

CHAPTER 23

MOTOR VEHICLE CODE

ARTICLE I - DEFINITIONS

23-1-1 **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

23-2-1 **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(See 625 ILCS Sec. 5/11-203)**

23-2-2 **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.

23-2-3 **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **Schedule "V" - Signs and Signals** shall be an integral part of this Section. **(See 625 ILCS 5/11-301)**

23-2-4 UNAUTHORIZED SIGNS. No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person or place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

23-2-5 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.

23-2-6 ADVERTISING SIGNS. It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(Also See Chapter 40 - Zoning Code)**

23-2-7 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)**

23-2-8 BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT. When used at nighttime, every bicycle shall be equipped with the following:

- (A) A lamp upon the front which emits a white light visible from a distance of at least **five hundred (500) feet** to the front.
- (B) A red reflector on the rear which shall be visible to a distance of **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

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

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

ARTICLE III - STOP AND THROUGH STREETS

23-3-1 **THROUGH STREETS.** The streets and parts of streets of the City designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

23-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS Sec. 5/11-208)**

23-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS Sec. 5/11-302)**

23-3-4 **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.

23-3-5 **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)**

ARTICLE IV - DRIVING RULES

23-4-1 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 11-207, 11-208.1, 11-208.2, 11-209.1, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-502, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419, and 11-1422.

(B) **Changes and Additions:**

- (1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
- (2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

23-4-2 DRIVING RULES.

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

(B) **Drag Racing.** No person shall participate within the City in drag racing as such activity is defined by **625 ILCS 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.** Traffic control signals, signs or markers owned by the City shall be possessed only by the City's employees, police officers, contractors, or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the City. No person shall possess a traffic control signal, sign or marker owned by the City except as provided in this paragraph without the prior written authority of the City. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority.

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

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

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council, but shall not exceed **fifteen miles per hour (15 MPH)** in an alley, **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **Schedule "C"** shall list the applicable streets that have specific speed limits thereon. **(See 625 ILCS Sec. 5/11-604) (Ord. No. 2011-02-04; 03-14-11)**

(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. A school day shall be from **7:00 A.M. to 4:00 P.M.**

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) **Duty of Due Care.** 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. **(Ord. No. 1298; 08-01-69)**

(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.

23-4-3 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)**

23-4-4 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)**

23-4-5 EXCESSIVE NOISE - STOPPED VEHICLE. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

23-4-6 EXCESSIVE NOISE - WHEELS. No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

23-4-7 EXCESSIVE NOISE - SQUEALING TIRES. No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/11-505)**

23-4-8 RECKLESS, NEGLIGENT OR CARELESS DRIVING. It shall be unlawful to operate any vehicle in the City in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

23-4-9 EXCESSIVE NOISE WHILE DRIVING. No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

ARTICLE V - EQUIPMENT OF VEHICLES

23-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES**
ADOPTED. The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City. **(See 625 ILCS Secs. 5/12-605, 5/12-605.1; and 5/12-605.2)**

23-5-2 **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/12-602)**

23-5-3 **SOUND AMPLIFICATION SYSTEMS.** No driver of any motor vehicle within this State shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. **(See 65 ILCS Sec. 5/12-611)**

23-5-4 **ENGINE BRAKING.** It shall be illegal, except in emergency circumstances, for semi-tractor-trailer trucks, and all other vehicles so equipped to engage in the practice commonly known as "engine braking", which is using the retarder in lieu of air brakes, when crossing the overpass located on Route 51, between South Hickory Street and South Washington Street. **(Ord. No. 2007-003-002)**

ARTICLE VI - PARKING RULES

23-6-1 **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.

23-6-2 **PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED.**
No person shall park a vehicle upon any street for the purpose of:
(A) displaying such vehicle for sale; or
(B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary; or
(C) peddling merchandise.

23-6-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

23-6-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

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

- (1) **Stop, Stand or Park a Vehicle:**
- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (b) On a sidewalk.
 - (c) Within an intersection.
 - (d) On a crosswalk.
 - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (h) On any railroad tracks.
 - (i) At any place where official signs prohibit stopping.
 - (j) On any controlled-access highway.

