

CHAPTER 24

MOTOR VEHICLES

ARTICLE I – GENERALLY

**24-1-1 ADOPTION OF ILLINOIS VEHICLE CODE BY REFERENCE.**

(A) The Illinois Vehicle Code, **625 ILCS 5/1-100 et seq.**, as amended from time to time, is hereby adopted by reference to be applied within the corporate limits of the Village to the extent permitted by law and to the extent that its subject matter is not regulated by this Code or inconsistent with any lawful provisions of this Code.

(B) All references in sections of the Illinois Vehicle Code to “this Code” shall be to sections of the Illinois Vehicle Code. References to a state employee or official may be to a corresponding Village employee or official where such reference is applicable or necessary.

(C) All citations to issued in the name of the Village and referred to in the uniform traffic ticket or complaint as an ordinance violation. Any provision of the Illinois Vehicle Code adopted herein may be cited by placing “24-1-1” before the appropriate Illinois Vehicle Code, i.e., “24-1-1; 11-501, Steeleville Village Code.”

(D) The penalties for violations of the Illinois Vehicle Code as adopted by this provision shall be set forth in this Code in Section 24-1-99.

**24-1-2 LOCATION OF CITY PARKING AND TRAFFIC CONTROL SIGNS.** The locations of authorized traffic-control signs in the Village are set forth in Traffic and Parking Schedules “A”, “B”, “C”, “D”, “E”, “F”, “G” and “H” at the conclusion of the Chapter. The penalties for violations of this Section shall be set forth in this Code in **Section 24-1-99. (Ord. No. 16-692; 08-01-16)**

**24-1-3 - 24-1-98 RESERVED.**

**24-1-99 PENALTY.** Whoever violates any provision of this Traffic Code for which another penalty is not already otherwise provided by ordinance or by appropriate statutory penalty as generally set forth in **625 ILCS 5/16-101 et seq.** shall, upon conviction, be subject to a fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**.

**ARTICLE II – RULES OF OPERATION**

**DIVISION I - PROHIBITIONS**

**24-2-1 USE OF ROLLER SKATES, COASTERS OR SIMILAR DEVICES.**

No person upon roller skates or riding in or by means of any coaster, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk or except upon streets set aside as play streets when authorized by the traffic authority. **(See Section 24-1-99 for Penalty)**

**24-2-2 LOUDSPEAKERS OR AMPLIFIERS UPON VEHICLES PROHIBITED.**

The Chief of Police is empowered to authorize or prohibit, and to prescribe the conditions governing, the use of any loudspeaker or other broadcasting or amplifying equipment upon any vehicle driving upon the streets, or the use of any such equipment installed upon the public or private premises abutting any sidewalk or street for broadcasting sound over or upon any sidewalk or street.

**24-2-3 SQUEALING OR SCREECHING TIRES.**

(A) No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicles tires due to rapid acceleration or excessive speed around corners or other such reason.

(B) This Section shall not apply to the following conditions:

- (1) an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator;
- (2) the emergency operation of a motor vehicle when avoiding imminent danger; nor
- (3) any raceway, racing facility, or other public event, not part of a highway, sanctioned by the Village.

**24-2-4 DRIVING ON CLOSED OR BARRICADED STREETS PROHIBITED.**

No person shall drive any vehicle over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over, or near which there is a person or sign warning persons that the street is closed.

**24-2-5 - 24-2-10 RESERVED.**

**DIVISION II – PARADES**

**24-2-11**     **DEFINITIONS.** For the purpose of this Division the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Cruising.** The repeated operation of **two (2)** or more vehicles in a continuous or nearly continuous flow through a parking lot.

**Parade.** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in Village or cruising defined above.

**Parade Permit.** A permit required by this Division.

**Parking Lot.** Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire.

**24-2-12**     **PERMIT REQUIRED.**

(A)           No person or persons shall engage or participate in, aid, form, or start any parade unless a parade permit has been obtained from the Chief of Police or other authorized Village official.

