

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 Sec. 5/1-3-2)**

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. **(See 625 ILCS Sec. 5/11-203)**

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

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

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

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

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the 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. **(See 625 ILCS Sec. 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 (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 "C")**

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 "J") (See 625 ILCS Sec. 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 Schedules "A", "B" and "C") (See 625 ILCS Sec. 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 "D")**

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 Sec. 5/11-304)**

24-3-6 PROHIBITING HITCHHIKING.

(A) No person shall stand in or on a public road or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle. The provisions hereof shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, not to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(B) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. **(1965 Code; § 14-27)**

ARTICLE IV - DRIVING RULES

24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.

The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 11**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the 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 by **625 ILCS Sec. 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 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 on 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 on such bridge or structure. **(Ord. No. 94-6; 03-08-94) (See 625 ILCS Sec. 5/11-608)**

(F) **General and Special 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, shall not exceed **twenty-five miles per hour (25 MPH)** on a residential street, and shall not exceed **thirty miles per hour (30 MPH)** on an arterial street, unless otherwise posted in accordance with the Special Speed Zones enumerated on **Schedule "J"** attached hereto and incorporated herein by reference. **(Ord. No. 94-6; 03-08-94) (See 625 ILCS Sec. 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 Sec. 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.

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 Sec. 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 Sec. 5/11-502)**

24-4-5 SKATEBOARD REGULATIONS.

(A) No person shall ride a skateboard within the central business district of the City. The central business district is defined as Walnut Street (including the sidewalks that are a portion of it).

(B) No person shall ride a skateboard in the City on a sidewalk that adjoins any business or public facility, including public parking lots, used by the general public.

(C) No person shall ride a skateboard in a reckless manner on any public street or public sidewalk.

(D) Any commercial establishment selling or renting skateboards shall post a copy of this Code in a conspicuous place where persons buying or renting skateboards will see it. **(Ord. No. 91-10; 06-25-91)**

24-4-6 BUSES PROHIBITED. Buses are prohibited from traveling on Edith Street from its intersection with 21st Street east to the "T" intersection with the alley running in a north and south direction between 20th Street and 21st Street. **(Ord. No. 14-11; 09-09-14)**

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, except for the last sentence of Sections 12-205, beginning with "the" and ending with "act", 12-605, and 12-605.1. **(625 ILCS 5/12-605, 5/12-605.1; and 5/12-605.2)**

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. **(625 ILCS 5/11-505)**

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. **(625 ILCS 5/12-602)**

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 **COMPRESSION (JAKE) BRAKES PROHIBITED.** No person shall use motor vehicle brakes within the corporate limits which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. **(Ord. No. 06-30; 09-16-06)**

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) 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. **(See Schedule "G")**
- (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. **(See Schedules "E" and "F")**
- (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.
- (4) **Parking of a Commercial Vehicle.** No person shall park or stand a commercial vehicle with weight in excess of **four (4) tons** on any part of street or alley and/or any residentially zoned area except for the purpose of making a delivery or pick up of merchandise or material in which event such standing or parking shall be permitted for a period not to exceed **one (1) hour**. However, trucks engaged in the transporting of household possessions of persons moving into or out of a dwelling unit within the City shall be permitted to park or stand for a period not to exceed **six (6) hours** in the street on which the dwelling is located. However, tractors (cab) may be parked or stand on privately owned property within a residentially zoned area if no part of the tractor (cab) is on the street, sidewalk or any part of the public right of way. **(Ord. No. 00-27; 11-14-00)**

(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) **Handicapped Parking.** It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person, as defined by **Section 1-159.1 of "The Illinois Vehicle Code"**, pursuant to **Sections 3-616 or 11-1301.2 of "The Illinois Vehicle Code"**, or to a disabled veteran pursuant to **Section 3-609 of "The Illinois Vehicle Code"**, as evidence that the vehicle is operated by or for a handicapped person or a disabled veteran in any parking place, including any private or public off-street parking facility specifically reserved for motor vehicles bearing such registration plates or decals.