- (k) In any boulevard area which shall be defined as the land between the sidewalk and the curb.
 - (l) In the area between roadways of a divided highway, including crossovers.
 - (m) In any alley that is open and maintained.
 - (2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):
 - (a) In front of a public or private driveway.
 - (b) Within **fifteen (15) feet** of a fire hydrant.
 - (c) Within **twenty (20) feet** of a crosswalk at an intersection.
 - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
 - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
 - (f) At any place where official signs prohibit standing or parking.
 - (3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
 - (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
 - (b) at any place where official signs prohibit parking;
 - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
- (D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:
 - (1) Upon any street, alley or any public way within the City except for the purpose and time period reasonably necessary to load and unload the same.
 - (2) Upon public or private property within the City with the motor running for a continuous period in excess of **thirty (30) minutes. (See 625 ILCS Sec. 5/3-815)**

23-6-5 PARKING FOR THE HANDICAPPED.

- (A) **Designated Parking.** Certain parking spaces within the confines of the City shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.**

(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(See 625 ILCS Sec. 5/11-1301.2)**

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a City Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes.** The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **Two Hundred Dollars (\$200.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle. **(See 625 ILCS Sec. 5/11-1301.3(C))**

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "F". (Ord. No. 2011-02-04; 03-14-11)**

23-6-6 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 **seventy-two (72) hours.**

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

23-6-7 PENALTY. Any person who violates any provision of the parking schedules shall upon conviction be fined in the minimum sum of **Twenty-Five Dollars (\$25.00)** for the first offense. Any person who violates any provision of the parking schedules shall, upon conviction, be fined in the minimum sum of **Fifty Dollars (\$50.00)** for the second offense, and shall be fined in the minimum of **Fifty Dollars (\$50.00)** for every offense thereafter.

(A) Payment of fines pursuant to this Section may be made at the Police Department, or by depositing such in receptacles provided therefor on the public streets. Such money shall be turned over to the Treasurer to be credited to the Police Fund.

(B) The failure of a person who allegedly violates a parking ordinance to make payment pursuant to this Article within **seventy-two (72) hours** after receiving notice of such violation shall render such person subject to the penalties provided in such ordinances prohibiting parking a vehicle in a designated area.

23-6-8 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.

23-6-9 PARKING TICKETS - STATE STATUTE. The City Council intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

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

**ARTICLE VII – ABANDONED, LOST, STOLEN OR
UNCLAIMED VEHICLES**

23-7-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned Vehicle. Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for **seven (7) consecutive days** or more on public property. **(Ord. No. 2007-002-02)**

Derelict Vehicle. Any inoperable, unregistered, or discarded motor vehicle, regardless of title, on owner's land contrary to the public policy expressed in this Article.

Inoperable Motor Vehicle. Any motor vehicle from which, for a period 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 so treated that the vehicle is incapable of being driven under its own motor power. The term "inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

Property. Any real property within the City which is not a street or highway.

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of public for purposes of vehicular travel.

Vehicle. Every device, in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or except from registration, excepting however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks.

23-7-2 **CITY POLICY.**

(A) The City Council finds that abandoned and derelict vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others, produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the City.

(B) The City Council declares therefore that it is the policy of the City to prohibit the abandonment of vehicles and the retention of derelicts, and to enforce individual responsibility of the owners to dispose of such vehicles.

23-7-3 ABANDONMENT OF VEHICLES PROHIBITED.

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

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this City is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the City, after a waiting period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

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

23-7-4 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.

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

23-7-5 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.

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

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

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

23-7-6 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT. When a vehicle is authorized to be towed away as provided in **Section 23-7-4** or **23-7-5**:

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

(B) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

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

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

23-7-7 RECORD SEARCHES FOR UNKNOWN OWNER.

