

**CHAPTER 24**

**MOTOR VEHICLE CODE**

**ARTICLE I – DEFINITIONS**

**24-1-1** **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **625 ILCS 5/1-100 et seq.**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village. **(See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)**

**ARTICLE II - GENERAL REGULATIONS**

**24-2-1** **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(See 625 ILCS Sec. 5/11-203)**

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

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

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

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

**24-2-6 ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device other than a traffic sign or signal authorized by the Village Board or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapter 27 and 33) (Also See Chapter 40 - Zoning Code)**

**24-2-7 ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. **(See 625 ILCS Sec. 5/11-206)**

**24-2-8 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.

**24-2-9 REGULATION OF SKATEBOARDS, IN-LINE SKATES (ROLLERBLADES OR ROLLERSKIS) AND ROLLERSKATES.** All on-street operation of skateboards, in-line skates (rollerblades and rollerskis) and rollerskates shall be conducted as far to the right of the traffic lane as possible, in a single file and flowing with traffic. All operations of these skateboards, in-line skates and rollerskates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of reflective clothing or reflective strips on his or her clothing which can be seen from a distance of **five hundred (500) feet** to the rear and side. Further, all operation shall be consistent with the rules of the road established for bicycles. Skateboards, in-line skates and rollerskates shall be allowed on all Village streets and sidewalks except for those listed in **Schedule "Z"** at the conclusion of this Code.

**ARTICLE III - STOP AND THROUGH STREETS**

**24-3-1**        **THROUGH STREETS.** The streets and parts of streets of the Village designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

**24-3-2**        **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS Sec. 5/11-208)**

**24-3-3**        **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS Sec. 5/11-302)**

**24-3-4**        **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "C")**

**24-3-5**        **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS Sec. 5/11-304)**

## ARTICLE IV - DRIVING RULES

**24-4-1** **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 5/11-100 et seq.**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village except for the following changes, deletions and omissions:

- (A) **Omissions:**
- (1) Omit Sections 11-207, 11-208.1, 11-208.2, 11-209.1, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-502, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419, and 11-1422.
- (B) **Changes and Additions:**
- (1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
- (2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

**24-4-2** **DRIVING RULES.**

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

(B) **Drag Racing.** No person shall participate within the Village 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 Village shall be possessed only by the Village's employees, police officers, contractors, or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the Village. No person shall possess a traffic control signal, sign or marker owned by the Village except as provided in this paragraph without the prior written authority of the Village. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority. **(See 625 ILCS Sec. 5/11-313)**

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

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the Village 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 Village Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone

and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **(See Schedule "D") (See 625 ILCS Sec. 5/11-604) (See 65 ILCS Sec. 5/11-40-1)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the Village or State wherein the school zone is located. **(See 625 ILCS Sec. 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this Village at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the Village 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 Village.

**24-4-3 DUTY TO REPORT ACCIDENT.** The driver of a vehicle which is in any manner involved in an accident within the Village shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the Village within **twenty-four (24) hours** shall result in arrests of the person or persons involved. **(See 625 ILCS Sec. 5/11-415)**

**24-4-4 TRANSPORTING LIQUOR IN VEHICLES.** No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this Village except in the original container and with the seal unbroken. **(See 625 ILCS Sec. 5/11-502)**

**24-4-5 EXCESSIVE NOISE - STOPPED VEHICLE.** No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

**24-4-6 EXCESSIVE NOISE - WHEELS.** No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

**24-4-7 EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/11-505)**

**24-4-8 RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the Village in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

**24-4-9 EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

**24-4-10 ELECTRONIC COMMUNICATION DEVICES.** As defined in this Section, "electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or device that is physically or electronically integrated into the motor vehicle.

(A) **Prohibited Use.** A person may not operate a motor vehicle on any street or other public way while using an electronic communication device. The term "use" shall include without limitation:

- (1) Talking or listening to another person on the telephone;
- (2) Text messaging;
- (3) Sending, reading or listening to an electronic message;
- (4) Browsing the internet.