- (1) The parking privileges for motor vehicles bearing registration plates or decals issued to a handicapped person or a disabled veteran shall also include motor vehicles registered in another jurisdiction upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle as operated by or for a handicapped person.
- (2) Handicapped or disabled veteran persons bearing the required registration plates or decals shall be exempt from the payment of parking meter fines and exempt from any regulation imposing time limitations on parking except limitations of **thirty (30) minutes** or less on any street or highway zone or any parking lot or parking space which is owned or leased or owned and leased by the City or a City parking utility; but such vehicles shall be subject to the laws prohibiting parking in a **"No Stopping"** and **"No Standing" Zone** in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and where the motor vehicle constitutes a traffic hazard; whereby such vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.
- (3) Any person owning or operating any public or private off-street facility may, after notifying the Police Department, remove or cause to be removed to the nearest garage or other place of safety, any vehicle parked within a stall or space reserved for use by the handicapped person or disabled veteran which does not display handicapped registration plates or a special decal or device as required under this Section.
- (4) Any person found guilty of wrongfully parking in a handicapped parking space shall be fined **Two Hundred Fifty Dollars (\$250.00)** in addition to any costs connected with the removal or storage of the motor vehicle. **(See Schedule "M") (Ord. No. 06-02; 02-21-06)**

(D) **Trailers Parked on Street.** No person shall park overnight on any street or alley a trailer of any kind, including but not limited to boat trailers, camping trailers, livestock trailers, semi-trailers or utility trailers. **(Ord. No. 16-29; 12-27-16)**

24-6-4 LOAD LIMITS.

(A) **Established.** There is hereby established "gross load limits" on certain City streets. 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 the Motor Vehicle Schedules at the end of this Chapter. **(See Schedule "I")**

(B) **Exceptions.** This Chapter shall not include a vehicle making actual deliveries to customers or 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.

24-6-5 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 at an approved impound facility and shall be restored to the owner or operator thereof after payment of any expenses incurred by the City or the approved towing company in removing and storing such vehicle(s). **(See Article X – Vehicle Towing and Impound Fees) (Ord. No. 14-3; 03-11-14)**

24-6-6 PARKING VIOLATIONS.

(A) Any person accused of a violation of an ordinance restricting the length of time a vehicle may be there parked in a designated area may settle and compromise the claim against him or her for such illegal parking by paying to the City **Ten Dollars (\$10.00)** for each offense, if paid within **forty-eight (48) hours** of issuance of the ticket. If paid after **forty-eight (48) hours**, the person may settle the claim against him or her for such illegal parking by paying the sum to the City of **Twenty Dollars (\$20.00)**.

(B) Any person accused of a violation of an ordinance prohibiting parking of a vehicle in a designated area, unless a specific fine is required or as is otherwise provided by the City Code, may settle and compromise the claim against him or her for such illegal parking by paying to the City **Twenty-Five Dollars (\$25.00)** for each offense, if paid within **forty-eight (48) hours** of issuance of the ticket. If paid after **forty-eight (48) hours**, the person may settle the claim against him or her for such illegal parking by paying the sum to the City of **Fifty Dollars (\$50.00)**.

(C) The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for **thirty (30) days**; provided, however, that this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police Department or 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. **(Ord. No. 08-07; 04-08-08)**

24-6-7 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, INOPERABLE AND UNLICENSED MOTOR VEHICLES

24-7-1 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Article:

(A) **Person** shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(B) **Vehicle** shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include without limitation, automobile, truck trailer, motorcycle, tractor, buggy, or wagon.

(C) **Street or Highway** shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel including the boulevard.

(D) **Property** shall mean any real property within the City which is not a street or highway.

(E) **Inoperable Motor Vehicle** shall mean any motor vehicle from which, for a period of at least **ten (10) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

Inoperable Motor Vehicle shall not include any vehicle which:

- (1) is rendered temporarily incapable of being driven under its own power in order to perform maintenance or repairs to the vehicle in question for no more than **ten (10) days**; or
- (2) is kept within a completely closed building or a carport; or
- (3) is maintained on the property of a business enterprise lawfully engaged in the towing of motor vehicles.

(G) **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 **ten (10) consecutive days** or more.