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records

of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

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

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

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

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

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

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

23-7-8 IDENTIFYING AND TRACING OF VEHICLE. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the

registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 23-7-5** of this Code. **(625 ILCS 5/4-206)**

23-7-9 RECLAIMED VEHICLES; EXPENSES.

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 23-7-10**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

23-7-10 IMPOUNDMENT; DISPOSAL.

(A) The Chief of Police or any member of his Department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this Article or which reasonably appears to be lost, stolen or unclaimed, or which is an inoperable or derelict vehicle as defined herein.

(B) Vehicles removed shall be restored to the owner or operator thereof after payment to the City for towing fee including any storage charges and processing fees that may have been incurred by the City in removing and storing such vehicle(s).

(C) Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this Article.

(D) When an abandoned or unclaimed vehicle remains unclaimed by the owner or operator for a period of **thirty (30) days** after notice has been given, the Police Department will authorize the disposal of the vehicle as junk or salvage and shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **625 ILCS 5**.

23-7-11 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in

this Article, the vehicle may be sold as provided for in **Section 23-7-10** without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Article, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the **ten (10) day** period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
- (2) The towing service may sell the vehicle in the manner provided in **Section 23-7-10** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.

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

23-7-12 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

23-7-13 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

23-7-14 **POLICE RECORD FOR DISPOSED VEHICLE.** When a vehicle in the custody of the City or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

23-7-15 **PUBLIC SALE PROCEEDS; DISPOSITION OF.**

(A) When a vehicle located within the corporate limits is authorized to be towed away by the Police Department and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the City.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

23-7-16 **LIABILITY OF LAW ENFORCEMENT OFFICERS.**

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

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

23-7-15 **VIOLATIONS OF ARTICLE.**

(A) Any person who violates **Section 23-7-3** of this Article or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of **Two Hundred Dollars (\$200.00)**; and

- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 23-7-5(A) and (E)**.

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

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

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

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

ARTICLE VIII - LOAD REGULATIONS

23-8-1 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 5/15-100 et seq.**

(B) The provisions of **625 ILCS 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 City, 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.

(C) No person shall use the highways under the jurisdiction of the City in violation of weight and location restrictions and commercial vehicle restrictions set forth in any applicable ordinance.

(See 625 ILCS 5/11-40-1)

23-8-2 PROJECTING LOADS ON PASSENGER VEHICLES. No passenger-type vehicle shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle, nor extending more than **six (6) inches** beyond the line of the fenders on the right side thereof. **(See 65 ILCS 5/15-105)**

23-8-3 PROTRUDING MEMBERS OF VEHICLES. No vehicle with boom, arm, drill rig, or other protruding component shall be operated upon any highway in the state unless the protruding component is fastened so as to prevent shifting, bouncing, or moving in any manner. **(See 625 ILCS 5/15-106)**

23-8-4 SPILLING LOADS PROHIBITED.

(A) No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the

covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(C) The State Department of Transportation shall adopt those rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the State Department of Transportation under this Article shall be punished as provided in **Section 1-1-20** of the City Code. **(See 625 ILCS 5/15-109)**

23-8-5 PUSHING OF DISABLED VEHICLES. It is unlawful under any circumstances for any vehicle to push any other vehicle on or along any highway outside an urban area in this City, except in an extreme emergency, and then the vehicle shall not be pushed farther than is reasonably necessary to remove it from the roadway or from the immediate hazard that exists. **(See 625 ILCS 5/15-114)**

ARTICLE IX - PARADES

23-9-1 **DEFINITIONS.** For the purpose of this Article 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 the City, or ***Cruising*** as defined above.

Parade Permit. A permit required by this Article.

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.

23-9-2 **PERMIT REQUIRED.** 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 City official. This Article shall not apply to:

- (A) Funeral processions;
- (B) 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;
- (C) A governmental agency acting within the scope of its functions.

23-9-3 **APPLICATION FOR PERMIT.** A person seeking issuance of a parade permit shall file an application with the Chief of Police or other authorized City 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 City Council from time to time.

