

CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled "**Title and Definitions**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village. **(See 65 ILCS 5/1-3-2 and 5/11-1-1)**

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(See 625 ILCS 5/11-203)**

24-2-2 **SCENE OF FIRE.** The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

24-2-3 **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **(See 625 ILCS 5/11-301)**

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device other than a traffic sign or signal authorized by the Village Board or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapter 27 and 33) (Also See Chapter 40 - Zoning Code)**

24-2-7 **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. **(See 625 ILCS 5/11-206)**

24-2-8 **BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:

(A) A lamp upon the front which emits a white light visible from a distance of at least **five hundred (500) feet** to the front.

(B) A red reflector on the rear which shall be visible to a distance of **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(C) A reflex reflector on each pedal visible from the front and rear of the bicycle from a distance up to **two hundred (200) feet** when viewed within the lawful lower beams of headlights on a motor vehicle.

(D) Side reflectors upon each side of the bicycle which shall be visible up to a distance of **five hundred (500) feet** when viewed directly in front of a lawful lower beam of motor vehicle headlights. The requirements of this subparagraph may be met by reflective materials which shall be at least **three-sixteenths (3/16) of an inch** wide on each side of each tire or rim which may indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim.

24-2-9 **REGULATION OF SKATEBOARDS, IN-LINE SKATES (ROLLERBLADES OR ROLLERSKIS) AND ROLLERSKATES.** All on-street operation of skateboards, in-line skates (rollerblades and rollerskis) and rollerskates shall be conducted as far to the right of the traffic lane as possible, in a single file and flowing with traffic. All operations of these skateboards, in-line skates and rollerskates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of reflective clothing or reflective strips on his or her clothing which can be seen from a distance of **five hundred (500) feet** to the rear and side. Further, all operation shall be consistent with the rules of the road established for bicycles. Skateboards, in-line skates and rollerskates shall be allowed on all Village streets and sidewalks except for those listed in **Schedule "Z"** at the conclusion of this Code.

24-2-10 **REGULATIONS OF MOTORIZED SCOOTERS, CYCLES OR UNLICENSED OTHER MOTOR DRIVEN CONVEYANCE.** Motorized scooters, cycles or other unlicensed motor driven conveyance that are not subject to licensing pursuant to the Illinois Vehicle Code shall not be operated upon any street within the Village. **(Ord. No. 06-10; 11-28-06)**

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the Village designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

24-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS 5/11-208)**

24-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at **one (1)** or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS 5/11-302)**

24-3-4 **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "C")**

24-3-5 **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS 5/11-304)**

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 11**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village except for the following changes, deletions and omissions:

- (A) **Omissions:**
- (1) Omit Sections 11-207, 11-208.1, 11-208.2, 11-209.1, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-502, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419, and 11-1422.
- (B) **Changes and Additions:**
- (1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
 - (2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 **DRIVING RULES.**

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the Village in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) **Drag Racing.** No person shall participate within the City in drag racing as such activity is defined by **625 ILCS 5/11-504**.

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** Traffic control signals, signs or markers owned by the Village shall be possessed only by the Village's employees, police officers, contractors, or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the Village. No person shall possess a traffic control signal, sign or marker owned by the Village except as provided in this paragraph without the prior written authority of the Village. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority. **(See 625 ILCS 5/11-313)**

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the Village and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. **(See 625 ILCS 5/11-608)**

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the Village Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone

and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street. **(See Schedule "D") (See 625 ILCS 5/11-604) (See 65 ILCS 5/11-40-1)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This Section shall not be applicable unless appropriate signs are posted upon streets and maintained by the Village or State wherein the school zone is located. **(See 625 ILCS 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this Village at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the Village has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the Village.

24-4-3 DUTY TO REPORT ACCIDENT. The driver of a vehicle which is in any manner involved in an accident within the Village shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the Village within **twenty-four (24) hours** shall result in arrests of the person or persons involved. **(See 625 ILCS 5/11-415)**

24-4-4 TRANSPORTING LIQUOR IN VEHICLES. No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this Village except in the original container and with the seal unbroken. **(See 625 ILCS 5/11-502)**

24-4-5 EXCESSIVE NOISE - STOPPED VEHICLE. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-6 EXCESSIVE NOISE - WHEELS. No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-7 EXCESSIVE NOISE - SQUEALING TIRES. No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS 5/11-505)**

24-4-8 RECKLESS, NEGLIGENT OR CARELESS DRIVING. It shall be unlawful to operate any vehicle in the Village in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-9 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