(H) **Unlicensed Vehicle** shall mean any vehicle not bearing a current license plate and not stored in a completely closed building or carport.

(I) **Derelect Vehicle** shall mean any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristics as a substantial property and/or left unattended without justification on the owner's, lienholder's or other legally entitled persons land.

(J) **Liability Insurance** shall mean the minimum requirements set by Illinois State Statute required for motor vehicles.

24-7-2 **DERELICT VEHICLES WITHIN THE CITY LIMITS.** No person shall leave any derelict vehicle within the City limits.

24-7-3 **ABANDONMENT OF VEHICLES.** No person shall abandon any vehicle within the City limits. No person shall leave any vehicle at any place within the City limits in such a manner as to cause a reasonable person to believe that the vehicle has been abandoned.

24-7-4 **LEAVING OF INOPERABLE MOTOR VEHICLES ON STREETS.** No person shall leave any inoperable motor vehicle on any street, alley or highway within the corporate boundaries of the City for a period of time greater than **twelve (12) hours**.

24-7-5 **UNLICENSED VEHICLES WITHIN THE CITY LIMITS.** No person shall park or store any unlicensed vehicle on any property other than in a completely closed building or carport.

24-7-6 **UNINSURED VEHICLES.** No person shall operate, license or maintain license registration of, and no owner shall permit another person to operate, license or maintain license registration of, a motor vehicle designed to be used on a public highway unless the motor vehicle is covered by a liability insurance policy.

24-7-7 **DISPOSAL OF INOPERABLE MOTOR VEHICLES.**
(A) Any owner or bailee of an inoperable motor vehicle located on private property not in accordance with **Section 24-7-1(F)** must dispose of the vehicle within **ten (10) days** of having received notice from the Code Enforcement Office, the Chief of Police, or any of their designees, commanding the disposition of the inoperable motor vehicle.

(B) Notice shall be given as follows:

- (1) Written notice is required for all inoperable motor vehicles and shall be in substantial compliance with the following requirements:
 - (a) Notice must be sent to the last known owner of the inoperable motor vehicle, as reflected in the vehicle registration records of the Secretary of State for the State of Illinois, or the functional equivalent of such for the State whose name appears on the license which is displayed by the inoperable motor vehicle, at the address indicated by such records.
 - (b) Notice shall be sent by certified or registered mail, restricted delivery, return receipt requested.
 - (c) Notice shall include the following information:
 - (i) a description of the inoperable motor vehicle;
 - (ii) the location of the inoperable motor vehicle;
 - (iii) the date on which the notice was mailed;
 - (iv) an admonition that a citation may be issued requiring the property and/or vehicle owner to appear in court; or
 - (v) an admonition that the inoperable motor vehicle will be towed at the direction of the City and at the owner's expense if not properly disposed of within **ten (10) days** of receipt of written notice;

- (vi) the location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage.
- (vii) a date of not less than **three (3) days** and not more than **seven (7) days** subsequent to the mailing of the notice at which time a hearing shall be held to determine whether the vehicle shall be towed.

(C) **Hearing.** Not less than **three (3) days** and not more than **seven (7) days** after the notice described in subsection (B) of this Section is mailed, or posted, the Code Enforcement Officer shall hold a hearing.

- (1) If the owner or bailee of the inoperable motor vehicle appears, he shall present sufficient evidence to show cause why the vehicles should not be towed.
- (2) If the owner or bailee of the inoperable motor vehicle fails to appear, the Code Enforcement Officer shall receive a written statement from the complaining witness as to why the complaining witness believes the vehicle to be an inoperable motor vehicle should be towed.
- (3) If Code Enforcement Officer finds the vehicle to be an inoperable motor vehicle, which should be towed, he shall make a notation of the vehicle's description, its present location, the location to which it is to be towed, and the date of towing. This notation shall be delivered to the Chief of Police. **(Ord. No. 08-29; 12-09-08)**

24-7-8 DISPOSAL OF ABANDONED, DERELICT, UNLICENSED OR INOPERABLE VEHICLES.

(A) Any owner or bailee of an abandoned vehicle must move or otherwise dispose of such vehicle within **ten (10) days** of having received notice from the Code Enforcement Office, the Chief of Police, or any of their designees commanding the moving or proper disposal of the abandoned vehicle.