(B) **Exemptions.** This Section does not apply to:

- (1) A law enforcement officer or operator of emergency vehicle while performing his or her official duties;
- (2) A driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during an emergency situation;
- (3) A driver using an electronic communication device in a hands-free or voice operated mode, which may include the use of a headset;
- (4) A driver of commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed **ten (10) inches** tall by **ten (10) inches** wide in size;
- (5) A driver using an electronic communication device while parked on the shoulder of a roadway;
- (6) A driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;
- (7) A driver using two-way or citizens band radio services;
- (8) A driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in amateur radio service;
- (9) A driver using an electronic communication device by pressing a single button to initiate or termination a voice communication;
- (10) A driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal assistant for a purpose that is not otherwise prohibited in this Section.

ARTICLE V - EQUIPMENT OF VEHICLES

**24-5-1**        **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village. **(See 625 ILCS Secs. 5/12-605, 5/12-605.1; and 5/12-605.2)**

**24-5-2**        **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/12-602)**

**24-5-3**        **SOUND AMPLIFICATION SYSTEM.** No driver of any motor vehicle within this Village shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This Section shall not apply to authorized emergency vehicles. **(See 625 ILCS Sec. 5/12-611)**

**24-5-4**        **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for an operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the Village that emits excessive noise unless it is an emergency. The Superintendent is authorized and directed to post signs stating: "**EXCESSIVE ENGINE BRAKING NOISE PROHIBITED**" at appropriate locations. **(See 625 ILCS 5/12-602.1)**

**ARTICLE VI - PARKING RULES**

**DIVISION I - GENERALLY**

**24-6-1**        **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

**24-6-2**        **PARKING FOR SALE OR REPAIR.** No person shall park a vehicle upon any street for the purpose of:

- (A)            displaying such vehicle for sale; or
- (B)            washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

**24-6-3**        **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

**24-6-4**        **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

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

- (1)        **Stop, Stand or Park a Vehicle:**
  - (a)        On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - (b)        On a sidewalk.
  - (c)        Within an intersection.
  - (d)        On a crosswalk.
  - (e)        Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
  - (f)        Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
  - (g)        Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
  - (h)        On any railroad tracks.
  - (i)        At any place where official signs prohibit stopping.
  - (j)        On any controlled-access highway.
  - (k)        In the area between roadways of a divided highway, including crossovers.
  - (l)        In any alley that is open and maintained.
- (2)        **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):
  - (a)        In front of a public or private driveway.
  - (b)        Within **fifteen (15) feet** of a fire hydrant.
  - (c)        Within **twenty (20) feet** of a crosswalk at an intersection.
  - (d)        Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
  - (e)        Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any



- fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
- (f) At any place where official signs prohibit standing or parking.
- (3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
  - (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
  - (b) at any place where official signs prohibit parking;
  - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
- (D) **Truck Parking 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 Village except for the purpose and time period reasonably necessary to load and unload the same.
  - (2) Upon public or private property within the Village with the motor running for a continuous period in excess of **thirty (30) minutes**. **(See 625 ILCS Sec. 5/3-815) (2002 Code – Section 6-2-1)**

**24-6-5 PARKING FOR THE HANDICAPPED.**

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

**24-6-6 LOAD LIMITS.** It shall be unlawful for any person to drive or permit to be driven, any truck trailer, tractor, or other motor vehicle with a gross weight o more than **eight (8) tons** on any streets in the Village; with the exception of the following:

(A) That such load limit shall not apply to West Center Street, beginning at its intersection with State Route 111 and traveling in a westerly direction on West Center Street, to the corporate limits of the Village; and **(Ord. No. 771; 05-04-15)**

(B) That such load limit shall not apply to East City Limits Road, beginning at its intersection with State Route 111 and traveling in an easterly direction on East City Limits Road, to the corporate limits of the Village. **(Ord. No. 771; 05-04-15)**

(C) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

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

**24-6-7 TOWING CARS AWAY.** The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours**.

Vehicles towed away shall be stored on any Village 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 Village in removing and storing such vehicle(s).