24-4-10 **SOUND AMPLIFICATION SYSTEM.** No driver of any motor vehicle within this State shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. **(See 65 ILCS 5/12-611)**

24-4-11 **NO PASSING ZONES.**
(A) Whenever signs or markings are in place to define a no passing zone and clearly visible to an ordinarily observant person no driver shall at any time drive on the left side of the roadway within such no passing zone or on the left side of any pavement striping designed to mark such no passing zone throughout its length.
(B) This Section shall not apply under the conditions described in **Section 11-7-1(a)(2) of 625 ILCS 5/11-707**, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. **(Ord. No. 1998-5; 04-14-98)**

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village. **(See 625 ILCS 5/12-605, 5/12-605.1; and 5/12-605.2)**

24-5-2 **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(See 625 ILCS 5/12-602)**

ARTICLE VI - PARKING RULES

24-6-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 **PARKING FOR SALE OR REPAIR.** No person shall park a vehicle upon any street for the purpose of:

- (A) displaying such vehicle for sale; or
- (B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

24-6-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

- (1) **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 (30) feet** 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.
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (h) On any railroad tracks.
 - (i) At any place where official signs prohibit stopping.
 - (j) On any controlled-access highway.
 - (k) In the area between roadways of a divided highway, including crossovers.
 - (l) In any alley that is open and maintained.
- (2) **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 (15) feet** of a fire hydrant.
 - (c) Within **twenty (20) feet** of a crosswalk at an intersection.
 - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
 - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).

- (f) At any place where official signs prohibit standing or parking.

- (3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
 - (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
 - (b) at any place where official signs prohibit parking;
 - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
- (D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:
 - (1) Upon any street, alley or any public way within the Village except for the purpose and time period reasonably necessary to load and unload the same.
 - (2) Upon public or private property within the Village with the motor running for a continuous period in excess of **thirty (30) minutes**. **(See 625 ILCS 5/3-815)**

24-6-5 PARKING FOR THE HANDICAPPED.

- (A) **Designated Parking.** Certain parking spaces within the confines of the Village shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.
- (B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the Village.
- (C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(See 625 ILCS 5/11-1301.2)**
- (D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a Village Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes.** The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **One Hundred Dollars (\$100.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle.
- (E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H"**.

24-6-6 LOAD LIMITS. There shall be a **five (5) ton** load limit on all streets in the Village on vehicles traveling through the Village. This Article shall not apply to traffic on Route 148 nor shall it apply to traffic hauling out of the Village or into the Village. **(Ord. No. 92-6; 02-25-92)**

24-6-7 TOWING CARS AWAY. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed

away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place

where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours**.

Vehicles towed away shall be stored on any Village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicle(s).

24-6-8 **PARKING VIOLATIONS.** Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the Village **Ten Dollars (\$10.00)** for each such offense and **Fifteen Dollars (\$15.00)** for the second offense within **six (6) months**. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days**.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) **Removal - Time Limit.** Any vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by the Police Department of the Municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the Municipality.

(B) **Village Parking Lots.** No person shall park a motor vehicle on a Village parking lot unattended for more than **five (5) consecutive days**.

(C) **Parking Violation Ticket.** The parking violation ticket shall be as follows:

24-6-9 **PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-6-10 **SNOW ROUTES.** It shall be unlawful to park a vehicle on the following designated streets at any time within **eighteen (18) hours** after a snowfall of **three (3) inches** or more, unless the street has been cleared of snow.

24-6-11 **PARKING TICKETS - STATE STATUTE.** The Village Board intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.

ARTICLE VII – INTOXICATED DRIVING

24-7-1 **PERSON INTOXICATED.** No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any vehicle within this Village.

24-7-2 **PERSON ON DRUGS.** No person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle may drive or be in actual physical control of any vehicle within this Village. The fact that a person charged with a violation of this Section is or has been entitled to use such drug under the law of this State does not constitute a defense against any charge of violation of this Section.

24-7-3 **BLOOD TESTS.** Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by chemical analysis of his breath, blood, urine, saliva, or other bodily substance is admissible, as provided hereinafter and the result of any such analysis shall give rise to the following presumptions:

(A) If there was, at the time of such analysis, **0.05 percent** or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor.

(B) If there was, at the time of such analysis, in excess of **0.05 percent**, but less than **0.08 percent** by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether such person was under the influence of intoxicating liquor.