(B)           The Division shall not apply to:

- (1)   funeral processions;
- (2)   students going to and from school classes or participating in educational activities, provided the conduct is under the immediate direction and supervision of the proper school authorities;
- (3)   a governmental agency acting within the scope of its functions.

**(See Section 24-1-99 for Penalty)**

**24-2-13**     **APPLICATION FOR PERMIT.** A person seeking issuance of a parade permit shall file an application with the Chief of Police or other authorized Village official on forms provided by such officer.

(A)           **Filing Period.** The application for a parade permit shall be filed not less than **five (5) days** or not more than **sixty (60) days** before the date on which it is proposed to conduct the parade.

(B)           The application for a parade permit shall set forth the following information:

- (1) the name, address, and telephone number of the person seeking to conduct the parade;
- (2) if the parade is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;
- (3) the name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
- (4) the date when the parade is to be conducted;
- (5) the route to be traveled, the starting point, and the termination point;
- (6) the approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
- (7) the hours when the parade will start and terminate;
- (8) a statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;
- (9) the location by street of any assembly area for the parade;
- (10) the time at which units of the parade will begin to assemble at any such assembly area or areas;
- (11) the interval of space to be maintained between units of the parade;
- (12) if the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf;
- (13) any additional information reasonably necessary to a fair determination as to whether a permit should be issued.

(C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the Board of Trustees from time to time.  
**(See Section 24-1-99 for Penalty)**

**24-2-14 STANDARDS FOR ISSUANCE OF PERMIT.** The Chief of Police or other authorized Village official shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto.

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.

(E) The conduct of the parade will not interfere with the movement of fire-fighting equipment en route to a fire.

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(G) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit.

(H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade. **(See Section 24-1-99 for Penalty)**

**24-2-15 NOTICE FOR REJECTION OF PERMIT APPLICATION.** The Chief of Police or other authorized Village official shall act on the application for a parade permit within **three (3) days**, Saturdays, Sundays, and holidays excepted, after filing thereof if he disapproves the application, he shall mail to the applicant within the **three (3) days**, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial of the permit.

**24-2-16 APPEAL PROCEDURE WHEN PERMIT DENIED.** Any person aggrieved shall have the right to appeal the denial of a parade permit to the Board of Trustees. The appeal shall be taken within **thirty (30) days** after notice of denial. The Board of Trustees shall act on the appeal within **thirty (30) days** after its receipt.

**24-2-17 ALTERNATIVE PERMIT.** The Chief of Police or other authorized Village official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Division.

**24-2-18 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.** Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

- (A) The President;
- (B) The Fire Chief.

**24-2-19**     **CONTENTS OF PERMIT.**     Each parade permit shall state the following information:

- (A)           Starting time;
- (B)           Minimum speed;
- (C)           Maximum speed;
- (D)           Maximum interval of space to be maintained between the units of the parade;
- (E)           The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;
- (F)           The maximum length of the parade in miles or fractions thereof;
- (G)           Such other information as is reasonably necessary to the enforcement of this Division.     **(See Section 24-1-99 for Penalty)**

**24-2-20**     **DUTIES OF PERMITTEE.**     A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade.     **(See Section 24-1-99 for Penalty)**

**24-2-21**     **PUBLIC CONDUCT DURING PARADES.**

(A)           **Interference.**     No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(B)           **Driving Through Parades.**     No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(C)           **Parking on Parade Route.**     The Chief of Police or other authorized Village official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

No person shall be liable for parking on a street or other public thoroughfare unless signs have been posted in accordance with this Section.     **(See Section 24-1-99 for Penalty)**

**24-2-22**     **REVOCAION OF PERMIT.**     The Village shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

**ARTICLE III – PARKING REGULATIONS**

**DIVISION I – RESTRICTIONS AND SNOW EMERGENCIES**

**24-3-1 PARKING IN ALLEYS.** It shall be unlawful for any driver to park a vehicle within an alley in such a manner or under such conditions as to leave available less than **eight (8) feet** of the width of the roadway for the free movement of vehicular traffic, and there shall be no parking in any alley for a time longer than is necessary to load or unload passengers or materials.

