/01-10/31/01	5.15%	
West Dundee	4.00¢	01/01/10										
Westchester	5.15%	08/01/06	3.09%	06/01/97								
Western Springs	5.15%											
Westmont	5.15% ; 4.50¢	02/01/12	5.15%									
Wheaton	3.00¢	05/01/10	2.00¢	10/01/02	3.71%							
Wheeling	5.00¢	04/01/13	2.40¢	06/01/03								
Willow Springs	5.15%											
Willowbrook	5.15%	03/01/04	3.86%	12/01/00	3.09%							
Wilmette	2.40¢	01/01/04										
Wilmington	5.15%	05/01/01	0.00%	02/01/01-04/30/01	5.15%							
Winfield	5.15%											
Winnetka	5.15% ; 5.00¢	06/06/14	5.15%	05/01/03								
Wood Dale	5.15%											
Woodridge	5.15% ; 5.00¢	02/01/12	5.15%	12/01/06	2.15¢	12/01/98	0.00%	02/01/01	5.15%			
Worth	5.15%	03/01/04										
Yorkville	5.15%											

*** Rates are listed as % (percent of revenue) and/or ¢ (cents per therm)
 *** If there is no effective date after the tax rate, then the rate was in effect before April 11, 1996.
 *** The tax rate to the left is the currently effective rate.
 *** Sales customers could pay either a % (percent of revenue) or a ¢ (cents per therm) if no % (percent of revenue) is applicable.
 *** Transportation and Customer Select customers could pay a %-(percent of revenue) and/or a ¢ (cents per therm).



Agenda Item: Solicitor Permit Ordinance

Type: Discussion

Report From: Chief Finlon

Introduction

The Police Department is assigned the responsibility by Village Ordinance to process applications for solicitors. The Department processed approximately 121 such permits for calendar year 2016. The yearly average number of permits processed over a three-year period was approximately 100. These permits ranged from individuals to groups. This also includes charitable organizations providing proof of tax-exempt status. The Village of Cary does not assess a fee for any permits. The ordinance allows for a process for the Chief of Police to revoke issued permits, but requires a violation of the ordinance or a conviction of a violations of a provision of Chapter 5.28 – Solicitors.

In Section 5.28.050 – Policy on Soliciting of the Village Code indicates that; “the occupant shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.”

Staff Analysis

The Solicitors Ordinance is very specific as it relates the information that the applicant must provide and the criteria that would disqualify any applicant. The disqualifying criteria includes: conviction of violating a soliciting ordinance in this or any other Illinois municipality, felony conviction (within 5 years of date of application), or whether a solicitor permit was previously revoked.

Legal Analysis

The Illinois Compiled Statues allow for municipalities to “license, tax, regulate, or prohibit” hawkers or peddlers [65 ILCS 5/11-42-5].

Action Requested

Board direction regarding amendment to the Solicitor Ordinances and philosophy of the regulation of solicitors.

Exhibits

- A. Title 5 – Business Taxes, Licenses and Regulations, Chapter 5.28 – Solicitors**
- B. Title 5 – Business Taxes, License and Regulations, Chapter 5.12 – Charitable Solicitations**
- C. Illinois Compiled Statute – 65 ILCS 5/11-42-5**
- D. Solicitor Permit Fees – various area municipalities**

Committee Action Taken

	Betz	Cosler	Covelli	Kraus	Weinhammer	McAlpine	Kownick
Motion							
Second							
Aye							
Nay							

State Law reference— Authority to regulate hawkers and peddlers, 65 ILCS 5/11-42-5; Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

Sec. 5.28.010. - Definitions.

For the purpose of this chapter, the following words as used in this chapter shall mean as follows:

Registered solicitor means and includes any person who obtained a valid certificate of registration as provided in this chapter, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

Residence means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Soliciting means and includes any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever, except for the sale of books, periodicals or other publications or subscriptions to such, either through personal door to door contact, or by the use of flyers or other types of literature left on residential doors or porches;
2. Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character; or
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project, either by door to door residential solicitation or by engaging in solicitation on public roadways or other public property.

