

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 City, the provisions thereof shall be controlling within the corporate limits of the City. **(See 65 ILCS 5/1-3-2)**

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. **Schedule "V" - Signs and Signals** shall be an integral part of this Section. **(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 or 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 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 Chapters 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 **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 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 of an inch (3/16th")** 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. **(See 625 ILCS 5/11-1507)**

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"** 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 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, 5/11-100 et seq.**, 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 11-207, 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 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.** 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.** The Street Department with reference to traffic-control signals, signs or markers owned by the Municipality 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 of an inch (3/8")** or more than **three-fourths of an inch (3/4")** in height, by use of a metal stamp, etching or other permanent means and except for employees of the Municipality, police officers, contractors and their employees engaged in highway construction, contract or work on the highway approved by the City, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified. **(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 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. **(See 625 ILCS 5/11-608)**

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council, 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; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **Schedule "D"** shall list the applicable streets that have specific speed limits thereon. **(See 625 ILCS 5/11-604)**

(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. **(See 625 ILCS 5/11-605)**

(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.

(K) **No Passing Zones.** No driver of a vehicle shall pass another vehicle in a "No Passing Zone" as listed in **Schedule "K"**.

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. **(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 City 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 City 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.

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 City and the provisions thereof shall be controlling within the corporate limits of the City. **(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)**

24-5-3 **SOUND AMPLIFICATION SYSTEMS.** No driver of any motor vehicle within this 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. This Section shall not apply to authorized emergency vehicles. **(See 625 ILCS 5/12-611)**

24-5-4 **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for the operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the City that emits excessive noise unless it is an emergency. The Superintendent is authorized and directed to post signs stating: "**Quiet Zone. No engine braking except emergency within City limits**" at appropriate locations. **(See 625 ILCS 5/12-602.1)**

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, REPAIR OR PEDDLING PROHIBITED.** 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; or
- (C) peddling merchandise.

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 Prohibited.** No second Division vehicle licensed for a "F" classification or higher shall be parked on any street, alley or any public parking lot not so designated for public parking of vehicles described herein in the City except temporary parking for loading and unloading purposes. Vehicle described in this paragraph shall include either the tractor or trailer of such unit.
- (E) Schedule "M" shall designated all applicable "No Parking Tow Away" Zones for both sides of the street. **(Ord. No. 99-29; 11-08-99)**
(See 625 ILCS 5/3-815)

24-6-5 PARKING FOR THE HANDICAPPED.

- (A) **Designated Parking.** Certain parking spaces within the confines of the City 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 City.
- (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 City 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 **Two Hundred Dollars (\$200.00)**. 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. **(See 625 ILCS 5/11-1301.3(C))**
- (E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H"**.

24-6-6 LOAD LIMITS.

- (A) **Established.** There is hereby established "gross load limit" on City streets listed in **Schedule "J"**. The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in **Schedule "J"**.
- (B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the City maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.

24-6-7 PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED PERSONS.

(A) As used in this Section, "physically handicapped person" means:

- (1) Any person who has been issued a parking permit for physically handicapped individuals pursuant to any applicable state or federal statute or regulation;
- (2) Any person who has been issued a handicapped person license plate or decal pursuant to any applicable state or federal statute or regulation;
- (3) Any person who has been issued a disabled veteran license plate pursuant to any applicable state or federal statute or regulation.

(B) As used in this Section, "private business property" and "shopping center" mean privately owned real property on which the public is invited to travel for business purposes.

(C) The owner or manager of a shopping center or private business property may reserve parking spaces within such shopping center or private business property for the exclusive use of physically handicapped persons at all times that such shopping center or private business property is open to the public.

(D) Physically handicapped persons who park at such designated spaces shall display on their vehicle either a parking permit issued pursuant to any applicable state or federal statute or regulation, a handicapped person license plate or decal issued pursuant to any applicable state or federal statute or regulation, or a disabled veteran license plate issued pursuant to any applicable state or federal statute or regulation. Failure to display such placard or plate shall be a violation of this Section and shall subject the owner or operator of the vehicle to the penalties provided for violations of this Chapter.