(B) Notice shall be given in substantially the same manner as described in **Section 24-7-7.**

(C) A hearing shall be held in substantially the same manner as described in **Section 24-7-7. (Ord. No. 08-29; 12-09-08)**

24-7-9 RECORDKEEPING. Whenever a vehicle is authorized to be towed away pursuant to this Article, the Code Enforcement Officer, the Chief of Police or his designee shall keep and maintain a record of the vehicle towed, listing its color, year of manufacture, make, model, body style, Vehicle Identification Number (VIN), if any, license plate year and numbers. The record shall also include the date and hour of tow, the location towed from, location towed to, and reason for towing.

24-7-10 EMERGENCY DISPOSAL OF ABANDONED, UNLICENSED, OR INOPERABLE MOTOR VEHICLES.

(A) Where an abandoned, unlicensed, or inoperable motor vehicle creates an imminent hazard to traffic or to the health, safety, or welfare of the City, the City may tow the vehicle without giving prior notice to the vehicle being towed. However, the Code Enforcement Officer, the Chief of Police, or his designee must notify the owner or bailee of the vehicle within **three (3) days** of the tow by sending a written notice to the owner or bailee by certified or registered mail, restricted delivery, return receipt requested. Notice must contain the following:

- (1) a statement that the vehicle has been towed with the reasons for towing;

- (2) the location to which the vehicle was towed;
- (3) the name, address, and phone number of the Code Enforcement Officer.

(B) The owner or bailee shall not be liable for payment of towing and storage fees unless there is just cause to believe the vehicle is abandoned, inoperable or if prior notification was given.

24-7-11 PENALTIES. Any person convicted of violating any of the provisions of this Article shall be fined in an amount of not less than **Fifty Dollars (\$50.00)** and not more than **Five Hundred Dollars (\$500.00)**. Each day such violation is committed or allowed to continue shall constitute a separate offense and shall be punishable as such.

[This Article Ord. No. 98-1; 02-10-98]

ARTICLE VIII – INTOXICATED DRIVING

24-8-1 **PERSON INTOXICATED.** No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any vehicle within this City.

24-8-2 **PERSON ON DRUGS.** No person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle may drive or be in actual physical control of any vehicle within this City. The fact that a person charged with a violation of this paragraph is or has been entitled to use such drug under the law of this State does not constitute a defense against any charge of violation of this Article.

24-8-3 **BLOOD TESTS.** Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of his breath, blood, urine, saliva or other bodily substance is admissible, as provided hereinafter and the result of any such analysis shall give rise to the following presumptions:

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

(B) If there was at the time of such analysis, in excess of 0.05 percent, but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether such person was under the influence of intoxicating liquor.

(C) If there was at the time of such analysis, 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

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

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

24-8-4 **ADOPTION OF STATUTES.** The provisions of the Illinois Compiled Statutes, as amended, regarding standards for chemical analysis and the evidentiary use thereof shall be observed.

ARTICLE IX – SNOW ROUTES

24-9-1 **PARKING UNLAWFUL.** It shall be unlawful to park any vehicle on any designated and marked snow route in the City when the National Weather Service has forecast a snowfall of **three (3)** or more inches for the area or within **twelve (12) hours** after a snowfall of **three (3) inches** or more has occurred.

24-9-2 **DESIGNATED STREETS.** The following streets and portions of streets are hereby designated as snow routes:

(A) **Snow Routes.**

- (1) Walnut Street in its entirety.
- (2) North 11th Street from Walnut Street to North 14th Street.
- (3) North 6th Street from Lucier Street to the City limits.
- (4) State Route 13 from Walnut Street to the northern City limits.
- (5) Business State Route 13 from Walnut Street to Bridge Street.