(C) If there was, at the time of such analysis, **0.08 percent** or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

Percent by weight of alcohol in the blood shall be based upon grams of alcohol per **one hundred (100) cubic centimeters** of blood. Evidence based upon a chemical analysis of blood, urine, breath or other bodily substance shall not be admitted unless such substance was produced and such analysis made with the consent of the person as provided by State law, as amended, whose bodily substance was so analyzed.

The foregoing provisions of this Section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the person being tried was under the influence of intoxicating liquor.

24-7-4 **ADOPTION OF STATUTES.** The provisions of the **Illinois Compiled Statutes**, as amended, regarding the standards for chemical analysis and the evidentiary use thereof shall be observed.

24-7-5 **PENALTY.** All violations of this Article shall be a **Class Five (5)** ordinance violation as provided for in **Section 1-1-17** of this Code.

ARTICLE VIII - ABANDONED VEHICLES

24-8-1 **DEFINITIONS.** For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

"ABANDONED VEHICLE" shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for **seven (7) consecutive days** or more and is apparently deserted.

"ANTIQUE VEHICLE" means any motor vehicle or other vehicle **twenty-five (25) years** of age or older.

"COMPONENT PART" means any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State.

"DERELICT VEHICLE" means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner's, lienholder's or other legally entitled person's land contrary to the public policy expressed in this Code.

"HIGHWAY" means any street, alley or public way within this Municipality.

"REMOVE" means to remove, deface, cover, or destroy.

"VEHICLE" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting, however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. **(See 625 ILCS 5/4-201)**

24-8-2 **ABANDONMENT.**

(A) **Highway.** The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein.

(B) **Private Property.** The abandonment of a vehicle or any part thereof on private or public property other than a highway in view of the general public anywhere in this Municipality is unlawful, except on property of the owner, or bailee of such abandoned vehicle.

(C) **Owner's Property.** A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the Police Department, after a waiting period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under **Ch. 65 Sec. 5/11-40-3 of the Illinois Compiled Statutes**. A violation of this Section is subject to penalties as set forth in **Section 1-1-20** of the Village Code. **(See 625 ILCS 5/4-201)**

24-8-3 **POSSESSION OF VEHICLE BY OTHER PARTY; TOWING.** Where an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this Municipality who is not the owner, lienholder or other legally entitled person of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in **Section 24-8-5**, until the vehicle is claimed by the owner, lienholder, or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter. **(See 625 ILCS 5/4-202)**

24-8-4 **REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.**

(A) When a vehicle is abandoned or left unattended on a highway in an urban district for **ten (10) hours** or more, its removal by a towing service may be authorized by the Police Department.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Police Department.

(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner, lienholder or other legally entitled person of the vehicle shall be responsible for all towing costs.

(D) The remaining provisions of **Section 4-203 of Chapter 625**, of the **Illinois Compiled Statutes** are hereby adopted by reference and the provisions thereof shall be controlling within the corporate limits of this Municipality. **(See 625 ILCS 5/4-203)**

24-8-5 **POLICE RESPONSIBILITIES.** When a vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. **(See 625 ILCS 5/4-204)**

24-8-6 **UNKNOWN OWNER.** When the Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches shall be used by the Police Department in sending notification by certified mail to the owner, lienholder or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. **(See 625 ILCS 5/4-205)**

24-8-7 **IDENTIFYING AND TRACING VEHICLE.** When the registered owner, lienholder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner, lienholder, or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police shall be immediately forwarded to the Police Department having custody of the vehicle for notification purposes as set forth in **Section 24-8-6** of this Chapter. **(See 625 ILCS 5/4-206)**

24-8-8 **RECLAIMED VEHICLES - EXPENSES.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in **Section 24-8-9**, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other legally entitled person under this Section until all towing and storage charges have been paid. **(See 625 ILCS 5/4-207)**

24-8-9 DISPOSAL OF UNCLAIMED VEHICLE. Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of **thirty (30) days** after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automatic parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625, of the Illinois Compiled Statutes.** Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the Police Department shall cause a notice of the time and place to be sent by certified mail to the registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice shall not be required.

24-8-10 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided for in **Section 24-8-9** of this Code without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Code, it shall be kept in custody for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner and lienholder and contacting the registered owner and lienholder by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. (At the expiration of the **ten (10) day** period without the benefit of disposition information being received from the registered owner, lienholder or other legally entitled person, the Chief of Police shall authorize the disposal of the vehicle as junk.)