23-9-4 STANDARDS FOR ISSUANCE OF PERMIT. The Chief of Police or other authorized City 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 City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
- (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 City 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 firefighting 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.

23-9-5 NOTICE OF REJECTION OF PERMIT APPLICATION. The Chief of Police or other authorized City 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.

23-9-6 APPEAL PROCEDURE WHEN PERMIT DENIED. Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within **thirty (30) days** after notice of denial. The City Council shall act on the appeal within **thirty (30) days** after its receipt.

23-9-7 ALTERNATIVE PERMIT. The Chief of Police or other authorized City 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 Article.

23-9-8 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 Mayor and the Fire Chief.

23-9-9 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 Article.

23-9-10 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.

23-9-11 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 City 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.

23-9-12 REVOCATION OF PERMIT. The City shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

ARTICLE X - BICYCLES

23-10-1 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a highway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by this Article, except as to special regulations in this Article, and except as to those provisions of this Article which by their nature can have no application. **(See 625 ILCS 5/11-1502)**

23-10-2 RIDING ON BICYCLES.

(A) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling. **(See 625 ILCS 5/11-1503)**

23-10-3 CLINGING TO VEHICLES. No person riding upon any bicycle, coaster, roller skates, skateboard, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway. **(Ord. No. 2009-002-01) (625 ILCS 5/11-1504)**

23-10-4 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Any person operating a bicycle, or motorized pedal cycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under the following situations:

- (1) When overtaking and passing another bicycle, motorized pedal cycle, or vehicle proceeding in the same direction; or
- (2) When preparing for a left turn at an intersection or into a private road or driveway; or
- (3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a "substandard width lane" means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by side within the lane.
- (4) No one may operate a skateboard upon any roadway, or alley of the City. Skateboards shall be operated only upon sidewalks, the skateboard park located in Keyes Park, and

upon private property where prior written permission to do so has been obtained; however, it shall be expressly forbidden to ride any skateboard, coaster, roller skates, or motorized pedal cycle upon any sidewalk in the downtown area, with such downtown area being defined as that area bounded by Poplar Street and Park Street, on the South and North, and Washington Street to Hickory Street on the East and West.

(B) Any person operating a bicycle or motorized pedal cycle upon a one-way highway with **two (2)** or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable. **(See 625 ILCS 5/11-1505)**

(C) Persons riding bicycles, or motorized pedal cycles upon a roadway shall not ride more than **two (2)** abreast, except on paths or parts of roadways set aside for their exclusive use. Persons riding **two (2)** abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of (A) and (B) above. **(See 625 ILCS 5/11-1505.1)**

(D) Any persons riding a bicycle, skateboard, or motorized pedal cycle upon a public sidewalk shall in all circumstances yield to pedestrians, children, and the elderly and shall so operate such bicycle, skateboard, or motorized pedal cycle at all times in a safe and controlled manner so as to avoid any injury to pedestrians, children, the elderly or others who may be properly present upon such sidewalk.

(E) Any persons riding a bicycle, skateboard, or motorized pedal cycle shall not trespass upon private property or under any circumstances operate such bicycle, skateboard, or motorized pedal cycle upon private property without the express written consent of the rightful owner or lessee of such private property.

(F) Any persons riding a skateboard shall not operate such skateboard, upon City property, except upon the public sidewalks, or the public skate park located in Keyes Park.

(G) Violation of this Article shall be deemed an offense punishable by a fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**, as well as confiscation of the bicycle, motorized pedal cycle, or skateboard involved until all fines and other penalties related to the violation are paid in full. **(Ord. No. 2009-002-01; 02-23-09)**

23-10-5 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times. **(See 625 ILCS 5/11-1506)**

23-10-6 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 from **one**

hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps 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 upon a bicycle, any siren.