(Ord. No. 15-4; 03-10-15)

(B) **Primary City Routes.**

- (1) 22nd Street from Illinois Avenue to Division Street.
- (2) Division Street from 22nd Street to 23rd Street.
- (3) 23rd Street from Illinois Avenue to Division Street.
- (4) Commercial Avenue from 23rd Street to the Water Treatment Plant.
- (5) Commercial Avenue from 20th Street to 23rd Street.
- (6) Shoemaker Drive from 20th Street to Bridge Street.
- (7) Bridge Street from its intersection with Shoemaker Drive to Walnut Street via 8th Street.
- (8) Illinois Avenue from 6th Street to 22nd Street.
- (9) Gartside Street from 14th Street to 22nd Street.
- (10) 20th Street from Illinois Avenue to the southern limits of the City.
- (11) 16th Street from Walnut Street to Harry Ray Drive.
- (12) 7th Street from Lucier Street to Walnut Street.
- (13) 10th Street from Mulberry Street to Hanson Street.

(Ord. No. 15-4; 03-10-15)

(C) **Alternate City Routes.**

- (1) Spruce Street from 22nd Street to 8th Street via South and Mulberry Streets.
- (2) Pine Street from 15th Street to 22nd Street.
- (3) 7th Street from Illinois Avenue to the northern corporate limits of the City.
- (4) Industrial Drive from 7th Street to State Routes 13 and 127.
- (5) Williams Street from State Route 13 to Bridge Street.

(Ord. No. 15-4; 03-10-15)

24-9-3 **TOWING VEHICLES.** Any vehicle parked in a designated snow route zone at time prohibited under **Section 24-9-1** above shall be towed away at the owner's expense.

24-9-4 **PENALTY.** Any person violating any of the above provisions of this Article, on conviction thereof, shall be subject to the penalties prescribed in **Section 1-1-29**, Revised Code of Ordinances. **(Ord. No. 80-5; 04-08-80)**

ARTICLE X – VEHICLE TOWING AND IMPOUNDING ADMINISTRATIVE FEES

24-10-1 **DEFINITIONS.** For the purpose of this Article, the following words and phrases shall have the following meanings ascribed to them respectively.

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

"Administrative Hearing": A hearing conducted pursuant to the requirements of **625 ILCS 5/11-208.7(g)** and **625 ILCS 5/11-208.3(b)(4)**.

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

"Business Day": Any day in which the Murphysboro Daum Administration Building is open to the public for a minimum of **eight (8) hours**.

"Level 1 Administration Fee": **Two Hundred Dollars (\$200.00)**.

"Level 2 Administration Fee": **One Hundred Dollars (\$100.00)**.

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

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

24-10-2 **TOWING AND IMPOUNDING VEHICLES INVOLVED IN A CRIME.**

Pursuant to Article II, Chapter 11 of the Illinois Vehicle Code, **625 ILCS 5/11-208.7**, the City shall follow the procedures set forth herein when impounding vehicles (with the exception of those vehicles impounded pursuant to **Section 24-6-5** of this Code) and imposing reasonable administrative fees, payable to and collected by the City related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fees imposed herein by the City shall be uniform for all similarly situated vehicles and are in addition to any other penalties or fees that may be assessed by a court of law for the underlying violations, or by an approved company that tows and stores the impounded vehicle.

24-10-3 **VIOLATIONS AUTHORIZING IMPOUNDMENT.**

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

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 2012; or
- (2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code; or

- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or
- (4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
- (5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961 or the Criminal Code of 2012; or
- (6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
- (7) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or
- (8) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of Article 16 or 16A of the Criminal Code of 1961 or the Criminal Code of 2012; or
- (9) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012.

(B) Any motor vehicle, operated with the express or implied permission of the owner of record/interested person that is used in connection with the following violations, as now or as may be hereafter amended, but not including those violations listed in Subsection (C)(1) of this Section, shall be subject to seizure and impoundment by the City, and the owner of record or its agent, shall be liable to the City for a Level 2 Administrative Fee, as provided for in this Section, in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as hereinafter provided:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor in violation of the Cannabis Control Act; or
- (2) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than **one (1) year**; or
- (3) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of the Illinois Vehicle Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
- (4) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code; or

- (5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor offense in violation of Article 16 or 16A of the Criminal Code of 1961 or the Criminal Code of 2012; or
- (6) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012.

27-10-4 SEIZURE AND IMPOUNDMENT (EXCEPTING IMPOUNDMENT UNDER SECTION 24-6-5).