(C) **Antique Vehicle.** A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it. (**See 625 ILCS 5/4-209**)

24-8-11 POLICE RECORD FOR DISPOSED VEHICLE. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction shall be maintained by the Police Department for a period of **one (1) year** from the date of the sale or disposal. (**See 625 ILCS 5/4-210**)

24-8-12 PUBLIC SALE PROCEEDS. When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Police Department and disposed of as set forth in this Code, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the Municipal Treasury. (**See 625 ILCS 5/4-211**)

24-8-13 LIABILITY. A law enforcement officer or agency, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, lienholder, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Code. (**See 625 ILCS 5/4-213**)

24-8-14 **PENALTY.**

(A) Any person who violates or aids and abets in the violation of this Article, upon conviction, shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, and

(B) shall be required by the Court to make a disposition on the abandoned or unclaimed vehicle and pay all towing and storage charges pursuant to this Article. **(See 625 ILCS 5/4-214)**

ARTICLE IX – TOWING AND IMPOUNDING VEHICLES INVOLVED IN A CRIME

24-9-1 DEFINITIONS. For the purpose of this Article, the following words and phrases shall have the following meanings ascribed to them respectively.

Preliminary Hearing Officer: The Chief of Police or his designee.

Administrative Hearing Officer: Office who is an attorney licensed to practice law in this State for a minimum of **three (3) years**.

Business Day: Any day in which the offices of Village Hall are open to the public for minimum of **eight (8) hours**.

Level 1 Administration Fee: Means and shall be **Four Hundred Dollars (\$400.00)**

Level 2 Administration Fee: Means shall be **Two Hundred Dollars (\$200.00)**.

Motor Vehicle: Every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, and motor scooters.

Controlled Substances: Any substance as defined and included in the schedules of Article II of the Illinois Controlled Substances Act, **720 ILCS 570/201 et seq.**, and cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.**

Drug Paraphernalia: Any equipment, products and materials as defined in **720 ILCS 600/2**.

Weapons Offense: Any of the following offenses contained within Article 24 of Chapter 720 of the Illinois Compiled Statutes; **720 ILCS 5/24-1, 24-1.1, 24-1.2, 24-1.25, 24-1.5, 24-1.6, 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.6 and 24-3A.**

Theft Offense: Any offense in violation of Article 16 or 16A of the Criminal Code, Chapter 720 of the Illinois Compiled Statutes.

Driving Under the Influence of Alcohol, Drugs and/or Intoxicating Compounds: Any offenses as defined in Section 5/11-501 of the Illinois Vehicle Code, **625 ILCS 5/11-501**.

Driving on a Suspended or Revoked License, Permit, or Privilege to Operate a Motor Vehicle: Any offenses as defined in Section 5/6-303 of the Illinois Vehicle Code, **625 ILCS 5/6-303**; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

Driving on an Expired License: Operation or use of a motor vehicle with an expired license, in violation of Section 5/6-101, if the Illinois Vehicle Code, **625 ILCS 5/6-101**, if the period of expiration is greater than **one (1) year**.

Driving Without a License or Permit: Operation or use of a motor vehicle been issued a license or permit, in violation of Section 6-100 of this Code, or operation of a motor vehicle without ever having been issued a license or permit due to a person's age.

Driving a Vehicle by Person Subject to Warrant: Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303 or 11-501 of the Illinois Vehicle Code.

Fleeing or Attempting to Elude a Police Officer: Any offenses as defined in Section 5/11-204 or 11-204.1 of the Illinois Vehicle Code, **625 ILCS 5/11-204 and 204.1**.

Leaving the Scene of a Personal Injury or Property Damage Accident: Any offense as defined in Sections 5/11-401, 5/11-402, and 5/11-403 of the Illinois Vehicle Code, **625 ILCS 5/11-401, 402, and 403**.

Misdemeanor: Any misdemeanor offense as defined by an Illinois statute or the Village Code of Ordinances.

Traffic Violation: Any offense as defined by the Illinois Vehicle Code or of the Village Code of Ordinances.

Owner of Record/Interested Person: The recorded title holder(s) or lienholder(s) of the motor vehicle as registered with the Secretary of State, State of Illinois, or is not registered in Illinois, the particular state where the motor vehicle is registered.