**24-3-2 PARKING SECOND DIVISION MOTOR VEHICLE IN RESIDENTIAL AREA.** No operator of a motor vehicle of the second division of a gross weight in pounds, including vehicle and maximum load, in excess of **sixteen thousand (16,000) pounds**, as defined under the Illinois Motor Vehicle Code, **625 ILCS Sec. 5**, shall stand or park such vehicle upon any street in the Village zoned residential pursuant to Chapter 40, Zoning, or where the primary use of the structures fronting thereon is for residential purposes in the Village except for the purpose of making a delivery or pickup 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 the household possessions of persons moving into or out of a dwelling unit within the Village shall be permitted to park or stand for a period not to exceed **four (4) hours** in the street on which such dwelling unit is located.

**24-3-3 ANNOUNCEMENT OF SNOW EMERGENCY.** Whenever the Mayor finds that falling snow, sleet, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever he finds on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that such parking be prohibited, he is authorized to announce such prohibition, to become effective at a time specified by him. After the effective time of such prohibition no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after **11:00 P.M.** and prior to **6:00 A.M.**, and the Mayor has not announced prior to **11:00 P.M.** that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parking on a snow emergency route may remain so parked until **7:00 A.M.** following such fall. The prohibition of parking announced by the Mayor under the authority of this Section shall remain in effect until he announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this Section shall no longer be in effect. **(See Section 24-1-99 for Penalty)**

**24-3-4**     **TERMINATION OF EMERGENCY.** Whenever the Mayor shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, he is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If such announcement is made other than between **6:00 A.M.** and **11:00 P.M.**, it shall be repeated between those hours.

**24-3-5**     **SNOW EMERGENCY ROUTES.** The term *snow emergency route* shall mean any route designated by the Mayor. On such street or highway designated as a snow emergency route, special signs shall be posted to this effect.

**24-3-6 - 24-3-17**     **RESERVED.**

## **DIVISION II – VIOLATIONS**

**24-3-18**     **OFFICERS AUTHORIZED TO REMOVE VEHICLES.**

(A) Whenever any police officer finds a vehicle in violation of any applicable section of this Traffic Code or Ordinance of the Village, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(B) Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, or in a position or under circumstances as to obstruct the normal movement of traffic.

(C) Any police officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

- (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner; or
- (2) The person or persons in charge of the vehicle are unable to provide for its custody or removal; or
- (3) When the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

(D) When any vehicle is parked in any prohibited place, any police officer or other authorized official may cause such improperly parked vehicle to be removed to a garage designated by the Chief of Police and the owner or operator of such vehicle shall be required to pay the cost of its removal as well as any penalty established for parking illegally.

**24-3-19 DUTY OF LESSOR OR VEHICLE ON NOTICE OR VIOLATION OF THIS CHAPTER.** Every person in whose name a vehicle is registered pursuant to law and who leases such vehicle to others, after receiving written notice of a violation of this Chapter involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such vehicle.

#### **ARTICLE IV – PEDESTRIANS**

**24-4-1 STANDING ON SIDEWALK.** It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as is reasonably possible to the building line or curb line, if such standing interferes with the use of the sidewalk by other pedestrians.

ARTICLE V – EQUIPMENT LOADS

**24-5-1**      **SCOPE AND EFFECT OF SIZE, WEIGHT, AND LOAD REGULATIONS.**

(A)            It is unlawful for any person to drive or move on, upon, or across, or for the owner to cause to knowingly permit to be driven or moved on, upon, or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in **625 ILCS Sec. 5/15-100 et seq.**, or otherwise in violation of **625 ILCS Sec. 5/15-100 et seq.**

(B)            The provisions of **625 ILCS Sec. 5/15-100 et seq.** governing size, weight, and load do not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by the Village, or to implements of husbandry temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than **three (3) vehicles** or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than **three (3) wagons** being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit.    **(See 625 ILCS Sec. 5/15-101)**