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

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

(C) The City shall also provide a notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner of record/interested person of the vehicle posts with the City a bond equal to the administrative fee as provided by this Section and pays for all towing and storage charges. Whenever the owner of record/interested person of a vehicle seized pursuant to this Section requests a preliminary hearing on probable cause, made in writing and hand delivered to the Police Department within **twelve (12) hours** after the seizure, a preliminary hearing officer shall conduct such preliminary hearing within **seventy-two (72) hours** after the seizure, excluding Saturdays, Sundays and holidays. The owner of record/interested person at that time of the alleged offense shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the preliminary hearing officer determines that there is probable cause to believe that the vehicle was used in the commission of any crime described as a Level 1 or Level 2 Administrative Fee offense, the preliminary hearing officer shall order the continued impoundment of the vehicle as provided in this Section, unless the owner of record/interested person posts with the City a cash bond in the amount of Level 1 or Level 2 Administrative Fee offense and a **One Hundred Dollar (\$100.00)** administrative hearing fee, and pays all fees for towing and storing the vehicle. If the preliminary hearing officer determines that there is no such probable cause, the vehicle will be returned without liability for administrative fees to the City. The owner of record/interested person shall still be liable to the towing agent for any applicable towing and storage fees.

27-10-5 ADMINISTRATIVE HEARING.

(A) Within **ten (10) days** after a motor vehicle is seized and impounded pursuant to this Section, the City shall notify the owner of record/interested person by personal service or by first class mail to the owner of record/interested person's address as registered

with the Secretary of State, the right to a hearing before the administrative hearing officer, along with the date, time and location of the hearing, to challenge whether a violation of this Section has occurred. The owner of record/interested person shall also be notified of the continued impoundment of the vehicle as provided in this Section unless the owner of record/interested person posts with the City a cash bond in the amount of Level 1 or Level 2 Administrative Fee offense and a **One Hundred Dollar (\$100.00)** administrative hearing fee, and pays all fees for towing and storing the vehicle. The hearing date must be scheduled and convened no later than **forty-five (45) days** after the mailing of the notice or issuance of the notice of hearing, when requested. The owner of record/interested person and any other interested person(s) shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible.

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

(C) If, after the hearing, the administrative hearing officer does not determine by a preponderance of the evidence that the motor vehicle was used in such violation, the administrative hearing officer shall enter an order finding for the owner and for the return of the motor vehicle, and/or the administrative fee if already paid. The owner of record/interested person shall still be liable to the towing agent for any applicable towing and storage fees.

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

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

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

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

24-10-6 DISPOSITION OF IMPOUNDED MOTOR VEHICLE.

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

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

- (1) The administrative fee is paid to the City and all applicable towing and storage fees are paid to the towing agent, in which case the owner of record/interested person shall be given possession of the motor vehicle; or
- (2) A bond in an amount equal to the applicable administrative fee is posted with the Police Department and all applicable towing and storage fees are paid to the towing agent, at which time the motor vehicle will be released to the owner of record/interested person.
- (3) Any motor vehicle that is not reclaimed or retrieved from the facility controlled or approved by the City within **thirty-five (35) days** after the administrative hearing officer issues a written decision shall be deemed abandoned and may be disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code, **625 ILCS 5/4-201** through **625 ILCS 5/4-215**.
- (4) The administrative fee imposed by the City for impounded vehicles shall be in addition to any fees charged for the towing and storage, or both, of an impounded vehicle. The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle (hereafter referred to as "towing and/or storage company").
- (5) The towing and/or storage company shall be entitled to receive a fee from the owner of record/interested person entitled to possession of any such vehicle prior to the release of the vehicle. The fee shall be to cover the cost of removing said vehicle and, in addition, any fees for the cost of storage of the vehicle for each day or fraction thereof that said vehicle remained at its storage facility in compliance with its practices.
- (6) It shall be the duty of the towing and/or storage company in possession for the vehicle to obtain documentation issued by the Police Department confirming compliance with the foregoing requirements and to retain photocopies of that documentation in its files for a period of not less than **twelve (12) months** following release of said vehicle. The foregoing information shall be made available by the towing and/or storage company to the authorities of the City for inspection and copying, upon request. The towing and/or storage company is prohibited from releasing any vehicle they may tow within the City until and unless they obtain the documentation as noted above.
- (7) The administrative fees established by this Section are to be paid by the owner of record/interested person, or the agents of the owner of record/interested person, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident. Vehicles towed by the Police Department for any reason other than those listed above shall be released to the owner of record/interested person with no administrative fee charged by the City. The person purporting to be the owner of