24-9-2 MOTOR VEHICLE IMPOUNDMENT. Pursuant to Article II, Chapter 11 of the Illinois Vehicle Code, **625 ILCS 5/11-208.7**, the Village shall follow the procedures set forth herein

when impounding vehicles (with the exception of those vehicles impounded pursuant to **Section 24-6-7**

of this Code) and imposing reasonable administrative fees, payable to and collected by the Village related to its administrative and processing costs associated with the investigation arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fees imposed herein by the Village shall be uniform for all similarly situated vehicles and are in addition to any other penalties or fees that may be assessed by a court of law for the underlying violations, or by a person, firm, or entity that tows and stores the impounded vehicle.

24-9-3 VIOLATIONS AUTHORIZING IMPOUNDMENT (EXCEPTING IMPOUNDMENT UNDER SECTION 18-12-10).

(A) Any motor vehicle, operated with the express or implied permission of the owner of record/interested person, that is used in connection with the following violations shall be subject to seizure and impoundment by the Village and the owner of record of said motor vehicle or its agent, shall be liable to the Village for a Level 1 administrative fee, as provided for in this Section in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as hereinafter provided:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of Illinois; or
- (2) Driving under the influence of alcohol, another drug or drugs, intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code; or
- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of a felony offense in the Cannabis Control Act; or
- (4) Operation or use of motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
- (5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of Section 24-1 (unlawful use of weapons), 24-1.5 (reckless discharge of a firearm), or 24-3.1 (unlawful possession of firearms and firearm ammunition) of the Criminal Code of Illinois; or
- (6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is an unpaid citation (parking or moving) or due to failure to comply with emission testing, fleeing or attempting to elude a police officer, or leaving the scene of a personal injury or property damage accident; or
- (7) Operation or use of a motor vehicle while soliciting, or attempting to solicit cannabis or controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act, or
- (8) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of Article 16 (theft offense) or 16A (retail theft offense) of the Criminal Code of Illinois; or
- (9) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other felony offense in violation of the Criminal or Vehicle Codes of Illinois.

(B) Any motor vehicle, operated with the express or implied permission of the owner of record/interested person that is used in connection with the following violations, including arrest warrants, but not including those violations listed in **Section 24-9-3(A)** above shall be subject to seizure and impoundment by the Village and the owner of record or its agent, shall be liable to the City for

a

Level 2 administrative fee, as provided for in this Article, in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as hereinafter provided:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor violation of the Cannabis Control Act; or
- (2) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor offense in violation of Article 16 (theft offense) or 16A (retail theft offenses) of the Criminal Code of Illinois; or
- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor offense in violation of the Criminal or Vehicle Codes of Illinois; or
- (4) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code if the period of expiration is greater than **one (1) year**.

24-9-4 SEIZURE AND IMPOUNDMENT.

(A) Whenever a police officer has reason to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Article, the police officer shall provide for the towing of the motor vehicle to a facility controlled or approved by the Village. This Section shall not apply if the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within **twenty-four (24) hours** after the theft was discovered or reasonably should have been discovered.

(B) The Village shall notify, or make a reasonable attempt to notify, the owner of record/interested person or any person who is found to be in control of the motor vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the motor vehicle owner's right to administrative hearing to be conducted under this Section.

(C) The Village shall also provide a notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner of record/ interested person of the vehicle posts with the Village a bond equal to the administrative fee as provided by this ordinance and pays for all towing and storage charges. Whenever the owner of record/interested person of a vehicle seized pursuant to this Article requests, in writing, hand delivered to the Police Department, a preliminary hearing on probable cause within **twelve (12) hours** after the seizure, a preliminary hearing officer shall conduct such preliminary hearing within **seventy-two (72) hours** after the seizure, excluding Saturdays, Sundays and holidays. The owner of record/interested person at that time of the alleged offense shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the preliminary hearing officer determines that there is probable cause to be believed that the vehicle was used in the commission of any crime described as a Level 1 or Level 2 Administrative Fee offense, the preliminary hearing officer shall order the continued impoundment of the vehicle as provided in this Section unless the owner of record/interested person posts with the Village a cash bond in the amount of Level 1 or Level 2 Administrative Fee offense, plus fees for towing and storing the vehicle. If the preliminary hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

24-9-5 ADMINISTRATIVE HEARING.

