

CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** Chapter 1 of the Illinois Vehicle Code, **625 ILCS 5/1-100 et seq., entitled "Title and Definitions"**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City. **(Ord. No. 1211; 04-06-09)**

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, Auxiliary Police and Marshals 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.

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.**

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 City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois State Department of Public Works and Buildings, 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.

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.

24-2-8 LAMPS AND OTHER EQUIPMENT ON BICYCLES.
(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of **one hundred (100) feet** to **six hundred (600) feet** to the rear when

MOTOR VEHICLE CODE 24-3-1

directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred (200) feet**.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of **five hundred (500) feet** and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph 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 to 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. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the City 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")**

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")**

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")**

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.

ARTICLE VI - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.**
The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 5/11**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City except for the following changes, deletions and omissions:

- (A) **Omissions:**
- (1) Omit Sections 11-202, 11-204, 11-207, 11-208, 11-208.1, 11-208.2, 11-209, 11-209.1, 11-211, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-504, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419.02, 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 City 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 Unlawful.** No person shall be a participant in drag racing as defined in **Section 11-504 of the Illinois Revised Statutes.**

(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.** The Department of Local Authorities with reference to traffic control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths (3/8) of an inch** or more than **three**

fourths (3/4) of an inch in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department of Local Authorities, police officers, contractors and their employees engaged in highway construction, contract or work on the highway approved by the Department of Local Authorities, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified.

(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 City and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(F) **General Speed Restrictions.** The speed limit on City streets shall not exceed **thirty miles per hour (30 MPH)** unless otherwise posted. Speed limits in school zones per **Schedule "S"** shall not exceed **twenty miles per hour (20 MPH)**. (Ord. No. 1056; 04-05-04)

(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 City or State wherein the school zone is located.

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this City 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 City 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 City.

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

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. The Illinois Vehicle Code, **Illinois Revised Statutes, Section 12, entitled "Equipment of Vehicles"**, as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City, except for the last sentence of Sections 12-205, beginning with "the" and ending with "act", 12-605, and 12-605.1.

24-5-2 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.

24-5-3 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.

24-5-4 EXCESSIVE NOISE - SQUEALING TIRES. No operator of a motor vehicle shall accelerate the engine thereof when shifting the gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise.

MOTOR VEHICLE CODE 24-5-5

24-5-5 **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.

24-5-6 **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the City in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-5-7 **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.

24-5-8 **SOUND AMPLIFICATION SYSTEMS.** No driver of any motor vehicle within the City 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. **(Ord. No. 1211; 04-06-09)**

24-5-9 **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for the operator of a commercial vehicle to operate or actuate any engine braking system within the City that emits excessive noise unless it is an emergency. The City Superintendent is authorized and directed to post signs stating: **"EXCESSIVE ENGINE BRAKING NOISE PROHIBITED"** at appropriate locations. **(Ord. No. 1211; 04-06-09)**

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 **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) On any railroad tracks.
 - (h) At any place where official signs prohibit stopping.
 - (i) 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.
- (4) **Parking or Stopping Commercial Vehicles Over Fourteen Thousand (14,000) Pounds.** Except while delivering or picking up items, no commercial vehicle having a manufacturer's gross weight rating of **fourteen thousand (14,000) pounds** or more may be parked or stopped on any City street. **(Ord. No. 861; 10-07-96)**

(B) No person shall move or park a vehicle in the areas described in **Schedule "E"** of this Section. Further, no person shall park a vehicle in the areas described in **Schedule "F"** of this Section except as permitted by **Schedule "F"**. **(Ord. No. 1175; 12-03-07)**

24-6-4 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 City 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 City in removing and storing such vehicle(s).

24-6-5 ENFORCEMENT OF PARKING OFFENSES.

(A) Operation of an Administrative Adjudication System.