(E) Physically handicapped persons who park at designated metered spaces shall be subject to all restrictions and requirements applicable to such meters, including time restrictions and charges for parking. Failure to comply with such restrictions and requirements is a violation of this Section and shall subject the owner or operator of the vehicle to the penalties provided for violations of this Chapter. However, the Director of the Department of Transportation shall issue a permit waiving time restrictions and parking charges to any physically handicapped person who files an affidavit with the department stating that he is physically incapable of depositing money in a parking meter. It shall be unlawful for any person to park at a designated metered space without depositing money in the meter unless a permit issued pursuant to this Section is prominently displayed on the vehicle so parked.

(F) A vehicle displaying the placard or license plate required in subsection (D) above, is eligible to be parked in the designated spaces only when the vehicle is being operated by or is providing transportation for the person to whom the placard or license plate has been issued. Failure to comply with this restriction is a violation of this Section and shall subject the owner or operator of the vehicle to penalties provided for violations of this Chapter.

(G) Any person who parks at a space designated pursuant to subsection (C) above, and who fails to display the placard or plate required by subsection (D) or who is not eligible to obtain such a placard or plate shall be in violation of this Section. Such violation shall subject the owner or operator of the vehicle to penalties provided for violations of this Section. However, a vehicle displaying an unexpired handicapped parking permit, an unexpired disabled veteran's registration plate or decal issued under the laws of another state may also park in designated spaces pursuant to this Section.
(Ord. No. 98-18; 05-26-98)

24-6-8 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).

24-6-9 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 City **Fifty Dollars (\$50.00)** for each such offense and **Fifty Dollars (\$50.00)** for the second offense within **six (6) months**. Such payment may be made at the City 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) **City Parking Lots.** No person shall park a motor vehicle on a City parking lot unattended for more than **five (5)** consecutive days.

24-6-10 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.

24-6-11 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.

24-6-12 PARKING TICKETS - STATE STATUTE. The City Council 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 – ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES

24-7-1 ABANDONMENT OF VEHICLES PROHIBITED.

(A) The abandonment of a vehicle or any part thereof on any highway in this City is unlawful and subject to penalties as set forth under **Section 1-1-20** of this Code.

(B) 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 City is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the City, 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 Section 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

(C) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the City or a law enforcement agency. **(625 ILCS 5/4-201)**

24-7-2 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.

When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this City, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of any City having a duly authorized police department, or the State Police or the county sheriff when the vehicle is outside the corporate limits of the City. Upon receipt of such notification, the municipal police will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

24-7-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned on a highway in an urban district **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C) 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 a law enforcement agency having jurisdiction.

24-7-4 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT. When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's

trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker 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.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-204)**

24-7-5 RECORD SEARCHES FOR UNKNOWN OWNER.

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. Mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. Mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(D) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(E) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Municipal Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State. **(625 ILCS 5/4-205)**

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

24-7-7 RECLAIMED VEHICLES; EXPENSES.
 (A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.
 (B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.
 (A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. 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 law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.
 (B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.
 (C) In those instances where the certified notification specified in **Section 24-97-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.
 (A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons 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 Article, the vehicle may be sold as provided for in **Section 24-7-8** 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 Article, or when any such vehicle is towed at the request or with the

consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen 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 persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
- (2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.

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

24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

24-7-11 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

24-7-12 POLICE RECORD FOR DISPOSED VEHICLE. When a vehicle in the custody of the City or law enforcement agency 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 Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.
(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the City.
(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

24-7-14 LIABILITY OF LAW ENFORCEMENT OFFICERS.
(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a 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 Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

24-7-15 VIOLATIONS OF ARTICLE.

(A) Any person who violates **Section 24-7-1** of this Article or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of **Two Hundred Dollars (\$200.00)**; and
- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 24-7-3(A) and (E)**.

(B) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of **thirty (30) days'** storage fees.