(Code 1981, § 5.28.010; Ord. No. 98-5-2, § 1(part); Ord. No. O09-08-09, § 2, 8-18-2009; Ord. No. O10-04-06, § 1, 4-20-2010)

Sec. 5.28.020. - Certificate of registration—Required.

Every person desiring to engage in soliciting as defined in Section 5.28.010 from persons in residences within the Municipality is required to make written application for a certificate of registration as provided in Section 5.28.030. It shall be unlawful for any person to engage in soliciting without first securing a license as required hereunder.

(Code 1981, § 5.28.020; Ord. No. 98-5-2, § 1(part); Ord. No. O09-08-09, § 2, 8-18-2009; Ord. No. O10-04-06, § 1, 4-20-2010)

Sec. 5.28.030. - Certificate of registration—Application.

- A. Application for a certificate of registration shall be made upon a form provided by the Chief of Police or his designee of the Municipality and filed with such Chief or designee. The applicant must truthfully state in full the information requested on the application as follows:
1. Name and address of present place of residence and length of residence at such address, business address if other than residence address, and social security number;
 2. Address of place of residence during the past three (3) years if other than present address;
 3. Physical description of the applicant;
 4. Name and address of the person, firm or corporation or association with whom the applicant is employed by or represents, and the length of time of such employment or representation;
 5. Name and address of employer during the past three (3) years if other than the present employer;
 6. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
 7. Period of time for which the certificate is applied for;
 8. The date, or approximate date, of the latest previous application for certificate under this chapter, if any;
 9. Whether a certificate of registration issued to the applicant under this chapter has ever been revoked;
 10. Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinance of any other Illinois municipality regulating soliciting;

11. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State or any other state or Federal law of the United States;
 12. Such additional information as the Chief of Police may deem necessary to process the application.
 13. If the applicant is employed by or represents a charitable organization, the applicant shall furnish, in addition to the aforementioned information:
 - a) Proof that the organization has complied with the provisions of the Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.; and
 - b) Proof that the organization is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of the United States, as amended.
 14. Attached signed and notarized release of liability waiver for a criminal history records check.
- B. All statements made by the applicant upon the application or in connection therewith shall be under oath.
- C. The Chief of Police shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and date pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Application for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.
- D. No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of this State or any state or Federal laws of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued under Section 5.28.040 has previously been revoked as provided in this chapter.

(Code 1981, § 5.28.030; Ord. No. 98-5-2, § 1(part); Ord. No. O09-08-09, § 2, 8-18-2009; Ord. No. O10-04-06, § 1, 4-20-2010)

Sec. 5.28.040. - Certificate of registration—Issuance.

- A. The Chief of Police, or his or her designee, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as required in this chapter, and that the issuance of a certificate of registration to the applicant would not be in accordance with the intent and purpose of this chapter. Endorsement shall be made by the Chief of Police, or his or her designee, upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.
- B. Such certificates shall be good and valid for a period of five (5) days up to a maximum of thirty (30) days from the date of issuance.
- C. Any certificate of registration issued under this section shall be revoked by the Chief of Police, or his or her designee, if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the certificate either by personal delivery or by certified mail addressed to the certificate holder. Revocation of any certificate of registration may be in addition to any fine or penalty which may be imposed for any violation of this chapter.
- D. Immediately upon giving of such notice, the certificate of registration shall state the expiration date thereof.

(Code 1981, § 5.28.040; Ord. No. 98-5-2, § 1(part); Ord. No. O09-08-09, § 2, 8-18-2009; Ord. No. O10-04-06, § 1, 4-20-2010)

Sec. 5.28.050. - Policy on soliciting.

It is declared to be the policy of the governing body of the Municipality that the occupant in the Municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.

(Code 1981, § 5.28.050; Ord. No. 98-5-2, § 1(part); Ord. No. O09-08-09, § 2, 8-18-2009)

Sec. 5.28.060. - Notice regulating soliciting.