**24-6-8 PARKING VIOLATIONS.** Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the Village **Ten Dollars (\$10.00)** for each such offense and **Fifteen Dollars (\$15.00)** for the second offense within **six (6) months**. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days**.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) **Removal - Time Limit.** Any vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by the Police Department of the Municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the Municipality.

(B) **Village Parking Lots.** No person shall park a motor vehicle on a Village parking lot unattended for more than **five (5) consecutive days**.

(C) **Parking Violation Ticket.** The parking violation ticket shall be as follows:

**24-6-9 PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

**24-6-10 PARKING TICKETS - STATE STATUTE.** The Village Board 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.

**24-6-11 - 24-6-15 RESERVED.**

**DIVISION II – SNOW EMERGENCY PARKING RESTRICTIONS**

**24-6-16 DECLARATION OF EMERGENCY.** An emergency is automatically declared to exist within the Village whenever there is an accumulation of snow and ice of **four (4) inches** or more, at which time a parking prohibition shall automatically become effective throughout the Village in accordance with the provisions of this Section.

**24-6-17 ADMINISTRATION OF SECTION.** The Police Department is hereby authorized to administer this Section in accordance with the terms herein.

**24-6-18 PARKING ON SNOW ROUTES PROHIBITED.** During the time of a snow emergency, no person shall leave parked or standing any motor vehicle, device towable by a motor vehicle or any other property on streets or areas designated as snow routes.

**24-6-19 DESIGNATED HOURS.** In the event of a snow emergency, parking shall be prohibited on snow routes within the Village from the hours of **two o'clock (2:00) A.M.** to **five o'clock (5:00) A.M.** This parking prohibition shall be removed between the hours of **five o'clock (5:00) A.M.** and **two o'clock (2:00) A.M.** of the following day on those streets or sections of streets known and defined as snow routes or snow areas.

**24-6-20 PRIMA FACIE EVIDENCE OF VIOLATION.** A vehicle that is parked and/or unattended in a snow route or snow area, when there is an accumulation of snow and ice of **two (2) inches** or more, shall be prima facie evidence of violation of this Section by the person in whose name said vehicle is registered.

**24-6-21 POLICE AUTHORITY.** Members of the Police Department are hereby authorized to ticket any vehicle parked and/or unattended in violation of this Section and, if the Director of Public Works deems it necessary to effectuate snow removal operations, have the vehicle removed and relocated.

**24-6-22 SNOW ON RIGHTS OF WAY.** Excepting the clearing of snow from sidewalks or entries located upon a public right of way, no person shall pile or cause to be piled any snow on streets, alleys, sidewalks or any other Village-owned property, except at the direction of the Director of Public Works. Further, no person shall pile or cause to be piled any snow so as to obstruct the vision at any intersection of any street or alley within the Village.

**24-6-23**      **EXCEPTION; AUTHORIZED EMERGENCY VEHICLES.** When the parking prohibition of this Section becomes effective upon the occurrence of certain weather conditions, it shall take precedence over provisions of law normally in effect; except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency vehicles, or emergency traffic direction by a police officer.

**24-6-24**      **VEHICLE REMOVAL.** If it becomes necessary for the police to have a vehicle removed and relocated, the violator shall not be deemed to have complied with this Section and shall remain liable for the fine provided plus all costs resulting from the removal, relocation and storage of said vehicle.

**(Ord. No. 511; 01-07-91)**

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

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

(A) The abandonment of a vehicle or any part thereof on any highway in this Village 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 Village 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 Village, 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 Village or a law enforcement agency. **(625 ILCS 5/4-201)**

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

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

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

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

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

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

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

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

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

trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

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

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

**24-7-5            RECORD SEARCHES FOR UNKNOWN OWNER.**

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

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

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

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

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

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

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

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

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

**24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.**  
 (A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.  
 (B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.  
 (C) In those instances where the certified notification specified in **Section 24-97-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

**24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.**  
 (A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided for in **Section 24-7-8** without notice to any person whose identity cannot be determined.