(C)            No person shall use the highways under the jurisdiction of the Village in violation of weight and location restrictions and commercial vehicle restrictions set forth by the Board of Trustees.    See **Schedule "J"** at the conclusion of this Chapter.    **(See Section 24-1-99 for Penalty)**

**Statutory References.**    **Power of Village to regulate loads, 65 ILCS Sec. 5/11-4-1.**

**ARTICLE VI – MOTOR VEHICLE OFFENSES**

**24-6-1**      **NEGLIGENT DRIVING.** It shall be unlawful for any person, firm or corporation to operate any motor vehicle upon a public way in a negligent manner and without due caution or in a manner so as to endanger or be likely to endanger any person or any property. **(See Section 24-1-99 for Penalty)**

**24-6-2**      **SOUND AMPLIFICATION SYSTEM.**

(A)            No driver of any motor vehicle within the Village shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75)** or more feet when the vehicle is being operated upon a street, unless such system is being operated to request assistance or warn of a hazardous situation.

(B)            This Section does not apply to authorized emergency vehicles or vehicles engaged in advertising. **(See Section 24-1-99 for Penalty)**

**ARTICLE VII – DISPOSITION OF CERTAIN MOTOR VEHICLES**

**DIVISION I - ABANDONED VEHICLES**

**24-7-1 ABANDONMENT OF VEHICLES PROHIBITED.**

(A) The abandonment of a vehicle or any part thereof on any street or highway in the Village is unlawful and subject to the penalties as set forth in **Section 24-7-13.**

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a street or highway, in view of the general public anywhere in this Village is unlawful except on property of the owner or bailee of the abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the Chief of Police of the Village or any member of the Police Department designated by him, after a waiting a period of **seven (7) days** or more or may be removed immediately if determined to be a hazardous, dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code, *i.e.*, **65 ILCS Sec. 5/44-10-3.11.**

(C) When a motor vehicle or other vehicle or any part thereof is abandoned on private property for **seven (7) days** or more, its removal by a towing service may be authorized by the order of the Chief of Police of the Village or by any member of the Police Department designated by him. **(See Section 24-7-13 for Penalty)**

**24-7-2 NOTIFICATION OF ABANDONED, LOST, STOLEN OR UNCLAIMED MOTOR VEHICLE.** When an abandoned, lost, stolen or unclaimed motor vehicle, or any part thereof, or other vehicle comes into the temporary possession or custody of a person in this Village not the owner of the vehicle, the person shall immediately notify the Police Department when the vehicle is in the corporate limits of the Village.

**24-7-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES.**

(A) When a motor vehicle or other vehicle is abandoned on any street in the Village **ten (10) hours** or more, its removal by a towing service may be authorized by order of the Chief of Police of the Village or by any member of the Police Department designated by him.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or street, or its physical appearance is causing the impeding of traffic, its immediate removal from the street or highway by a towing service may be authorized by order of the Chief of Police of the Village or any member of the Police Department designated by him.

(C) When a vehicle removed from either public or private property or street or highway is authorized by order of the Chief of Police of the Village or by a member of the Police Department designated by him, the owner of the vehicle will be responsible for all towing costs.

**24-7-4 INOPERABLE MOTOR VEHICLES.**

- (A) (1) As used in this Section, *inoperable motor vehicle* means:
- (a) Any motor vehicle which does not possess current state registration, license plates or valid application therefore; or
  - (b) Any motor vehicle from which, for a person of at least **seven (7) 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 disassembled that the vehicle is incapable of being driven or moved under its own power.
- (2) Inoperable motor vehicles shall not include:
- (a) Motor vehicles which have been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repairs;
  - (b) Motor vehicles that are kept within a totally enclosed building when not in use;
  - (c) Motor vehicles displayed for sale by persons engaged in the business of selling new or used vehicles within Industrial or Commercial Zones; or
  - (d) Motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