- A. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions:
1. Notice of the determination by the occupant of giving invitation to solicitors, or to the refusal of invitation to solicitors, to any residence, shall be given in the following manner:
 - a. A card shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words as follows:

"NO SOLICITORS INVITED"

- b. The letters shall be at least one-third (1/3) inch in height. For the purpose of uniformity, the card shall be provided by the Village to persons requesting.
 - c. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.
- B. The absence of either a "No Solicitors Invited" card, or a similarly worded card, shall mean that the occupant of such residence has given invitation to a solicitor.

(Code 1981, § 5.28.060; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.070. - Duty of solicitors.

- A. It shall be the duty of every solicitor upon going onto any premises in the Municipality upon which a residence is defined in Section 5.28.010 is located to first examine the notice provided for in Section 5.28.060, if any is attached, and be governed by the statement contained in the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.
- B. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Code 1981, § 5.28.070; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.080. - Uninvited soliciting prohibited.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as defined in Section 5.28.010, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.28.060.

(Code 1981, § 5.28.080; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.090. - Time limit on soliciting.

It is unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in Section 5.28.010 prior to 9:00 a.m. or after 8:00 p.m. of any weekday, or Saturday, or at any time on a Sunday or on a State or national holiday.

(Code 1981, § 5.28.090; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009; Ord. No. 010-04-06, § 1, 4-20-2010)

Sec. 5.28.095. - Restrictions on public solicitation.

No person shall engage in soliciting as defined in Section 5.28.010 on a public roadway that intersects or is in close proximity to Illinois Route 14 (Northwest Highway). Any solicitor engaged in soliciting on a roadway shall wear a reflective safety vest or other reflective safety clothing or device as approved by the Chief of Police or his designee.

(Ord. No. 010-04-06, § 1, 4-20-2010)

CHAPTER 5.12. - CHARITABLE SOLICITATIONS⁽³⁾ Footnotes: --- (3) ---

State Law reference— Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

Sec. 5.12.010. - Permit required.

It is unlawful for any person to go from house to house soliciting funds, subscriptions, credit, property, financial assistance, or any other thing of value on the plea or representation that such will be used for charitable or religious organizations or purposes, either in person, or by agent, or upon the public streets, sidewalks or any other public place within the Village, without having first secured a permit for the conduct of such a solicitation drive.

(Code 1981, § 5.12.010; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.020. - Permit—Application—Contents.

An application for a permit to solicit as provided in Section 5.12.010 shall be made to the Village Administrator upon forms provided by the Village. Such applications shall be sworn to and filed with the Village Administrator at least fifteen (15) days prior to the time at which the permit applied for shall become effective; provided, however, that the Village Administrator may, for good cause shown, allow the filing of an application less than fifteen (15) days prior to the effective date of the permit applied for. The application required in this section shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

- A. The name, address or headquarters of the person applying for the permit;
- B. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to be true and a correct copy of the original by the officer having charge of the applicant's records;
- C. The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby and the use or disposition to be made of any receipts therefrom;
- D. The names and addresses of the person or persons by whom the receipts of such solicitations shall be disbursed;
- E. The name and address of the person or persons who will be in direct charge of conducting solicitation and the names of all promoters connected or to be connected with the proposed solicitation;
- F. The time when such solicitations shall be made giving the preferred dates for the beginning and ending of such solicitation;
- G. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the Village or by any department or officer thereof;
- H. Such other information as may be reasonably required by the Village Administrator in order for him or her to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

Said application may be in substantially the following form:

VILLAGE OF CARY, ILLINOIS
APPLICATION FOR PERMIT TO SOLICIT FOR CHARITABLE PURPOSES

1.	Name of person, company or organization applying for permit:	
2.	Address:	
3.	Telephone:	
4.	Type of soliciting to be employed:	
5.	Solicitation period requested:	
6.	Information concerning person or persons supervising the solicitation activity:	
	Name:	
	Address:	
	Year and Make of Auto:	
	Auto License Number:	
	State:	
7.	Names and addresses of all solicitors; age of each solicitor:	
8.	The purpose for which the solicitation is to be made:	
9.	The receipts from the solicitations will be used or disposed of as follows:	
10.	If the applicant is a company or organization, a letter, on said company's or organization's letterhead, authorizing the undersigned to sign this application, must be attached hereto.	
		(Signature of applicant)
		(Position of person signing application)

(Code 1981, § 5.12.020; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.030. - Permit—Application—Altering information.