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

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

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

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

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

**24-7-12 POLICE RECORD FOR DISPOSED VEHICLE.** When a vehicle in the custody of the Village or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

**24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.**

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

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



**24-7-14**      **LIABILITY OF LAW ENFORCEMENT OFFICERS.**

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

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

**24-7-15**      **VIOLATIONS OF ARTICLE.**

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

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

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

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

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

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

**ARTICLE VIII – NON-HIGHWAY VEHICLES**

**24-8-1**        **POLICY STATEMENT.** The Village, in passing this Article, is not advocating or endorsing the use of non-highway vehicles on Village Streets. Other means of travel may be safer. All persons who operate non-highway vehicles within the Village do so at their own risk and peril. In passing this Article, the Village does not accept any level of liability for accidents, collisions, injuries or death, or destruction of property. In passing this Article, the Village is merely regulating the use of non-highway vehicles on Village streets, according to the laws of the State of Illinois, in an attempt to increase safety on Village streets. Non-highway vehicles specifically defined and qualified herein shall be allowed on Village streets, under the conditions as hereinafter stated.

**24-8-2**        **DEFINITIONS.**

(A)            A Non-Highway Vehicle means any motorized off-highway device, designed to travel primarily off-highway, **sixty-four (64) inches** or less in width, having a manufacturer’s dry weight of **two thousand (2,000) pounds** or less, traveling on **four (4)** or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, excepting equipment such as lawnmowers, 3-wheelers, 4-wheelers, go-karts, and off-highway motorcycles.

(B)            **Farm Vehicles.** This Article does not apply to non-highway vehicles engaged in farming operations.

(C)            **Seat Belts.** A set of belts or harnesses meeting the specifications established by the Illinois Department of Transportation and installed in such manner as to prevent or materially reduce the movement of the person using the belts or harness in the event of a collision or the upset of the vehicle.

(D)            **Village Streets.** Any of the streets or roadways under the jurisdiction of the Village and within the corporate limits. Village streets does not include any street which is under the jurisdiction of a unit of government other than the Village.

(E)            **State Roads.** Illinois Route 267 - 111.

(F)            **County Roads.** Any county road within the boundaries of the Village limits.

**24-8-3**        **REQUIREMENTS.** All persons operating a non-highway vehicle on the Village streets must comply with the following requirements.

(A)            Must possess a current, valid Illinois driver’s license.

(B)            Must possess proof of current liability insurance, a certificate of vehicle shall be kept in/on the non-highway vehicle whenever on Village streets.

(C)            Must obtain a permit from the Village and have the non-highway vehicle certified with the Village by inspection by a designated representative.

(D)            Must display a Village decal on both sides of the non-highway vehicle.

(E)            All non-highway vehicles must be equipped with the following:

- (1)        Horn.
- (2)        Brakes and brake light.
- (3)        Front and rear turn signals.
- (4)        A steering wheel apparatus.
- (5)        Tires.
- (6)        Rearview mirror.
- (7)        Seat belts for each passenger.
- (8)        Red reflector warning device on the front and rear.
- (9)        Yellow flashing light visible for at least **one hundred (100) feet** from the rear of the vehicle. Said lights must be turned on when operated **one (1) hour** before sunrise and **one (1) hour** before sunset.
- (10)      Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (**625 ILCS 5/12-709**).