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

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the State Department of Transportation, 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. The 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. The requirements of this Article may be met by reflective materials which shall be at least **three-sixteenths (3/16) 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 the bicycle, and which reflective materials may be of the same color on both the front and rear tire or rim. The reflectors shall conform to specifications prescribed by the State Department of Transportation.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector. **(See 625 ILCS 5/11-1507)**

23-10-7 LAMPS ON MOTORIZED PEDAL CYCLES. Every motorized pedal cycle, 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 State Department of Transportation which shall be visible from all distances from **one hundred (100) feet to six hundred (600) feet** to the rear when in front of lawful, low-powered beams of headlamps 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. **(See 625 ILCS 5/11-1507.1)**

23-10-8 RIDING ON MOTORIZED PEDAL CYCLES.
(A) The operator of a motorized pedal cycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit **two (2) persons** to ride thereon at the same time, unless the motorized pedal cycle is designed to carry **two (2) persons**. Any motorized pedal cycle designed for **two (2) persons** must be equipped with a passenger seat and footrests for use of a passenger.

(B) Neither the operator nor any passenger on a motorized pedal cycle shall be required to wear any special goggles, shield, helmet, or glasses.

(C) The provisions of this Article shall be applicable to the operation of motorized pedal cycles, except for those provisions which by their nature can have no application to motorized pedal cycles. **(See 625 ILCS 5/11-1403.1)**

23-10-9 BICYCLES ON SIDEWALKS. Bicycles may be ridden on any sidewalk in the City. Whenever a person or persons ride a bicycle on any sidewalk in the City, they shall operate said bicycle in a reasonable and prudent manner so as not to endanger life or property.

ARTICLE XI - SNOW EMERGENCIES

23-11-1 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 parked 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.

23-11-2 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.

23-11-3 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.

23-11-4 VIOLATIONS; OFFICERS AUTHORIZED TO REMOVE VEHICLES. Whenever any police officer finds a vehicle in violation of any of these provisions or any other applicable section of this Code or ordinance of the City, 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.

ARTICLE XII - NEIGHBORHOOD AND UTILITY TERRAIN VEHICLES

23-12-1 **GENERALLY.** Neighborhood and utility-terrain vehicles, as defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

23-12-2 **DEFINITIONS.**

(A) **"Neighborhood Vehicle"** shall mean a self-propelled, electronically powered or self-propelled gasoline powered four-wheeled motor vehicle, with bench or bucket seats, which is capable of attaining in **one (1) mile** a speed of more than **twenty (20) miles per hour**, but not more than **twenty-five (25) miles per hour** which is steered and maneuvered with a steering wheel.

(B) **"Utility-Terrain Vehicle"** shall mean a self-propelled, electronically powered four-wheeled motor vehicle or a self-propelled gasoline powered four wheeled motor vehicle with bench or bucket seats, an engine displacement under **one thousand two hundred (1,200) cubic centimeters** which is capable of attaining in **one (1) mile** a speed of more than **twenty (20) miles** per hour but not more than **twenty-five (25) miles** per hour, is steered and maneuvered with a steering wheel.

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

23-12-3 **REQUIREMENTS.** All persons wishing to operate a neighborhood or a utility-terrain vehicle on the 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 vehicles certified with the City by inspection by the Police Chief or designated representative.

(C) Must comply with the published "Rules Concerning Alternate Transportation for the City of Du Quoin" as stated in **Section 23-12-4** and as periodically updated.

(D) Must display City decal on the rear of the vehicle.

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

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

23-12-4 **RULES CONCERNING ALTERNATE TRANSPORTATION FOR THE CITY.**

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

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

(C) May not be operated on US Highway 51 and 152.

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

(E) May only be operated between the hours of **4:00 A.M.** and **10:00 P.M. (Ord. No. 2012-01-02; 01-23-12)**

(F) A person operating or who is in actual physical control of a neighborhood or utility-terrain vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes **(625 ILCS 5/11-500 - 11-502)**.

(G) Neighborhood and utility-terrain vehicles shall not be operated on sidewalks or in City Parks other than parking areas.