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle; or
- (2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-214)**

ARTICLE VIII - LOAD LIMITS

24-8-1 **LOAD LIMITS.** The maximum gross load limit allowable henceforth on the streets of this City shall be **twelve (12) tons**. For the purpose of this Article, the term "gross load limit" shall mean the total weight of vehicle and the load it is carrying.

24-8-2 **POSTING OF STREET SIGNS.** The Superintendent of Streets shall cause signs to be erected on all City streets, except those designated as State Highways.

24-8-3 **PERMITS.** Permits may be issued by the City Council to persons who intend to carry loads in excess of the load limit herein specified on streets of this City.

24-8-4 **APPLICATION FOR PERMITS.** Application for Excess Load Permit shall be made in writing to the City Council and filed with the City Clerk, such applications shall set forth the name and address of the applicant, the type or types of vehicles to be used, the maximum gross load limit to be carried, and the streets to be traveled, and such other information as the Council may require.

24-8-5 **BOND.** A bond may be required of all persons, firms, partnerships, and corporations who apply for the Excess Load Limit Permits in such amounts and with such sufficient sureties as the Council may determine from the circumstances as evidenced by the applications submitted. Such bond shall be for the purpose of insuring that any damage done to the streets of this City by the applicants will be repaired.

24-8-6 **REPAIR OF STREETS.** Every person who receives a permit for excess loads as specified hereinabove shall replace and repair every street or alley or portion thereof damaged by such use and such replacement and repair shall be supervised by the Superintendent of Streets of this City and all work shall be completed to his satisfaction.

(Ord. No. 787; 07-08-68)

ARTICLE IX - PARKING AGREEMENT

24-9-1 **PARKING LOT AGREEMENT.** The City may enter into Agreements with private shopping centers to regulate the parking of automobiles. These Parking Agreements shall be subject to the terms of **625 ILCS Sec. 5/11-209** as now enacted or as hereinafter amended, and the parties may exercise all rights and powers conferred thereunder. **(Ord. No. 1201; 05/09/88)**

24-9-2 **VIOLATION NOTICE.** Every police officer or meter patrolman of the City shall attach or place upon every vehicle parked in violation of the provisions of any Parking Agreement, a Notice that such vehicle has been illegally parked. The owner or operator in violation of the Parking Agreement may within **seven (7) days** of the time the Notice was attached or placed upon the vehicle pay as the penalty for and in full satisfaction of the violation the sum of **Ten Dollars (\$10.00)**. **(Ord. No. 1229; 02-27-89)**

24-9-3 **PENALTY.** Any violation of the provisions of a Parking Agreement shall be subject to the General Penalty Provision of the Codified Ordinances of the City of Benton, Paragraph 1-1-20. Each and every violation of the Parking Agreement shall constitute a separate offense and shall be punishable as such.

24-9-4 **TOWING.** In addition to the provisions of this Article, any vehicle parked in violation of a Parking Agreement shall be subject to being towed away on order of any police officer or meter patrolman and the cost of removal shall be paid by the owner or operator of the vehicle.

(Ord. No. 1229; 02-27-89)

ARTICLE X – VEHICLE SEIZURE AND IMPOUNDMENT

24-10-1 **DEFINITIONS.**

- (A) For purposes of this Section, “motor vehicle” means every vehicle which is self-propelled, including, but not limited to, all automobiles, trucks, vans, motorcycles, and motor scooters.
- (B) For purposes of this Section, “owners of record” means the record title holders of the vehicle.
- (C) For purposes of this Section, a person engages in conduct “knowingly” if, when the person engages in the conduct, the person is aware of a high probability that he or she is doing so.

24-10-2 **CONDUCT PROHIBITED.** Any motor vehicle used in the commission of the following proscribed conduct is subject to seizure and impoundment under this Article.