If, while any application is pending, or during the term of any permit granted thereon, there is any change in face, policy or method that would alter the information given in the application, the applicant should notify the Village Administrator in writing thereof within twenty-four (24) hours after such change.

(Code 1981, § 5.12.030; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.040. - Permit—Standards for issuance.

The Village Administrator shall review and act upon applications for all permits to solicit for charitable purposes. Such permits shall be issued if the Village Administrator finds the following facts to exist:

- A. That all of the statements made in the application are true;
- B. That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity;
- C. That the control and supervision of the solicitation will be under responsible and reliable persons;
- D. That the applicant has not engaged in fraudulent transaction or enterprise;
- E. That the solicitation will not be a fraud on the public;
- F. That the solicitation is prompted solely by a desire to finance the charitable cause described in the application, and will be conducted primarily for private profit;
- G. That, where solicitation is to be conducted in the business areas of the Village, the Village Administrator's decision to approve or deny said application has occurred not less than thirty (30) days prior to the date requested by the applicant;
- H. That, where solicitation is to be conducted in the business areas of the Village, permits shall be issued in the following order of preference with respect for pending applications:
 1. First, to those applicants whose solicitation request is coordinated with a national or Statewide financial drive;
 2. Second, to such other organizations or groups as may be approved by the Village Administrator;
- I. That, where the solicitation is to be conducted in the business areas of the Village, it will be supervised by persons who are at least eighteen (18) years of age and that solicitors under the age of eighteen (18) years shall be in the constant sight of an adult supervisor;
- J. That the solicitation shall be restricted solely to the hours between 7:00 a.m. and 10:00 p.m. on the date for which the permit is granted.

(Code 1981, § 5.12.040; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.050. - Permit—Filing and notice of final action.

The Village Administrator shall file in his or her office for public inspection, and shall serve upon the applicant by mail or fax, a written statement indicating approval or denial of each application.

(Code 1981, § 5.12.050; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.060. - Reserved.

Sec. 5.12.070. - Permit—Contents.

Permits granted under this chapter shall bear the name and address of the person or organization by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a bold faced statement that the permit does not constitute an endorsement by the Village or by any of its departments, officers or employees of the purpose or of the person conducting the solicitation. All permits must be signed by the Village Administrator. The permit may be in substantially the following form:

			PERMIT No. _____
NONTRANSFERABLE. VOID AFTER			
		(Date)	
	Date		
	Of		
(Name)		(Address)	

is authorized to solicit for charitable purposes under the provisions of Ordinances of the Village of Cary, Illinois, from the _____ day of _____, 20 _____, to the _____ day of _____, 20 _____.

THE ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE AN ENDORSEMENT BY THE VILLAGE OF CARY, OR BY ANY OF ITS DEPARTMENTS, OFFICERS OR EMPLOYEES, OF THE PURPOSE OR PERSON CONDUCTING THIS SOLICITATION.

(Code 1981, § 5.12.070; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.080. - Permit—Duration and extension.

No permit may grant the right to solicit longer than thirty (30) days from its date, although the Village Administrator may extend the permit for not more than thirty (30) days upon a showing that unnecessary hardship would be created by such failure to extend.

(Code 1981, § 5.12.080; Ord. No. 98-5-2, § 1(part))

Sec. 5.12.090. - Permit nontransferable.

Any permit issued under this chapter shall be nontransferable.

(Code 1981, § 5.12.090; Ord. No. 98-5-2, § 1(part))

(65 ILCS 5/11-42-5) (from Ch. 24, par. 11-42-5)

Sec. 11-42-5. The corporate authorities of each municipality may license, tax, regulate, or prohibit hawkers, peddlers, pawnbrokers, itinerant merchants, transient vendors of merchandise, theatricals and other exhibitions, shows, and amusements and may license, tax, and regulate all places for eating or amusement. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.