(H) Neighborhood and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (US Highway 51, or South Washington Street south of Poplar Street, Poplar Street from South Washington Street and South Hickory Street including the overpass, South Hickory Street north of Poplar Street and the entirety of North Hickory Street; and Route 152 including West Main Street west of its intersection with Route 51) or the Perry County Highway Department except to cross at designated streets.

(I) All operators of a neighborhood or utility vehicle must adhere to the child restraint laws pursuant to the Illinois State Statutes.

(J) Any operator or passenger of a neighborhood or utility vehicle, while in motion, must be in a sitting position and wearing a seatbelt.

(K) A person is NOT eligible to operate a neighborhood or utility 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.

(L) Except as otherwise provided in paragraph (M), no person operating a neighborhood or utility vehicle shall make a direct crossing upon or across any highway under state jurisdiction.

(M) A person may make a direct crossing at an intersection controlled by a traffic light or two-way stop sign across a highway under the jurisdiction of the State if the speed limit on the highway is **thirty-five (35) miles per hour** or less at the place of crossing.

23-12-5 PERMITS.

(A) No person shall operate a qualified neighborhood 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 cost of the permit is **Thirty-Five Dollars (\$35.00)**. Insurance coverage is to be verified by the Police Department and in effect when obtaining or renewing a permit.

(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) The serial number, make, model and description of golf cart or utility-terrain vehicle.

- (4) Signed Waiver of Liability 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 neighborhood or utility-terrain vehicle on the City streets.
 - (5) Photocopy of applicable liability insurance coverage card 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 designee) to insure 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 the physician, certifying that the applicant is able to safely operate a qualified neighborhood or utility-terrain vehicle on City streets.
 - (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois 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 or there is evidence that permittee cannot safely operate a qualified neighborhood or utility-terrain vehicle on the designated roadways.

23-12-6 VEHICLE IDENTIFICATION AND REQUIREMENTS.

- (A) Any vehicle approved and permitted by the City shall be identifiable by a City issued sticker.
- (B) Each neighborhood/utility vehicle must be equipped with brakes, tires, headlamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors, exterior mirror(s), windshield, and a parking brake.

23-12-7 VIOLATIONS.

- (A) Any vehicle authorized for use on public streets by the passage of this Article will 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 criminal prosecution according to the laws of that code.
- (B) Any person who violates any provision of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of **Seventy-Five Dollars (\$75.00)**. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation on a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

23-12-8 MISCELLANEOUS.

(A) In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(B) This Article shall be in full force and become effective on **May 11, 2009.**

(C) Any Article, or portion thereof, of the City which is contrary to this Article shall be deemed to be replaced.

(See 625 ILCS 5/11-500 - 11-502 and 5/11-1426)

(Ord. No. 2009-005-01; 05-11-09)

ARTICLE XIII – CRUISING

23-13-1 DEFINITIONS.

"Cruising" is defined as the repetitive driving of any motor vehicle past a police established traffic control point, on **three (3)** or more occurrences, within a **two (2) hour** period on any highway, roadway, roadway within the boundaries of any city park, or alleyway of the City in a manner and under circumstances manifesting a "purpose" of unnecessary, repetitive driving in such area. Among the circumstances which may be considered in determining whether such purpose is manifested are that such person or any other person present in the vehicle attempts to gain the attention of other motorists or pedestrians or engages them in conversation, whether by hailing, arm waving, horn blowing, or another action or device; that such person or any other person present in the vehicle enters or exists the vehicle directly from or to another vehicle driven in or parked in close proximity to the designated area; that such person or any other person present in the vehicle violates state or city traffic regulations or city ordinances; or that such person has declared his purpose for driving to be that of cruising. The violator's conduct must be such as to demonstrate a specific intent to cruise. No citation shall be made for a violation of this Section unless the police officer first affords an opportunity to explain such conduct; and no person shall be convicted of violating this Section if it appears at trial that the explanation given was true and disclosed a lawful purpose, not unnecessary, repetitive driving. Lawful purposes include traveling to a specific destination by a person whose residence address is in the designated area or by a person whose business or employment requires driving in the designated area, and operating an official emergency or police vehicle in the designated area.