- (1) There is hereby created a system for the administrative adjudication of violations of **Article VI of Chapter 24** of the City Code, hereinafter referred to as Standing and Parking Violations. The provisions of this Section shall provide a system of administrative adjudication as required by Section 11-208.3 of the Illinois Vehicle Code in order to provide for fair and efficient enforcement of vehicular parking and standing regulations through administrative adjudication.
- (2) The provisions herein shall also permit the City to adopt those procedures pursuant to **625 ILCS 5/6-306.5** providing for the authority to file a certified report to the Illinois Secretary of State upon a person's failure to satisfy any fine or penalty imposed by this Section for **ten (10)** or more Standing and Parking Violations. Furthermore, notwithstanding any provision of this Chapter, the City may continue to prosecute in any court of competent jurisdiction any person receiving Standing and Parking violations.
- (3) The Mayor, or his/her designee, shall designate any person to serve as traffic compliance administrator and that person shall be authorized to adopt, distribute and process standing and parking violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of standing and parking ordinances and operate the administrative adjudication system. The traffic compliance administrator may also make a certified report to the Illinois Secretary of State as required under **625 ILCS 6-306.5**.

- (4) An individual to be named by the Mayor shall serve as hearing officer and shall perform such duties as defined within this Section.

(B)

Issuance of Standing or Parking Violation Notices.

- (1) Any officer or employee of the City authorized to issue citations for Standing and Parking Violations and who detects a Standing and Parking Violation shall issue standing and parking violation notices by either affixing it to an unlawfully parked vehicle or handing it to the operator of such vehicle if he or she is present. Any person authorized to issue and serve Standing and Parking Violation notices shall certify as to the correctness of the facts entered on the parking violation notice by signing his or her name at the time of service.
- (2) The Standing and Parking Violation notice shall specify:
- (a) The date, time and place of violation;
 - (b) The particular regulation violated;
 - (c) The fine and penalty that may be assessed for any late payment;
 - (d) The vehicle make and state registration number;
 - (e) The identification number of the person issuing the notice;
 - (f) The payment of the indicated fine, and of any applicable penalty for late payment shall operate as a final disposition of the violation;
 - (g) Information as to the availability of a hearing in which the violation may be contested on its merits;
 - (h) The time and manner in which a hearing may be had; and
 - (i) The date by which the fine must be paid.

(C)

Action by Recipient of Citation.

- (1) A person receiving a citation or notice for a Standing and Parking Violation may make an appearance in one of the following manners:
- (a) By payment of a fine indicated on the citation. Such payment shall be made by the deadline stated on the citation and shall operate as the final disposition of the violation; or
 - (b) By requesting a hearing on the merits of the Standing and Parking Violation notice in the time and manner specified on the notice and attendance at the hearing at the time, date and place specified by the traffic compliance administrator. The hearing shall be conducted in accordance with the procedures set forth herein.

(D)

Failure to Appear; Service of Additional Notices.

- (1) Failure to make an appearance shall result in additional notices of violation as indicated in this Section being sent by first class United States mail, postage prepaid, to the registered owner of the cited vehicle at his or her address as recorded with the Illinois Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of said vehicle at the time of the lease. Service of notices shall be complete as of the date of deposit in the United States mail.
- (2)
 - (a) A second notice of violation shall be sent to the responsible party as set forth in subsection (D)(1) of this Section upon the failure of the recipient of the Standing and Parking Violation notice to make an appearance as prescribed in subsection (C) of this Section. The recipient may appear by either paying the indicated fine and assessed penalty or by requesting a hearing on the merits of the citation in the time and manner specified on the second notice and attending such hearing at the time, date and place specified by the traffic compliance administrator.
 - (b) The second notice shall specify:
 - (i) The date and location of the violation cited in the Standing and Parking Violation notice;
 - (ii) The particular standing or parking regulation violated;
 - (iii) The vehicle make and state registration number, the fine and any late penalty which may be assessed;
 - (iv) The availability of a hearing in which the violation may be contested on its merits;
 - (v) the time and manner in which such hearing may be had;
 - (vi) That failure either to pay the indicated fine, or to appear at a hearing on the merits, will result in a final determination of liability for the cited violation in the amount of fine or penalty indicated thereon; and
 - (vii) That upon the occurrence of a final determination of standing or parking violation liability for such failure, and the exhaustion of, or failure to exhaust, available administrative

or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the City.