(Source: P.A. 96-1516, eff. 2-4-11.)

Solicitor Permit Research

Algonquin - \$25.00/per day

Barrington – none, mobile food vendor \$100.00 annually

Barrington Hills - \$25.00

Buffalo Grove – Not-for-Profit, no fee; for Profit \$50.00 + 15.00 for each additional solicitor

Carpentersville – Itinerant Merchants, \$40.00 for 1 day license, \$160.00 for one month

Solicitor one month \$40.00

Crystal Lake – No fee – similar ordinance

Fox River Grove - \$25.00/Permit valid for 30 days

Island Lake - \$500.00 for 3 day permit, \$200.00 for each additional solicitor for 3-day permit

Lake in the Hills - \$50.00, limit to 30 days

McHenry City – No more than 24 permits issued per year, 2 per month and one per weekend.

Woodstock – No fee for solicitors, temporary vendors \$100.00 per calendar year for vehicle and \$50.00 for each additional



Agenda Item: **Parking Regulations**

Type: **Discussion**

Report From: **Director Morimoto/Chief Finlon**

Introduction

Recently, the Village has received numerous calls regarding vehicle parking. These calls are based on a concern for safety, inability of larger vehicles to negotiate narrow roadways between parked vehicles, and regulations imposed to address previous identified problems/issues. It seems that the timing for a comprehensive Village-wide analysis of this issue is appropriate.

Staff Analysis

When Village staff receives such calls, the response is based on a collaborative model involving the Police Department and Public Works. The respective Departments rely on the following information to make informed decisions regarding traffic matters: citizen complaints, crash data, traffic surveys (speed and vehicle types), roadway design (geometry and configuration), best practices, reference manuals (Manual of Uniform Traffic Control Devices, Board/Committee minutes, etc.) and other factors that may address vehicle/pedestrian movement. Access for emergency equipment is an important factor and it was learned that the Cary Fire Protection District has a piece of equipment that is 10 foot, 4 inches wide from the outside of the side mirrors. This, coupled with a variety of widths (ranging from less than 20 feet to 40 feet wide) of roadways within the Village provides the backdrop for a necessary discussion to ensure that parking restrictions/regulations are applied in a uniform fashion. Staff intends to develop criteria to apply to all village roadways to uniformly regulate vehicle parking and improve public safety access. Staff will present slides at the Committee of the Whole with explanation regarding this issue.

Legal Analysis

The following provisions of the Illinois Compiled Statutes authorize local authorities to enact traffic regulations that do not conflict with existing provisions of the Illinois Compiled Statutes: 625 ILCS 5/11-207 – Provisions of this Chapter Uniform Throughout the State and 625 ILCS 5/11-208 – Powers of Local Authorities.

Action Requested

Receive direction from the Village Board to develop criteria to apply to Village roadways to uniformly regulate parking.

Exhibits

- A. Slide presentation on August 15, 2017**
- B. Illinois Compiled Statute Reference (625 ILCS 5/11-207 and 625 ILCS 5/11-208)**
- C. Article regarding parking issue in Mundelein**

(Committee Action Taken)

	Betz	Cosler	Covelli	Kraus	Weinhammer	McAlpine	Kownick
Motion							
Second							
Aye							
Nay							

(625 ILCS 5/11-207) (from Ch. 95 1/2, par. 11-207)

Sec. 11-207. Provisions of this Chapter uniform throughout State. The provisions of this Chapter shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance rule or regulation in conflict with the provisions of this Chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this Chapter, but such regulations shall not be effective until signs giving reasonable notice thereof are posted.

(Source: P.A. 92-651, eff. 7-11-02.)