(B) All inoperable vehicles, whether on public or private property, or on any street or highway within the Village, and in view of the general public, are hereby declared to be a nuisance, and any person failing to obey a notice received from the Village which states that the person is to dispose of the inoperable motor vehicles under his control and to remove the inoperable vehicle or parts thereof after **seven (7) days** from the issuance of the notice shall be subject to the penalties provided by **Section 24-7-13.**

(C) The Chief of Police of the Village or any member of the Police Department designated by him is hereby authorized to remove any inoperable motor vehicle or any parts thereof after **seven (7) days** from the issuance by the Village of notice to dispose of the inoperable motor vehicle under his control. The vehicle shall be impounded until lawfully claimed or disposed of as hereinafter provided. **(See Section 24-7-13 for Penalty)**

**24-7-5**     **RECORD SEARCHES.**     When the Village Police Department impounds any motor vehicle under the authority of this Chapter and does not know the identity of the registered owner, lienholder or other legally entitled person, the Chief of Police of the Village or any member of the Police Department designated by him will cause the vehicle registration records of the State to be searched by the Secretary of State for the purpose of obtaining the required ownership information. In addition, he shall cause the National Crime Information Center (NCIC) files to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle.

**24-7-6**     **RECLAIMED VEHICLES.**     Any time before a vehicle is sold at public sale or disposed of as hereinafter provided, the owner, lienholder, or other person legally entitled to possession may reclaim the vehicle by presenting to the Police Department or other person having custody of the vehicle proof of ownership or proof of right of possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage charges, and processing costs have been paid in full.

**24-7-7**     **NOTIFICATION OF IMPOUNDED VEHICLE.**     Based on the information determined from the record searches as provided in **Section 24-7-5**, the Chief of Police or any member of the Police Department designated by him shall send a notification by certified mail to the registered owner, lienholder or other legally entitled person advising where the vehicle is held, requesting a disposition to be made, and setting forth public sale information. Notification shall be sent no later than **ten (10) days** after the date of impoundment, provided that if the Police Department is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the vehicle within the **ten (10) day** period after impoundment, then notification shall be sent no later than **two (2) days** after the date of the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined.

**24-7-8**     **DISPOSAL OF UNCLAIMED VEHICLES.**     When an abandoned, lost, stolen, inoperable, or other unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of **thirty (30) days** after notice has been given as provided in **Section 24-7-7**, the Police Department 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 Chapter 5 of the Illinois Vehicle Code (**625 ILCS Sec. 5/5-100 et. seq.**). Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the Police Department 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, and other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. The notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. If any notice is returned by the postal authorities to the Police Department or towing service due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

**24-7-9      DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.**

(A)            When an abandoned or inoperable vehicle of more than **seven (7) years** of age is impounded as provided in this Section, it will be kept in custody for a minimum of **ten (10) days** for the purpose of obtaining the identity of the registered owner and lienholder and contacting the registered owner and lienholder by U.S. Mail, public service, or in person for a determination of disposition. At the expiration of the **ten (10) day** period without the benefit of disposition information being received from the registered owner or lienholder, the Police Department having jurisdiction will authorize the disposal of the vehicle as junk, provided a vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it.

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

**24-7-10      RECORDS.**

(A)            When a motor vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed listing the color, year, manufacturer, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

(B)            When a vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Police Department for a period of **one (1) year** from the date of reclamation, sale or disposal.

**24-7-11     DISPOSITION OF PROCEEDS FROM SALE OF UNCLAIMED VEHICLES.** The proceeds from the public sale or disposition after the deducting of towing, storage, and processing charges shall be deposited into the municipal treasury of the Village.

**24-7-12     LIABILITY.** The Chief of Police of the Village or any member of the Police Department designated by him or any other officer or of the Police Department, towing service owner, operator or employee, shall not be held to answer or be liable for any 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 the vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter.

**24-7-13     PENALTY.**  
(A) Any person who violates or aids and abets in the violation of any section of this Chapter:  
    (1) Shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**; and  
    (2) Shall be required by the court to make a disposition of the abandonment or unclaimed vehicle and pay all towing and storage charges and processing costs incurred in respect to the vehicle.  
(B) Each day an inoperable vehicle remains after **seven (7) days** from issuance of the notice to remove the same shall constitute a separate offense.