(A) Within **ten (10) days** after a motor vehicle is seized and impounded pursuant to this Article, the Village shall notify by personal services or by first class mail, return receipt requested, to the owner of record/interested person, the right to a hearing before the administrative hearing officer, along with the date, time and location of the hearing, to challenge whether a violation of this Article has occurred. The owner of record/interested person shall also be notified of the continued impoundment of

the vehicle as provided in this Section unless the owner of record/interested person posts with the Village

a cash bond in the amount of Level 1 or Level 2 Administrative Fee offense, plus fees for towing and storing the vehicle. The hearing date must be scheduled and convened no later than **forty-five (45) days** after the mailing of the notice or issuance of the notice of hearing, when requested. The owner of record/interested person and any other interested person(s) shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible.

(B) If, after the hearing, the administrative hearing officer determines by a preponderance of the evidence that the motor vehicle was used in violation of this Article, then the administrative hearing officer shall enter an order finding the owner of record of the motor vehicle liable to the Village for the applicable administrative fees.

(C) If, after the hearing, the administrative hearing officer does not determine by a preponderance of the evidence that the motor vehicle was used in such violation, the administrative hearing officer shall enter an order finding for the owner and for the return of the motor vehicle, or the administrative fees if already paid.

(D) If owner of record fails to appear at the hearing, the owner of record/ interested person shall be deemed to have waived his or her right to a hearing. If the owner of record/interested person pays such administrative fee and the motor vehicle is returned to the owner of record/interested person, no default order need be entered if the owner of record/ interested person was informed of his or her right to a hearing, in which case an order of liability shall be deemed to have been made when the Village receives the written waiver.

(E) If a bond in the amount equal to the applicable administrative fee is posted with the Police Department, the impounded motor vehicle shall be released to the owner of record/interested person. The owner of record/interested person shall still be liable to the towing agent for any applicable towing fees.

(F) If an administrative fee is imposed for a violation of this Article, the bond will be forfeited to the Village; however if a violation of this Article is not proven by preponderance of the evidence, the bond will be returned to the person posting the bond. All bond money posted pursuant to this Article shall be held by the Village until administrative hearing officer issues decision, or, if there is a judicial review, until the court of jurisdiction issues its orders.

(G) All decisions of the administrative hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law.

24-9-6

DISPOSITION OF IMPOUNDED MOTOR VEHICLE.

(A) An administrative fee imposed pursuant to this Article shall constitute a debt due and owing the Village.

(B) A motor vehicle impounded pursuant to this Article shall remain impounded until:

- (1) The administrative fee is paid to the Village and all applicable towing fees are paid to the towing agent, in which case the owner of record/interested person shall be given possession of the motor vehicle;
- (2) A bond in an amount equal to the applicable administrative fee is posted with the Police Department and all applicable towing fees are paid to the towing agent, at which time the motor vehicle will be released to the owner of record/interested person; or
- (3) Any motor vehicle that is not reclaimed or retrieved from the facility controlled or approved by the Village within **thirty-five (35) days** after the administrative hearing officer issues a written decision shall be deemed abandoned and may be disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Motor Vehicle Code.
- (4) The administrative fee is imposed by the Village for impounded vehicles shall be in addition to any fees charged for the towing and storage, or both, of an impounded vehicle. The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. The towing and/or storage company shall

be entitled to receive a fee from the owner of record/interested person

entitled to possession of any such vehicle prior to the release of the vehicle. The fee shall be to cover the cost of removing said vehicle and, in addition, any fees for the cost of storage of the vehicle for each or fraction thereof that said vehicle remained at their storage facility in compliance with their practices.

- (5) It shall be the duty of the towing or storage company in possession for the vehicle to obtain documentation issued by the Police Department confirming compliance with the foregoing requirements and to retain photo copies of that documentation in their files for a period of not less than **twelve (12) months** following release of said vehicle. The foregoing information shall be made available to the authorities of the Village for inspection and copying, upon their request, but the towing or storage company. The towing or storage company is prohibited from releasing any vehicle they may tow within the Village until and unless they obtain the documentation as noted above.
- (6) The administrative fees established by this Section are to be paid by the owner of record/interested person, or the agents of the owner of record/interested person, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident. Vehicles towed by the Police Department for any reason other than those listed above shall be released to the owner of record/ interested person with no administrative fee charged by the Village. The person purporting to be the owner of record/ interested person, or the agents of the owner of record/interested person, must present proof of ownership, current proof of insurance and possess a valid driver's license prior to the release.
- (7) Upon verifiable proof that the vehicle used in violation was stolen at the time it was impounded; or if the vehicle was operating as a common carrier including, but not limited to taxicabs or busses and the violation occurred without the knowledge of the person in control of the vehicle, the administrative fee shall be waived by the Village.
- (8) Unless stayed by a court of competent jurisdiction, any administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as judgment entered by a court of competent jurisdiction. This Section incorporated Sections 4/201 through 4/214.1 of the Illinois Vehicle Code to the extent they are consistent. Where a provision of this Section differs from Sections 4/201 through 4/214.1 of the Illinois Vehicle Code, the provision of this Section shall be controlling. Enforcement and administration of this Section shall be consistent with the policies and procedures of Section 4/201 through 4/215 of the Illinois Vehicle Code to the extent that said policies and procedures do not directly conflict with the provisions of this Section.