(625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

Sec. 11-208. Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Sections 11-1306 and 11-1307 of this Act;
2. Regulating traffic by means of police officers or traffic control signals;
3. Regulating or prohibiting processions or assemblages on the highways; and certifying persons to control traffic for processions or assemblages;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604;
6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;
7. Restricting the use of highways as authorized in Chapter 15;
8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized in Section 11-604;
11. Prohibiting U-turns;
12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;
13. Prohibiting parking during snow removal operation;
14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or veterans with disabilities by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as

evidence that the vehicle is operated by or for a person with disabilities or a veteran with a disability;

15. Adopting such other traffic regulations as are specifically authorized by this Code; or

16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under subsections 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county designated in Section 11-208.6 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

(g) A municipality or county, as provided in Section 11-1201.1, may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1201 of this Code or a similar provision of a local ordinance and imposing liability on a registered owner of a vehicle used in such a violation.

(h) A municipality designated in Section 11-208.8 may enact an ordinance providing for an automated speed enforcement system to enforce violations of Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

(i) A municipality or county designated in Section 11-208.9 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1414 of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation. (Source: P.A. 98-396, eff. 1-1-14; 98-556, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)

Mundelein proposes parking ban on narrow streets

[Rick Kambic](#) Contact Reporter

Pioneer Press

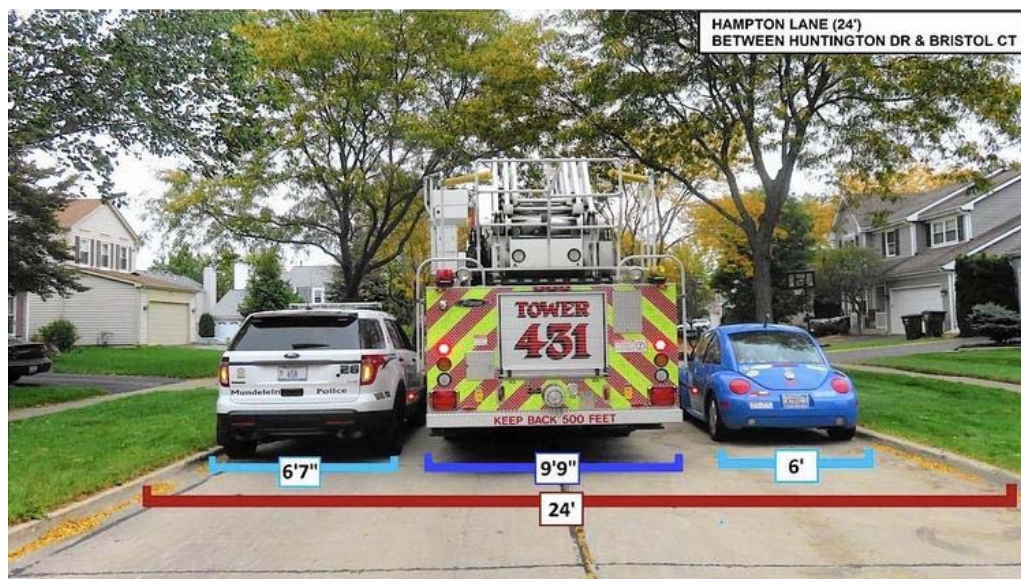
[Mundelein](#) officials on Monday proposed a 24-hour parking ban on narrow streets after two previous attempts at village-wide overnight parking bans were halted last year.

Village trustees voted 5-0 to post the proposed plan on Mundelein's website for 60 days, while also disseminating it on Facebook and through a weekly online newsletter so public feedback could be collected before a final vote takes place early next year. "I know that whatever we do, there's going to be residents who are shocked and appalled that there's no parking all of the sudden and no one told them," Trustee Ray Semple said when he motioned to bump the original 30-day notice to 60 days.

Under the new proposal, parking would not be allowed at any time of day on streets that are less than 20 feet wide, while streets with a width between 20 and 24 feet would only allow parking on the side of the road without fire hydrants. Streets wider than 24 feet would allow for parking on both sides unless previously approved ordinances ban parking or require permits, according to the proposal.

Mundelein has 98 streets that are less than 24 feet wide and 38 of them have preexisting rules that already comply with the new proposal, according to the report. Of the remaining 60, some already ban parking on one side and would need a full ban on both sides of the road, while others don't have any current limitations.