- (A) A motor vehicle that is knowingly used in the commission of possession or attempted possession of cannabis or a controlled substance as defined in the Criminal Code of 1961, **720 ILCS 550/2 et seq.** and **570/1101 et seq.**
- (B) A motor vehicle that is used in the commission of the offense of driving under the influence of alcohol, drugs, and/or intoxicating compounds as provided in Section 5/11-501 of the Illinois Vehicle Code;
- (C) A motor vehicle that is used in the commission of the offense of driving on a suspended or revoked license in violation of Section 5/6-303 of the Illinois Vehicle Code or similar provision of this Code when the driver’s driving privileges are suspended or revoked;
- (D) A motor vehicle that is being operated on a City street and is not covered by liability insurance in accordance with Section 5/7-601 and/or 5/7-602 of the Illinois Vehicle Code or similar provision of this Code;
- (E) A motor vehicle that is used in the commission of the offense of driving without a valid license or permit in violation of Section 5/6-101 of the Illinois Vehicle Code or similar provision of this Code.

24-10-3 **SEIZURE AND IMPOUNDMENT.** Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Article, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. This Section shall not apply if the vehicle used in the violation of **Section 24-10-2** was stolen at the time of the alleged violation and the theft was reported to the appropriate police authorities within **seventy-two (72) hours** after the theft was discovered or reasonably should have been discovered.

24-10-4 **NOTICE.** Within **seventy-two (72) hours** after a vehicle is seized and impounded, the City Police Department shall notify the owners of record or the person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, the penalty assessed, and of their right to request a vehicle impoundment hearing under this Section. All notices sent to the City or the owner of record pursuant to this Section shall be provided by certified mail.

24-10-5 **REQUEST FOR HEARING.** A request for a hearing must be made within **thirty (30) days** of the seizure and impoundment of any vehicle. The request for a hearing must be made in writing to the Police Department. A request for a hearing may be made by either the owners of record or the person found to be in control of the vehicle at the time of the alleged violation.

24-10-6 **FAILURE TO REQUEST HEARING.** If a request for a hearing is not made within **thirty (30) days** of the seizure and impoundment, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles. The vehicle

shall not be released to the owners of record, or to the person found to be in control of the vehicle until the penalty of **One Hundred Dollars (\$100.00)** is paid to the City, and only after the applicable towing and storage fees have been paid to the towing agent.

24-10-7 HEARING OFFICER. Within **seven (7) days** of receiving a written request for a hearing, a hearing shall be held before a hearing officer. The Mayor or his designee shall serve as the hearing officer. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing.

24-10-8 PENALTY. The owner of the motor vehicle, or the person in control, may waive his right to a hearing under this Section by agreeing and stipulating in writing that the seized motor vehicle was being used in violation of this Section. Once the stipulation is signed and the penalty is paid, the seized vehicle will be released.

If, after a hearing, the hearing officer determines by a preponderance of evidence that a violation for which a penalty is applicable under this Section has occurred; the hearing officer shall enter an order finding the operator of the vehicle guilty of violating this Section and shall be liable to the City for the penalty of provided for in this Article, and also liable to the agent for any applicable towing and storage fees. If the operator of the vehicle fails to appear at the hearing, the hearing officer may enter a default order in favor of the City requiring payment to the City of a penalty in the amount provided for in this Article as well as payment to the towing agent for any applicable towing and storage fees. If the hearing officer finds that no such violation occurred the hearing officer shall order the immediate return of the vehicle to the owners of record.

The penalty to any owner or operator of any motor vehicle found to be in violation of any Section of this Article shall be liable for a penalty as follows:

- (A) The sum of **One Hundred Dollars (\$100.00)** for a first offense;
- (B) The sum of **Two Hundred Dollars (\$200.00)** for a second offense;
- (C) The sum of **Five Hundred Dollars (\$500.00)** for a third and subsequent offense.