**24-7-14 - 24-7-19     RESERVED.**

## **DIVISION II –IMPOUNDING MOTOR VEHICLES**

**24-7-20     PROCEDURE FOR IMPOUNDING VEHICLES.**  
(A) Vehicles may be properly impounded by the Village under this Section and the Village may impose fees therefor for the following violations:  
    (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 1961; 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 Motor 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
- (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 Motor Vehicle Code; except that vehicles shall not be subject 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 Substance Act; or
- (8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Motor Vehicle Code, if the period of expiration is greater than one year; or
- (9) 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 Motor 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
- (10) 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 Motor Vehicle Code; or
- (11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961; or
- (12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961, when so provided by this ordinance.

(B) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the Village.

**24-7-21 ADMINISTRATIVE HEARING; NOTICE.**

(A) At the time the vehicle is towed, the Village shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(B) The Village shall also provide notice that the motor vehicle shall remain impounded pending completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the Village a bond equal to the administrative fee as provided by **Section 24-7-22** *infra*, and pays all towing and storage charges.

(C) The registered owner or lessee, and any lienholder of record, shall be provided with a notice of hearing. The notice shall:

- (1) be served upon the owner or lessee, and any lienholder of record, either by personal service or first class mail to the interested party's address as registered with the Secretary of State;
- (2) be served upon interested parties within **ten (10) days** after the vehicle is impounded by the Village; and
- (3) contain the date, time and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than **forty-five (45) days** after the date of the mailing of the notice of hearing.

- (D)
- (1) All administrative hearings shall be held in accordance to the requirements contained in subdivision (b)(4) of Section 11-208.3 of the Illinois Motor Vehicle Code. In addition all administrative hearings shall be conducted by a hearing officer who shall be an attorney licensed to practice law in this State for a minimum of **three (3) years**. The President as Police Commissioner may appoint the Village Attorney as hearing officer.
  - (2) At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure release of the vehicle shall be forfeited to the Village.
  - (3) All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law. Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee or lienholder of record until all administrative fees and towing and storage charges are paid.

(E) Vehicles not retrieved from the towing facility or storage facility within **thirty-five (35) days** after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Motor Vehicle Code.

(F) Unless stayed by a court of competent jurisdiction, any fine, penalty, or 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 a judgment entered by a court of competent jurisdiction.

**24-7-22 ADMINISTRATIVE FEE.**

(A) The administrative fee related to the administrative and processing cost associated with the investigation, arrest and detention of an offender, or the removal, impoundment, storage, or release of vehicle by the Village shall be **Fifty Dollars (\$50.00)** per vehicle. **(Ord. No. 16-693; 10-03-16)**

(B) The administrative fee imposed by the Village shall be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the Village upon verified proof that the vehicle was stolen at the time of the impoundment.

**24-7-23 DUTY OF LESSOR OF VEHICLE ON NOTICE OF VIOLATION OF THIS CHAPTER.**

Every person in whose name a vehicle is registered pursuant to law and who leases such vehicle to others, after receiving written notice of a violation of this Chapter involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such vehicle.

**(Ord. No. 12-09; 07-02-12)**

**ARTICLE VIII – ENGINE BRAKES**

**24-8-1**     **DEFINITION OF ENGINE BRAKES.** Engine brakes are brakes which are activated or operated by the compression of the engine of any motor vehicle or any unit thereof.

**24-8-2**     **PROHIBITION TO USE.** No person shall use engine brakes within the Village 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.

**24-8-3**     **PENALTY.** Any person violating the provisions of this Article shall have committed a traffic offense and a penalty shall be imposed as provided in **Section 24-1-99.**

**24-8-4**     **SIGNS.** The Superintendent of Streets is authorized and directed to post appropriate signs consistent with the provisions of this Article.