This latest proposal for the ban was labeled "A Public Safety Standard," and its mission statement focuses on making sure police and fire crews can travel through the neighborhoods.



While drafting a new regulation that bans parking on narrow streets, Mundelein officials photographed their attempts to get a fire truck down various neighborhood roads. (Village of Mundelein)

The draft was created by Jonathan Kellogg from the village administration department and Mundelein Police Officer Anastasios Koumantos, who said they began their research in December 2015 and measured streets and emergency vehicles.

Some of the affected streets include the western portion of the Loch Lomond subdivision, a few streets north of Route 176 near the Hawley Street split, four streets between Allanson Road and Courtland Street, a handful of streets south of Hawthorn Boulevard and west of Route 45 and four streets near Diamond Lake Road.

Trustee Holly Kim said she wants "a happy marriage" between the need for the ban and the need for residents to park, noting that some parts of town are older and were built during eras with different transportation needs. "Don't forget the people are the ones who are going to call 911 and are going to need that truck," Semple said in response to Kim. "Don't separate the government and the people. When they call 911, we have to get our vehicles there and that trumps everything." Kim said fire trucks always find a way to get on scene, even if it means driving on the parkway or someone's lawn. "I would almost argue that they can get to anyone they want, so residents if you're watching (online) don't be worried, they can get to you," Kim said.

Jeanne Cygnus, who lives on North Lakeshore Drive, was a chief opponent to the first two proposed parking bans. She did not attend Monday's meeting, but said she has reviewed the new proposal and is still rallying other residents. "I think it's a thinly veiled attempt by the village to try to get a pet project approved that was twice before defeated," Cygnus said. "I think this toned-down version does have some legitimacy — on the super-narrow streets, we probably should reconsider parking." Cygnus said her opposition throughout the past year has always involved the "one-size-fits-all" approach. She said Mundelein has a diverse housing portfolio that comes with different circumstances. "My fear, however, is that they will take this as a starting point, and then continue to push for a full ban, which is simply not practical for those living in the older sections of Mundelein," Cygnus said.

Cygnus said an unfair parking policy could hurt the local economy. "This alone could bring down property values in those areas because with our modern two-to-three (or more) car families, buyers may be unwilling to purchase a home in the older sections of Mundelein simply because of the inability to park on the street when the driveways are too small to hold their vehicles," Cygnus said.

Last year, Mundelein proposed restoring the overnight parking ban that ended in 1974, and more than 40 residents attended a [July 2015 committee meeting](#). Documents from that presentation largely focused on how the ban could reduce crime, but also mention the potential to prevent accidents and eliminate complaints about blocked driveways.

At that time, Police Chief Eric Guenther said criminals know they have a right to be on public roads and they're less likely to trespass onto private property. "In addition to police-related benefits, the fire department does not need to worry about truck/ambulance access to homes or access to hydrants because streets would be clear of cars," reads a line from the July 2015 report.

The report also mentioned a need to relieve congestion and create better access for snowplows, garbage trucks, public works repair crews and street sweeping machines.

Then in October 2015, Mayor Steve Lentz proposed a compromise in which people could park on the side of the street with odd-number addresses during odd-numbered dates, and then park on the other side during even-numbered dates.

Mundelein Village Attorney Charles Marino later said that idea would conflict with previously written parking ordinances. After an estimate for making and posting new signs came in at \$300,000 and rising, Lentz [rescinded the idea](#).

After Monday's meeting, Guenther said he couldn't recall any problems getting fire trucks or squad cars through residential streets but he'd rather not wait until someone's life is at stake. Guether said he still prefers the original overnight parking ban he proposed, but he sees benefits to the new plan and he thinks it's a reasonable alternative. "Sometimes people wait to the last minute to move their cars and forget or it snows overnight and our snow provision is useless," Guenther said. "This resolves those variables."

Mundelein officials said they plan to have a special web page outlining the proposed parking ban online before Thanksgiving.

rkambic@pioneerlocal.com

Twitter @Rick_Kambic

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Department

Updates