- (11) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation.
  - (12) Tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation.
  - (13) Any additional requirements which may be added to **625 ILCS 5/11-1426.1** of the Illinois Motor Vehicle Code by amendment.
- (F) The operator of a non-highway vehicle shall at all times:
- (1) Obey all traffic laws of the State of Illinois.
  - (2) Be **eighteen (18) years** of age or older.
  - (3) Operate his/her non-highway vehicle only on the Village streets where permitted.
  - (4) May not operate said vehicle on streets under the jurisdiction of Brighton Township, Piasa Township, Macoupin County, Jersey County, or the State of Illinois, except to cross said streets, in which case the operator must make a direct crossing in which the crossing is made at an angle of approximately **ninety (90) degrees** to the direction of the street, road or highway; at a location where no obstruction prevents a quick and safe crossing; the non-highway vehicle is brought to a complete stop before attempting to cross; the operator of the non-highway vehicle yields to the right of way of all pedestrian and vehicular traffic which constitutes a hazard; and that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.
  - (5) Operate said vehicle in compliance with the posted speed limit, and regardless, may not exceed **thirty (30) miles per hour**.
  - (6) A person who drives or who is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Vehicle Code (**625 ILCS 5/11-500 – 11-502**).
  - (7) All non-highway vehicles may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individual may ride on any other portion of the vehicle.
  - (8) Children must be restrained in the non-highway vehicle in the same manner required as if they were in an automobile. Car seats and seat belt laws and regulations shall be followed when children are in the vehicles.
  - (9) The non-highway vehicles headlights and taillights shall be illuminated whenever being operated on Village streets.
  - (10) Non-highway vehicles may only be operated on Village streets from the hours of **6:00 A.M.** until **9:00 P.M.**
  - (11) No person shall drive or be in control of a non-highway vehicle on Village streets when an analysis of the person's blood, urine, breath or other bodily substance would disclose an alcohol concentration of more than 0.00 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
  - (12) A person who drives or who is in actual physical control of a non-highway vehicle on a roadway is subject to the laws of the State of Illinois and Village ordinances.

**24-8-4**      **PROHIBITED LOCATIONS.** Operation of a non-highway vehicle is prohibited in the following locations:  
(A) Any State roads within the Village corporate limits with the exception of crossing at an approved location.

- (B) Any street, highway or roadway that has a posted speed limit of more than **thirty (30) miles per hour.**
- (C) Sidewalks.
- (D) Walking, running, bike paths.
- (E) Any unpaved area of the Village Parks, with the exception of approved parking at sanctioned events.
- (F) Any private real property within the Village without the written authorization of the owner.

**24-8-5 PERMITS.**

- (A) No person shall operate a qualified non-highway vehicle without first obtaining a permit from the Chief of Police or their designee. A copy of said permit shall be kept in/on the non-highway vehicle whenever used on Village streets. Only an individual with a valid permit shall be allowed to operate a non-highway vehicle on the streets of the Village. Said individual shall only be allowed to operate a non-highway vehicle that has been inspected and approved for travel on Village streets and feature a Village decal on both sides of the non-highway vehicle. If more than one person will be operating said non-highway vehicle, a permit is needed for each operator.
- (B) Permits shall be granted for a period of **one (1) year** from the date designated on the permit. Renewal date is annually May 1<sup>st</sup>, regardless of when the permit was granted.
- (C) The cost of the permit is **Twenty-Five Dollars (\$25.00).**
- (D) Liability Insurance coverage in the amount of not less than **Fifty Thousand Dollars (\$50,000.00)** per person, or **One Hundred Thousand Dollars (\$100,000.00)** per occurrence and property damage in the amount of **Fifty Thousand Dollars (\$50,000.00)** shall be verified to be in effect by the Brighton Police Department when obtaining and/or renewing a permit.
- (E) Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
  - (1) Name, address and DOB of the applicant.
  - (2) The serial number, make, model, and description of the non-highway vehicle.
  - (3) All applicants shall release the Village by executing a Signed Waiver of Liability releasing the Village and agreeing to defend, indemnify and hold the Village harmless from any and all future claims resulting from the operation of Applicant's non-highway vehicle on Village streets.
  - (4) Photocopy of applicable liability insurance coverage card specifically for the non-highway vehicle to be operated pursuant to the permit.
  - (5) Such other information as the Village may require.
- (F) No permit shall be granted unless the following conditions are met:
  - (1) The vehicle must be inspected by the designated representative to ensure that the vehicle is safe to be operated on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code.
  - (2) The applicant must provide evidence of insurance in compliance with the coverages stated above.
  - (3) A physically handicapped applicant must submit a certificate signed by a physician, certifying that the applicant is able to safely operate a qualified non-highway vehicle on Village streets.
- (G) The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or at any time there is evidence that the holder cannot safely operate a qualified non-highway vehicle on the designated roadways.

**24-8-6 PENALTIES.**

- (A) Operating a non-highway vehicle on Village streets is a privilege and not a right. Any person who has a permit to operate a non-highway vehicle on Village streets and is found to have

violated this Article may have his or her permit suspended or revoked by an officer of the Police Department. Decisions of the said Police Officer shall only be reversed or modified by a majority vote of the Board of Trustees of the Village.