record/interested person, or the agents of the owner of record/interested person, must present proof of ownership, current proof of insurance and possess a valid driver's license or valid driver prior to release.

- (8) Upon verifiable proof that the vehicle used in violation was stolen at the time it was impounded; or if the vehicle was operating as a common carrier, including, but not limited to taxicabs or buses, and the violation occurred without the knowledge of the person in control of the vehicle, the administrative fee shall be waived by the City.
- (9) Unless stayed by a court of competent jurisdiction, any administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as judgment entered by a court of competent jurisdiction. This Section incorporates Sections 4-201 through 4-215 of the Illinois Vehicle Code to the extent they are consistent. Where a provision of this Section differs from Sections 4-201 through 4-215 of the Illinois Vehicle Code, the provisions of this Section shall be controlling. Enforcement and administration of this Section shall be consistent with the policies and procedures of Sections 4-201 through 4-215 of the Illinois Vehicle Code to the extent that said policies and procedures do not directly conflict with the provisions of this Section.

24-10-7 **ESTABLISHMENT OF RESTRICTED REVENUE ACCOUNT.** All fees collected under this Article shall be placed into a separate restrictive revenue account within the City to be used for the purpose of police vehicles and equipment only.

(Ord. No. 14-3; 03-11-14)

ARTICLE XI – NON-HIGHWAY VEHICLES

24-11-1 GENERAL. Golf carts and utility terrain vehicles, as defined and qualified herein, shall be allowed on City streets under the conditions as stated herein. No other non-highway vehicles as defined by **625 ILCS 5/11-1426.1** shall be permitted to be operated on the City streets.

24-11-2 DEFINITIONS.

(A) **"Golf cart"** shall have the definition set forth in **625 ILCS 5/1-123.9** as follows: A vehicle specifically designed and intended for the purposes of transporting one 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) **"Utility Terrain Vehicle"** shall have the definition set forth in **625 ILCS 5/1-168.8**, further qualified, as follows: Any motorized device designed to travel primarily off-highway, **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 tires, designed with a non-straddle seat, having bench or side-by-side bucket seats, and a steering wheel for steering control, except equipment such as lawnmowers.

(C) **"City Streets"** means any of the streets within the boundaries of the City and under the sole jurisdiction of the City and includes the terms roads, roadways and highways.

24-11-3 REQUIREMENTS. All persons wishing to operate a golf cart or a utility terrain vehicle on City streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance.

(B) Must be certified with the City and have the vehicle certified with the City by inspection by the Police Chief, or his designated representative.

(C) Must comply with the published "Rules Concerning Alternate Transportation for the City of Murphysboro" as stated in **Section 24-11-4** and as periodically updated.

(D) Must display City permit decal in a conspicuous location on the left rear of the vehicle in plain view by a following vehicle. **(Ord. No. 16-12; 06-14-16)**

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

(F) Must be **twenty-one (21) years** of age and a licensed driver.

24-11-4 RULES CONCERNING ALTERNATE TRANSPORTATION. All persons wishing to operate a golf cart or a utility terrain vehicle on City streets must ensure compliance with the following rules:

(A) Must obey all traffic laws of the State of Illinois and the City of Murphysboro.

(B) Must be operated only on City streets, except where prohibited.

(C) May only be operated on streets/roadways that have a posted speed limit of **thirty-five (35) miles per hour** or less.

(D) A person who is operating or who is in actual physical control of a golf cart or utility terrain vehicle as defined herein on a roadway while under the influence of alcohol or drugs is subject to **625 ILCS 5/11-500 through 625 ILCS 5/11-502.**

(E) Golf carts and utility terrain vehicles shall not be operated on sidewalks, or in City parks, other than on streets and parking areas.