24-9-7 **ESTABLISHMENT OF RESTRICTED REVENUE ACCOUNT.** All fees collected under this Section shall be placed into a Restrictive Revenue Account within the Village to be used for the purchase of police vehicles and equipment.

(Ord. No. 13-05; 06-25-13)

ARTICLE X – GOLF CARTS AND UTILITY TERRAIN VEHICLES

Golf carts and utility-terrain vehicles (not intended for 4 wheelers), as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

24-10-1 DEFINITIONS.

(A) A **"Golf Cart"** is defined as a motorized vehicle with **three (3) or four (4) wheels** that is not designed to be operated at a speed of more than **twenty-five (25) miles per hour**, but is capable of attaining in **one (1) mile** a speed of more than **fifteen (15) miles per hour**, whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

(B) **"Utility Terrain Vehicle"** (not intended for 4 wheelers) shall mean a self-propelled, electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four wheeled motor vehicle with an engine displacement under **one thousand two hundred (1,200) cubic centimeters** which is capable of attaining in **one (1) mile** a speed of more than **fifteen (15) miles per hour** but not more than **twenty-five (25) miles per hour** and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.

(C) **"Village Streets"** means any of the streets within the boundaries of the Village.

24-10-2 REQUIREMENTS. All persons wishing to operate a golf cart or a utility-terrain vehicle on any Village streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance at all times during the term of any permit under this Article.

(B) Must be approved and have each vehicle certified with the Village pursuant to this Article by inspection by the Chief or Police or designated representative.

(C) Must comply with the published "Rules Concerning Alternate Transportation for the Village of Energy" as periodically updated.

(D) Must have a current Village Decal for each vehicle issued by the Village Clerk at the direction of Chief of Police or designated representative evidencing the permit required from the Village under this Article displayed on the rear of the vehicle in a location designated by the Chief of Police or designated representative.

(E) Must have a current and valid Illinois driver's license.

(F) Golf carts must be equipped as follows:

- (1) Horn;
- (2) Brakes and brake lights;
- (3) Turn signals;
- (4) A steering wheel apparatus;
- (5) Tires;
- (6) Rearview mirror;
- (7) Driver and passenger seat belts;
- (8) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
- (9) Headlight that emits a white light visible from a distance of **three hundred (300) feet** to the front of which illuminate when in operation;
- (10) Tail lamp that emits red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;
- (11) Any additional requirements which may be amended to **65 ILCS 5/11-1428** or the Illinois Vehicle Code.

(G) Utility-terrain vehicles must be equipped as follows:

- (1) Brakes and brake lights;
- (2) Turn signals on the front and rear;

- (3) A steering wheel apparatus;

- (4) Tires;
 - (5) Rearview mirror;
 - (6) Driver and passenger seat belts;
 - (7) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
 - (8) Headlight that emits a white light visible from a distance of **three hundred (300) feet** to the front of which illuminate when in operation;
 - (9) Tail lamp that emits red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;
 - (10) Any additional requirements which may be amended to **65 ILCS 5/11-1426** or the Illinois Vehicle Code.
- (H) Must obey all traffic laws of the State of Illinois and the Village of Energy.
- (I) Must be **eighteen (18) years** of age.
- (J) Must be operated only on Village streets, except where prohibited under this Article.
- (K) May not be operated on Illinois State Route 148/Pershing St., except to cross this roadway, nor any roadway within the Village limits with a posted speed limit higher than **thirty-five (35) miles per hour**.
- (L) Must not be operated in excess of the posted speed limit and, with respect to utility-terrain vehicles and golf carts, may not exceed **twenty-five (25) miles per hour**.
- (M) A person operating or in actual physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence is subject to **Section 11-500 through 11-502** of the **Illinois Compiled Statutes (625 ILCS 5/11-500 – 11-502)**.
- (N) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in Village parks other than in designated parking areas.
- (O) Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation.