24-10-9 DISPOSITION OF IMPOUNDED VEHICLE. A penalty imposed pursuant to this Section shall constitute a debt due and owing the City. A vehicle impounded pursuant to this Section shall remain impounded until:

- (A) the penalty provided by paragraph 5(h) is paid to the City and all applicable towing and storage fees are paid to the towing agent in which case the owners of record shall be given possession of the vehicle;
- (B) a bond in the amount equal to the prescribed penalty is posted with the Police Department and all applicable towing and storage fees are paid to the agent, at which time the vehicle will be released to the owners of record; or
- (C) the vehicle is deemed abandoned pursuant to **Section 24-10-11**, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

24-10-10 POSTING OF BOND. If a bond in the amount of penalty provided is posted with the Police Department, the impounded vehicle shall be released to the owners of record. If a penalty is imposed for violation of this Section, the bond will be forfeited to the City; however, in the event a violation of this Section is not proven by a preponderance of the evidence, the bond will be returned to the person posting the bond. All bond money posted pursuant to this Section shall be held by the Police Department until the hearing officer issues a decision, or, if there is a judicial review, until the court issues its decision.

24-10-11 **FAILURE TO PAY PENALTY.** If the penalty and applicable towing and storage fees are not paid within **eighty (80) days** after a penalty is imposed pursuant to this Section, the vehicle, shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

24-10-12 **JUDICIAL REVIEW PENDING.** Provided, however, the vehicle shall not be deemed abandoned if a petition for judicial review of the hearing officer's determination is filed and pending in a court of proper jurisdiction. Where a petition for judicial review of the hearing officer's determination is sought and is subsequently resolved in favor of the City, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles, if the penalty and applicable towing and storage fees are not paid within **thirty (30) days** after the resolution of this petition for judicial review.

If a petition is filed for judicial review, the vehicle's owner of record must provide notice of the filing to the Police Department no later than **twenty-four (24) hours** after the petition is filed.

24-10-13 **MONIES DEPOSITED.** All penalties collected and retained by the City for a violation of this Section shall be deposited with the City Treasurer.

(Ord. No. 05-21; 07-25-05)

ARTICLE XI – GOLF CARTS

24-11-1 **PROHIBITED.** Golf carts and recreational off-highway vehicles (not intended for ATV's, four-wheelers), as defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

24-11-2 **DEFINITIONS.**

(A) A "Golf Cart" is defined as a vehicle specifically designed and intended for the purpose, including but not limited to, the transporting of **one (1)** or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

(B) A "Recreational Off-Highway Vehicle" (not intended for ATV's or four-wheelers) is defined as a motorized off-highway device designated to travel primarily off-highway that is **sixty-four (64) inches** or less in width, having a manufacturer's dry weight of **two thousand (2,000) pounds** or less, traveling on **four (4)** or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawn mowers.

(C) "City Streets" means any of the streets within the boundaries of the City of Benton.

24-11-3 **REQUIREMENTS.** All persons wishing to operate a golf cart or a recreational off-highway vehicle (not intended for ATV's or four-wheelers) on the City streets must insure compliance with the following requirements:

(A) Must have proof of current liability insurance at a level meeting the State minimum requirements;

(B) Must be certified with the City and have the vehicles certified with the City pursuant to inspection by the Chief of Police or designated representative;

(C) Must have an annual City Decal on the rear of the vehicle;

(D) Must have current valid Illinois driver's license;

(E) Must be at least **twenty-one (21) years** of age;

(F) Must be the owner or authorized user of the golf cart or recreational off-highway vehicle (not intended for ATV's or four-wheelers);

(G) Operators must have in his/her possession, evidence of ownership of the golf cart or recreational off-highway vehicles (not intended for ATV's or four-wheelers), his/her current valid Illinois driver's license, proof of current liability insurance, and a current permit issued by the City of Benton, Illinois.

(H) Golf carts and recreational off-highway vehicles (not intended for ATV's or four-wheelers) 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) 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 pursuant to **625 ILCS 5/11-1426.1** of the Illinois Vehicle Code;

(I) Must obey all traffic laws of the State of Illinois and the City of Benton, Illinois;