- (3) A notice of final determination of parking violation liability shall be sent to the responsible party upon the failure to appear pursuant to the second notice of violation and after a final determination of liability has been rendered and the conclusion of judicial review procedures in accordance with subsection (E) of this Section. The recipient may appear by paying the fine and penalty within the time specified on the notice and shall be advised that failure to do so may result in the City filing a petition in the Circuit Court of Randolph County to have the unpaid fine or penalty rendered a judgment as provided by paragraph 11-208.3 of the Illinois Vehicle Code (**625 ILCS 5/11-208.3**), or may result in suspension of the person's driver's license pursuant to **625 ILCS 5/6-306.5** of the Illinois Vehicle Code for failure to pay fines or penalties for **ten (10)** or more standing or parking violations.
- (4) A notice of impending driver's license suspension shall be sent to the person for whom a final determination of liability was rendered for any fine that remains due and owing on **ten (10)** or more violations. The notice shall state that failure to pay the fines and/or penalties owing within **forty-five (45) days** of the notice's date shall result in notification to the Illinois Secretary of State of said person's eligibility for initiation of driver's license suspension proceedings. The notice of impending driver's license suspension shall be sent to the registered owner of the vehicle, by first class United States mail, postage prepaid, at the address recorded with the Secretary of State. The notice shall also inform the person that he or she may obtain a photostatic copy of an original citation imposing a fine or penalty by sending a self-addressed stamped envelope to the City along with a request for the photostatic copy.

(E) **Aside.**

Final Determination of Parking Liability, Petition to Set

- (1) A final determination of Standing and Parking Violation liability shall occur following a failure to pay the fine or penalty after a hearing officer's determination of Standing and Parking Violation liability and the exhaustion or failure to exhaust administrative review procedures as set forth herein.

- (2) A determination of Standing and Parking Violation liability may be set aside by filing a petition with the traffic compliance administrator within **ten (10) working days** after the hearing officer's determination. Petitions to set aside determination shall specify the grounds upon which a challenge is based and shall be limited to the following:
 - (a) The person owing the unpaid fine and/or penalty was neither the owner nor lessee of the cited vehicle(s) on the date or dates the Standing and Parking Violation notice was issued;
 - (b) The fine and/or penalty was paid for the Standing and Parking Violation in question; or
 - (c) Excusable failure to appear at or request a new date for a hearing.
- (3) The traffic compliance administrator shall render a decision within **fourteen (14) days** of the petition's receipt and shall immediately notify the hearing officer and petitioner of such decision in writing, sent to the petitioner by first class United States mail, postage prepaid. If the petitioner has shown just cause, the traffic compliance administrator shall set aside the Standing and Parking Violation liability determination.
- (4) If the petition is granted and the determination of liability set aside, the registered owner or lessee shall be provided a hearing on the merits of the violation and shall be given notice of the time and manner in which it will take place.

(F) **Procedures for Adjudication of Standing and Parking Violations.** Neither formal nor technical rules of evidence shall apply to any hearing provided by this Article. Such hearing shall be recorded and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at such hearing may be represented by counsel at their own expense.

(G) **Certified Report; Contesting Certified Report.**

- (1) Upon failure to pay fines and penalties deemed due and owing after the exhaustion of administrative procedures set forth herein for **ten (10)** or more Standing and Parking violations, the traffic compliance administrator shall make a certified report to the secretary of state stating that the registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of **ten (10)** or more violations of the Village's vehicular parking or standing regulations and thereby cause the suspension of that

person's driver's license. A copy of the certified report shall be sent to the registered owner.

- (2) Persons may challenge the accuracy of the certified report by completing a form provided by the office of the traffic compliance administrator within **ten (10) days** after the date of the certified report and which specifies grounds on which such challenge is based. Grounds for challenge shall be limited to the following:
 - (a) The person was neither the owner nor lessee of the vehicle(s) receiving **ten (10)** or more Standing and Parking Violation notices on the date or dates such notices were issued; and
 - (b) The person has already paid the fine and penalty for the **ten (10)** or more violations indicated on the certified report.
- (3) The traffic compliance administrator shall render a determination within **ten (10) business days** of receipt of the objection form and shall notify the objector of the determination.
- (4) The traffic compliance administrator shall take no further action to initiate suspension if the fines and penalties due and owing are paid or upon determination that the inclusion of the person's name on the certified report was in error and the traffic compliance administrator shall submit to the Secretary of State a notification which shall result in the halting of a driver's license suspension proceeding. The person named therein shall receive a certified copy of such notification upon request and at no charge.