24-10-3 PERMITS.

- (A) No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Village Clerk at the direction and approval of the Chief of Police or designated representative as provided herein. Permits shall be granted for a period of **one (1) year** beginning **April 1** of each year and renewed annually. The cost of each permit is **Fifty Dollars (\$50.00)** per year or **Thirty Dollars (\$30.00)** if received after **October 1** of the first year only. Each replacement decal shall cost **Thirty Dollars (\$30.00)**. No permits nor decals may be transferred between individuals or any golf carts or utility-terrain vehicles. The required insurance coverage shall be verified by the Police Department when obtaining or renewing a permit.
- (B) Every application for a permit shall be made on a form supplied by the Village and shall contain the following:
- (1) Name and address of applicant;
 - (2) Name and address of liability insurance carrier;
 - (3) The serial number, make, model and description of the golf cart or utility-terrain vehicle;
 - (4) Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart or utility-terrain vehicle on the Village streets.
 - (5) Photocopy of applicable liability insurance coverage card specifically for each golf cart or utility-terrain vehicle to be operated pursuant to the permit.
 - (6) A copy of this Article as amended with a receipt signed annually by each applicant for a permit issued pursuant to this Article.

- (7) Such other information as the Chief of Police or designated representative may require.

- (C) No permit shall be granted unless the following conditions are met:
- (1) Each golf cart or utility-terrain vehicle must be inspected by the Chief of Police or designated representative to insure that each golf cart or utility-terrain vehicle is safe to operate on Village streets and is in compliance with this Article and the State of Illinois Motor Vehicle Code.
 - (2) A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on Village streets.
 - (3) The applicant must provide evidence of insurance in compliance with provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois for each golf cart or utility-terrain vehicle for which a permit is issued pursuant to this Article.
 - (4) The Chief of Police or designated representative may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any provision of this Article or there is evidence that holder thereof cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways.

24-10-4 VIOLATIONS. Any person who violates any provisions of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of **Seventy-Five Dollars (\$75.00)**. Any second or subsequent offense shall result in the revocation of the permit to operate a qualified golf cart or utility-terrain vehicle for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

24-10-5 MISCELLANEOUS.

- (A) In the event that a Court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The validity of any part of this Article shall not affect any part or parts thereof.
- (B) This Article shall be in full force and effect from and after passage and approval as provided by law.
- (C) Any ordinance, or portion thereof, of the Village which is contrary to this Article shall be deemed to be repealed.
- (D) The subject matter of this Article pertains to the government and affairs of the Village.
- (E) The recitals set forth hereinabove are specifically adopted as findings by the Village Board.
- (F) This Article shall become effective upon its passage, approval and publication in accord with law.

24-10-6 RECIPROCITY. This Article was fashioned to be near identical in restrictions and requirements to the City of Herrin, Illinois' ordinance on the same topic. As such, the Village agrees to recognize the valid registration of vehicles of this classification licensed by the City of Herrin when operated within the Village. All vehicles with a valid City of Herrin permit operating within the Village will be subject to the same restrictions and requirements (excluding inspections and permit fees) as specified in the Village of Energy ordinance governing the operation of golf carts and UTV's on Village roadways. (This Section contingent upon similar inclusion and adoption by the City of Herrin.)

(Ord. No. 2017-6; 06-13-17)

MOTOR VEHICLE CODE CITATION FORM

CITATION FORM

NO. _____

DATE _____

TIME _____

LICENSE NO. _____

STATE _____

LICENSE EXPIRES _____

MAKE OF VEHICLE _____

METER NUMBER _____

OFFICER _____

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

- 1. Overparked, Two Hour Zone \$10.00 []
- 2. Double Parked \$10.00 []
- 3. Parked at Fire Plug \$10.00 []
- 4. Blocking Driveway or Alley \$10.00 []
- 5. Parked Where Official Signs Erected \$10.00 []
- 6. Improper Parking \$10.00 []
- 7. Yellow Line \$10.00 []
- 8. Each Additional Hour Violation \$10.00 []
- 9. Parking on Sidewalk \$10.00 []

NAME _____

ADDRESS _____

VILLAGE _____

STATE _____

ZIP CODE _____

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than **\$15.00** will be collected.

FOR YOUR CONVENIENCE

After detaching your Ticket Stub, place the fine in the envelope and deposit it in the utility collection box at Village Hall.