- (J) Must be operated only on City streets, except where prohibited;
- (K) May not be operated on State Highway Routes 14, 34, or 37, or any other highway or roadway under the jurisdiction of the Illinois Department of Transportation, except to cross said highway at an intersection;
- (L) May not be operated on Petroff Road from State Highway Route 37 to Sugar Creek Road;
- (M) May not be operated on North DuQuoin Street from Carlton Street to Petroff Road;
- (N) May not be operated on the Public Square;
- (O) May not be operated in excess of the posted speed limit;
- (P) May not be operated on any roadway with a posted speed limit greater than **thirty-five (35) MPH**;
- (Q) No person shall operate or be in actual physical control of a golf cart or recreational off-highway vehicle (not intended for ATV's or four-wheelers) while under the influence of alcohol or drugs, pursuant to **625 ILCS 5/11-500 through 11-502**;
- (R) Golf carts and recreational off-highway vehicles (not intended for ATV's or four-wheelers) shall not be operated on any sidewalk; and
- (S) Must comply with all other applicable provisions and requirements of the Illinois Vehicle Code.
- (T) A child under the age of **eight (8) years** old traveling as a passenger must be secured in an appropriate child restraint system. The child restraint system must meet the standards of the U.S. Department of Transportation. **(Ord. No. 15-30)**
- (U) A child **eight (8) years** of age or older, but under **sixteen (16) years** of age must be properly secured in a seat belt. **(Ord. No. 15-30)**
- (V) Must comply with all other applicable provisions of the Child Passenger Protection Act, **625 ILCS 25/1 et seq. (Ord. No. 15-30)**

24-11-4 PERMITS.

- (A) No person shall operate a golf cart or recreational off-highway vehicle (not intended for ATV's or four-wheelers) without first obtaining a permit from the Benton Police Department as provided herein. Permits shall be granted for a period of **one (1) year**, commencing on **September 1** of each year and renewed annually. The cost of each permit will be **Fifty Dollars (\$50.00)**, with no proration.
- (B) Every application for a permit shall be made on a form supplied by the City and shall contain the following:
 - (1) Name and address of applicant;
 - (2) Name of liability insurance carrier;
 - (3) The serial number, make, model, and description of golf cart or recreational off-highway vehicle (nit intended for ATV's or four-wheelers);
 - (4) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit; and
 - (5) Such other information as the City may require.
- (C) No permit shall be granted unless the following conditions are met:
 - (1) The vehicle must be inspected by the City Chief of Police (or designee) to insure that the vehicle is safe to operate on City streets and is in compliance with this Article and with 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 golf cart or recreational off-highway vehicle (not intended for ATV's or four-wheelers) on City streets; and
 - (3) The applicant must provide evidence of insurance in compliance with provisions of the Illinois Statutes regarding minimal liability insurance for

passenger motor vehicles to be operated on the roadways in the State of Illinois.

(D) The City may suspend or revoke a permit granted hereunder upon finding that the operator thereof has violated any provision of this Article, or there is evidence that the operator cannot safely operate a golf cart or recreational off-highway vehicle (not intended for ATV's or four-wheelers) on the designated roadways.

24-11-5 **VIOLATIONS.** Any person who violates any provision of this Article shall be guilty of a violation of this Article and shall be punished by a fine of **One Hundred Dollars (\$100.00)**, plus court costs. Any second or subsequent offense shall result in the revocation of the permit for a period of **one (1) year**. 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 subjected to criminal prosecution.

24-11-6 **INVALIDITY OF LAW.** In the event that a 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 invalidity of any part of this Article shall not affect any other part or parts thereof.

(Ord. No. 15-19; 08-27-15)

(65 ILCS 5/11-142(d))

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 \$50.00 []
- 2. Double Parked \$50.00 []
- 3. Parked at Fire Plug \$50.00 []
- 4. Blocking Driveway or Alley \$50.00 []
- 5. Parked Where Official Signs Erected \$50.00 []
- 6. Improper Parking \$50.00 []
- 7. Yellow Line \$50.00 []
- 8. Each Additional Hour Violation \$50.00 []
- 9. Parking on Sidewalk \$50.00 []

NAME _____

ADDRESS _____

CITY _____

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 **\$50.00** will be collected.

FOR YOUR CONVENIENCE

After detaching your Ticket Stub, place the fine in the envelope and deposit at City Hall.

(Ord. No. 2016-02; 02-08-16)