(H)

Procedure for Nonresidents.

- (1) Persons who are not residents of the City may contest the merits of the alleged violation without attending a hearing as provided herein by submitting a waiver of hearing and a notarized statement of facts specifying grounds for challenging the notice of violation. Such documentation must be received by the traffic compliance administrator within the time for requesting a hearing.
- (2) The hearing officer shall issue to the traffic compliance administrator a finding based on the statement of facts.
- (3) The traffic compliance administrator shall notify the nonresident of the hearing officer's determination.
- (4) In all other respects, the procedures set forth in this Chapter shall apply to nonresidents.

(I) **Schedule of Fines/Penalties.**

(1) The fines and penalties which shall be imposed for Standing and Parking Violations shall be as follows and the fines and penalties herein set forth shall be uniformly applied for each violation of any applicable City ordinance.

Fine Payment Schedule	
Fine Schedule	General Fine Amount
1: Upon service of a Standing and Parking Violation Notice issued and paid within 10 days of the violation notice issuance, and no "request for hearing" has been timely filed, the fine amount owed shall be	\$15.00
2: Having failed to pay the fine amount by the deadline date (within 10 days of the violation notice issuance) as specified in Step 1, the fine amount, if paid after the deadline date in Step 1 but prior to a hearing, will be	\$30.00

(2) Any person found liable after a hearing, or after failing to appear for a hearing, for a Standing and Parking Violation shall be fined in an amount not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Fifty Dollars (\$250.00)** per offense.

(Ord. No. 1238; 10-04-10)

24-6-6 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.

ARTICLE VII - ABANDONED VEHICLES

24-7-1 **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.

"ANTIQUÉ 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 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.

(Ill. Rev. Stat., Ch. 95 1/2; Sec. 4-201)

24-7-2 **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 motor vehicle or other vehicles or any part thereof on private or public property other than a highway in view of the general public any where in this Municipality is unlawful, except on property of the owner or bailee of such abandoned vehicle.

(C) **Owner's Property.** A motor vehicle or other vehicle or any part thereof so abandoned on private property shall be authorized for removal by or upon the order of the Police Department of the Municipality after waiting a period of **seven (7) days** or more.

(Ill. Rev. Stat., Ch. 95 1/2; Sec. 4-201)

24-7-3 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING.

When 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 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 24-7-5**, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof. **(Ill. Rev. Stat., Ch. 95 1/2; Sec. 4-202)**

24-7-4 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 of the vehicle will be responsible for all towing costs.

(Ill. Rev. Stat., Ch. 95 1/2; Sec. 4-203)

24-7-5 POLICE RESPONSIBILITIES. When a motor vehicle or other 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. **(Ill. Rev. Stat., Ch. 95 1/2; Sec. 4-204)**

24-7-6 LIABILITY OF CITY. Any police officer, 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, or any other person legally entitled to the possession of a motor vehicle. **(Ill. Rev. Stat., Ch. 24; Sec. 11-40-3 and Ch. 95 1/2; Sec. 4-201)**

ARTICLE VIII - MISCELLANEOUS

24-8-1 LOAD LIMIT STREETS. It shall be unlawful to operate any vehicle on any street in the City when the gross weight on the surface of the road of such vehicle exceeds **twenty thousand (20,000) pounds** unless otherwise posted. Where lower limits are imposed by law and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street. A vehicle weighing more than **twenty thousand (20,000) pounds**, or more than the posted lower limit, is permitted to operate on City streets for the sole purpose of making a delivery or picking up a load at a location on a City street. In such instance, an overweight vehicle may be driven on such street for not more than the minimum distance necessary for such purpose. **(Ord. No. 1065; 08-02-04)**

24-8-2 COUNTRY CLUB--JAYCEE PATH. It shall be unlawful for any person to travel with a motorized vehicle, other than a golf cart, upon a bike path extending from the North County Country Club to the Jaycee Ball Diamonds.

24-8-3 TRUCK ENGINES RUNNING. It shall be unlawful to allow any truck over **one and one-half (1 1/2) tons** to park in a zoned residential district with its engines running between the hours of **8:00 P.M. and 6:00 A.M.**