(B) Any person found to be operating a non-highway vehicle upon the Village streets without a permit and/or decal shall be subject to a **Twenty-Five Dollar (\$25.00)** penalty for the first offense; **Fifty Dollars (\$50.00)** for the second offense; and **One Hundred Dollars (\$100.00)** for the third offense.

(C) Anyone found to operate a non-highway vehicle on the Village streets, operate said vehicle within the Village in an area where said vehicles are not allowed, or to operate a non-highway vehicle that has not been approved by the Village for travel on Village streets shall be subject to a **Seventy-Five Dollar (\$75.00)** fine for the first violation, a **One Hundred Fifty Dollar (\$150.00)** fine for a second violation within a **three hundred sixty-five (365) day** period and a **Five Hundred Dollar (\$500.00)** fine for a third violation within a **three hundred sixty-five (365) day** period. The Village police shall have the authority to bring a complaint against an individual violating this Article to recover the aforementioned fines and to seek an injunction against further violations of this Article. To the extent that any violation of this Article also constitutes a violation of the criminal and/or vehicle statutes of the State of Illinois, then such violator shall also be subject to criminal prosecution.

(D) Any person in possession of or consuming alcoholic beverages on or in a non-highway vehicle on Village streets, in addition to other penalties which may be available under the laws of the State of Illinois or other provisions of this Article, shall be subjected to revocation of his/her permit to operate a non-highway vehicle on Village streets.

(E) Any person receiving a citation under this Article shall pay any monetary fine provided for in this Section at the police station or the Village Clerk's office within **fourteen (14) days** from the date of the citation. If any monetary penalty is not paid within said **fourteen (14) day** period, the police department is authorized to file a complaint alleging a violation of this Article and issue a notice to appear requiring the offender to appear in the appropriate jurisdiction (Jersey County and/or Macoupin County Circuit Court) to answer to the charge(s).

**24-8-7 MISCELLANEOUS.**

(A) **Possibility of Amendment, Suspension, or End of Non-Highway Vehicle Program.** Individuals are advised that the Village is permitting the use of non-highway vehicles on Village streets in limited circumstances and pursuant to current Illinois law. Individuals should view the use of non-highway vehicles on Village streets as a program which could be suspended, modified, or terminated at any time and effective immediately upon majority vote of the Village Board of Trustees, repealing this Article upon a court ruling or in the event of the change in the laws of the State of Illinois or the United States of America. Individuals should consider these factors when making the decision to purchase non-highway vehicles or make potentially expensive upgrades to such vehicles.

(B) 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 other part or parts thereof.

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

(D) This Article shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

**(Ord. No. 2021-01; 01-04-21)**

CITATION FORM

NO. \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

LICENSE NO. \_\_\_\_\_

STATE \_\_\_\_\_

LICENSE EXPIRES \_\_\_\_\_

MAKE OF VEHICLE \_\_\_\_\_

METER NUMBER \_\_\_\_\_

OFFICER \_\_\_\_\_

**YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:**

- |    |                                     |             |
|----|-------------------------------------|-------------|
| 1. | Overparked, Two Hour Zone           | \$75.00 [ ] |
| 2. | Double Parked                       | \$75.00 [ ] |
| 3. | Parked at Fire Plug                 | \$75.00 [ ] |
| 4. | Blocking Driveway or Alley          | \$75.00 [ ] |
| 5. | Parked Where Official Signs Erected | \$75.00 [ ] |
| 6. | Improper Parking                    | \$75.00 [ ] |
| 7. | Yellow Line                         | \$75.00 [ ] |
| 8. | Each Additional Hour Violation      | \$75.00 [ ] |
| 9. | Parking on Sidewalk                 | \$75.00 [ ] |

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

VILLAGE \_\_\_\_\_

STATE \_\_\_\_\_

ZIP CODE \_\_\_\_\_

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than **\$80.00** will be collected.

**FOR YOUR CONVENIENCE**

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