(F) All operators of a golf cart or utility terrain vehicle must adhere to the child restraint laws pursuant to the **Illinois Compiled Statutes.**

(G) Any operator or passenger of a golf cart or utility terrain vehicle must be in a sitting position and wearing a seatbelt while the vehicle is in motion.

(H) A person is not eligible to operate a golf cart or utility terrain vehicle upon any street, roadway or highway within the corporate limits of the City unless he or she has a valid driver's license issued in his or her name by the Secretary of State.

(I) Golf carts and utility terrain vehicles may not be operated on streets, highways and roads located in the City that are under the jurisdiction of the Illinois Department of Transportation, which at this time include the following:

- (1) Walnut Street
- (2) State Highway 13
- (3) State Highway 127
- (4) South 5th Street
- (5) Bridge Street from South 5th Street east to the City limits
- (6) North 6th Street from John Street to State Highway 127
- (7) North 11th Street from Walnut Street to Poplar Street, and Poplar Street from North 11th Street to North 14th Street
- (8) North 14th Street from the intersection with Poplar Street north to the City limits.

(J) A person may make a direct crossing of a street, road or highway under the jurisdiction of the State at an intersection with another public street, road or highway on which the operation of golf carts and utility terrain vehicles are permitted.

24-11-5 PERMITS.

- (A)
- (1) No person shall operate a golf cart or utility terrain vehicle without first obtaining a permit from the City Clerk as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The **one (1) year** period shall be from **May 1st** of each year to **April 30th** of the following year.
 - (2) The cost of the annual permit is **Sixty Dollars (\$60.00).**
 - (3) Where an application for an initial permit will cover only a partial year, the permit fee shall be prorated for each full month not covered by the permit year. In no event, however, shall the permit fee be less than **Thirty Dollars (\$30.00).**
 - (4) There shall be no proration given for the late renewal of an existing expired permit.
 - (5) Insurance coverage shall be verified by the Police Department and in effect when obtaining or renewing a permit.

(Ord. No. 16-12; 06-14-16)

(B) Every application for a permit shall be made on a form supplied by the City and shall contain the following information:

- (1) Name and address of applicant.

- (2) Name of liability insurance carrier.
 - (3) Serial number, make, model and description of golf cart or utility terrain vehicle.
 - (4) Waiver of liability signed by applicant releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their golf cart or utility terrain vehicle on the City streets.
 - (5) Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit.
 - (6) Photocopy of the operator's current driver's license.
 - (7) 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 Chief of Police (or his designee) to ensure that the vehicle is safe to operate on City streets and is in compliance with this Article.
 - (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 utility terrain vehicle on City streets.
 - (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

(D) The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article, other City Ordinance or State statute, or there is evidence that permittee cannot safely operate a golf cart or utility terrain vehicle on the designated roadways.

A suspension or revocation shall be made in writing and shall set forth the provision(s) of statute or ordinance found to be violated. Suspensions or revocations may be appealed in writing to the City Council within **fourteen (14) days** from the issuance of the suspension or revocation, and if appealed the City Council shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The City Council shall uphold the suspension or revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the suspension or revocation occurred. During the appeal process, the suspension or revocation shall remain in full force and effect.

24-11-6 VEHICLE REQUIREMENTS. No golf cart or utility terrain vehicle may be operated on a roadway unless, at a minimum, it is properly equipped with the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in **625 ILCS 5/12-709**) on the rear, a headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front, a tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear, brake lights, turn signals, seat belts and windshield. When operated on a roadway, the vehicle shall have its headlight and tail lamps lighted as required by **625 ILCS 5/12-201**.

24-11-7 **VIOLATIONS.**

(A) Any vehicle authorized for use on public streets by the passage of this Article shall be subject to all local and State laws that generally apply to the respective Motor Vehicle Codes, and any violation of either Code will cause the operator of said vehicle to be eligible for prosecution according to the laws of that Code.

(B) Any person violating any provision of this Article, shall upon conviction, be fined in an amount not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**.

(Ord. No. 16-7; 04-12-16)