**ARTICLE IX - TRUCK ROUTES**

**24-9-1 AUTHORITY OF STREET COMMITTEE TO RESTRICT RIGHT TO USE STREETS.** Except with respect to state and federal routes within the Municipality, the standing Village Board Committee for Streets may, with the advice and consent of the Village Board, prohibit the operation of vehicles on any such street or highway or impose restrictions as to the weight of vehicles to be operated on any such street or highway for a total period of not to exceed **ninety (90) days** in any one calendar year whenever any such street or highway, by reason deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. The Village shall erect or cause to be erected and maintained signs designating such prohibit on or restriction at each end of that portion of the street or highway affected thereby. The Village may also prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof on designated streets or highways, which prohibitions and limitations shall be designated by appropriate signs placed on such streets or highways.

**24-9-2 SIZE AND WEIGHT OF VEHICLES GENERALLY.** It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street in the Municipality any vehicle or vehicles of a size and weight exceeding the limitations provided by state law or otherwise in violation of state law, unless under the terms of a special permit issued pursuant to this Chapter.

**24-9-3 LIMITED WEIGHT ON STREETS.** Whenever the weight of vehicles permitted on a street is limited by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose.

**24-9-4 OFFICERS TO WEIGHT VEHICLES AND REQUIRE REMOVAL OF EXCESS LOADS.**

(A) Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighting of the same either by means of portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest public scales.

(B) Whenever an officer, on weighing a vehicle and load, determines that the weight is unlawful, the officer shall require the driver to stop the vehicle in a

suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this Chapter, and shall arrest the driver. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(C) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer on weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this Section, shall be guilty of a misdemeanor.

**24-9-5 PERMITS FOR EXCESSIVE SIZE AND WEIGHT.**

(A) The Village may, upon application in writing, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size and weight of vehicle or load exceeding the maximum specified by state law, or otherwise not in conformity with the provisions of state law, on any street within the Municipality. Where a permit is sought for overweight, the application shall show that the load to be moved by such vehicle or combination of vehicles cannot reasonably be dismantled or disassembled.

(B) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved, and the particular streets for which a permit to operate is requested.

(C) If such permit is issued, the Village may limit the number of trips; or establish seasonal or other time limitations within which the vehicles described may be operated on the streets indicated; or otherwise to limit or prescribe conditions or operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundations, surfaces, or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury or any roadway or road structure.

(D) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers, and shall be open to inspection by any police officer or authorized agent of the Commissioner of Streets, and no person shall violate any of the terms or conditions of such special permit.

(E) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with the provisions of this Section, the person to whom such permit was granted, in addition to the driver of such vehicle, shall be prosecuted for such violation.

(F) No permits shall be issued to any person convicted of **three (3) offenses** during a period of **one (1) year** after the date of conviction for such third offense.

**24-9-6**     **WEIGHT LIMITS FOR TRUCKS; EXCEPTIONS.** No truck exceeding the gross weight, including the operator and cargo, of **ten thousand (10,000) pounds** shall be driven on any street in the Municipality with the following exceptions:

(A)           Streets and roads constituting part of the state highway system and the Randolph County highway system.

**24-9-7**     **TRUCKS EXCEEDING WEIGHT LIMIT PERMITTED TO MAKE PICKUPS AND DELIVERIES.** Section 24-9-6 shall not prohibit any truck from making pickups and deliveries to houses on streets on which trucks having a gross weight, including the operator and cargo, of **ten thousand (10,000) pounds** are otherwise prohibited to be driven pursuant to the provisions of **Section 24-9-6**.

**24-9-8**     **ADDITIONAL EXCEPTIONS.** Section 24-9-6 shall not prohibit:

(A)           The operation of emergency or governmental vehicles on any street;

(B)           The operation of any truck on any officially established detour in any case where such truck could lawfully have been on the street for which such detour was established.

**24-9-9**     **PENALTY.** Any person, firm, or corporation violating any of the provisions of this Chapter shall, upon conviction, be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Two Hundred Fifty Dollars (\$250.00)** for each offense.

(Ord. No. 637; 07-08-10)