"Traffic control point" is defined as a clearly identified reference point on a designated street, as determined and marked from time to time by the Police Department for the purpose of enforcing this Article.

23-13-2 CRUISING PROHIBITED. It shall be unlawful for any person to engage in cruising. For the purpose of this Section, a police officer may issue a citation to any person engaged in cruising, including the passenger(s), whom are **sixteen (16) years** of age or older.

23-13-3 TEMPORARY DESIGNATED AREAS. The Chief of Police or his designee may establish temporary designated areas where cruising is prohibited where one or more of the following conditions exist or, are reasonably anticipated to exist at these locations:

- (A) Dangerous and continuous traffic congestion during afternoon, evening and night hours.
- (B) Excessive levels of noise or air pollution caused by traffic congestion.
- (C) Obstruction of streets, sidewalks or access to parking lots caused by vehicular traffic.
- (D) Interference with the use of property or conduct of business by vehicular traffic.
- (E) Obstruction of access to and through the public way for emergency vehicles by vehicular traffic.
- (F) Loud, disruptive, dangerous or unruly behavior directly related to vehicular traffic.

Prior to establishing a temporary designated area, the Chief of Police or his designee shall file a written plan, approved by the Chief of Police for the areas in which the designated area is to be located. A copy of the final plan shall also be provided to the City Administrator and the Commissioner of Public Health and Safety **five (5) days** prior to the date on which the designated area takes effect.

The plan shall contain the following information:

- (A) The boundaries of the designated area.
- (B) The date(s) and times during which the designated area will be in effect.
- (C) A statement enumerating the problem or problems that require the creation of the designated area.
- (D) Any instructions given to enforcement officers concerning the designated area.
- (E) The location of the signs to be posted.
- (F) The location of Traffic Control Points.

Every temporary designated area shall be posted with sufficient signs to provide notice of the prohibition against cruising **seven (7) days** prior to establishment of such area. Such signs shall include the times, days and location of the cruising prohibition. These signs shall be of such size and shape as shall be deemed appropriate by the Director of Public Safety.

23-13-4 EXCEPTIONS. Official emergency vehicles, residents residing within the boundaries of the temporary designated area traveling to a specific destination, taxicabs for hire and other commercial or passenger vehicles being driven for business purposes are exempted from the provisions of this Section.

23-13-5 PENALTY. Any person who violates the provisions of **Section 23-13-2** of this Article may first be given a written or verbal warning by the attending police officer and thereafter shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for a first offense, not less than **Two Hundred Dollars (\$200.00)** for a second offense committed within a **six (6) month** period, and not less than **Three Hundred Dollars (\$300.00)** and not more than **Five Hundred Dollars (\$500.00)** for a third or subsequent offense committed within a **one (1) year** period.

(Ord. No. 2013-05-04; 05-20-13)

CITY OF DU QUOIN

CITATION FORM

DATE _____ TIME _____ A.M.
P.M.

OFFICER _____

LOCATION _____

MAKE OF VEHICLE _____ LIC # _____ STATE _____

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

- 1. Overtime Parking Zone \$ _____
- 2. Parked in No Parking Zone \$ _____
- 3. Parked Not Parallel With Curb \$ _____
- 4. Parked Against Traffic \$ _____
- 5. Double Parking \$ _____
- 6. Parking 1:00 A.M. to 6:00 A.M. Friday
Street Sweeper Violation \$ _____
- 7. Handicapped \$ _____
- 8. Other _____ \$ _____

**REPORT TO THE POLICE STATION
WITHIN 72 HOURS OF TIME ISSUED**

NOTICE: If not paid, forfeiture increases when summons and complaint are issued.

YOU MAY PAY THIS BY PLACING THE REQUIRED AMOUNT IN THIS ENVELOPE AND BRINGING IT TO THE DU QUOIN POLICE DEPARTMENT LOCATED AT 304 EAST POPLAR STREET, DU QUOIN, ILLINOIS.

CITY OF DU QUOIN, ILLINOIS