

CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled "**Title and Definitions**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village. **(See 65 ILCS 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 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 5/11-206)**

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 5/11-208)**

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

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

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

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 5/11-100 et seq.**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the 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 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 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 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 5/11-604) (See 65 ILCS 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 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 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 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 ACCELERATION. No operator of a motor vehicle shall engage in unnecessary or excessive acceleration of such motor vehicle within the corporate limits of the Village, whether below, at or in excess of the established speed limit and whether from a stop or while moving. No operator of a motor vehicle shall accelerate said vehicle within the corporate limits of the Village so as to cause its wheels to spin in place or to spin at a rate in excess of that commensurate with the speed of the vehicle. **(Ord. No. 00-02; 05-11-00)**

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

24-4-8 **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the 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.

24-4-11 **HORNS AND WARNING DEVICES AND OTHER NOISE MAKERS.**

(A) The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, sound the horn or other lawful warning device on his vehicle but shall not otherwise sound such horn or warning device within the corporate limits of the Village.

(B) The driver of a motor vehicle shall not play or permit to play a radio, tape player, horn, or other speaker equipment in or upon such vehicle however powerful, which is producing sound constantly or intermittently unless such sound is completely inaudible at a distance of **one hundred (100) feet** from such vehicle.

24-4-12 **LICENSE PLATES REQUIRED.**

(A) It shall be unlawful for any person to operate a motor vehicle in the Village without displaying thereon valid state or territorial license plates or proof of registration.

(B) At any time, it shall be unlawful for any person or operator of a vehicle without proof of registration to park such vehicle in the Village on any street or Village owned parking.

(C) Proof of valid registration shall be determined by the presence of valid state or territorial registration plate, valid registration sticker, or drive away permit. Such registration plates shall be attached to the vehicle in the manner as prescribed in the Illinois Compiled Statutes **65 ILCS 5/3-413**.

(D) **Penalty.** Any vehicle parked in violation of this Article shall be subject to a fine of **One Hundred Dollars (\$100.00)** for expired registration plates, and **Two Hundred Dollars (\$200.00)** for no proof of registration.

For Subsequent Violations: Any vehicle shall be subject to fine of **One Hundred Fifty Dollars (\$150.00)** for expired registration plates and **Three Hundred Dollars (\$300.00)** for no proof of registration.

For any vehicle remaining in violation of this Article in excess of **forty-eight (48) hours** may be removed by a towing service authorized by the Police Department at the expense of the last registered owner, as determined by the records of the Secretary of State or from the Vehicle Identification Number. The same registered owner shall be held liable for the cost of removal of the vehicle and must pay the cost, plus storage charges, if any, prior to release of the vehicle.

(Ord. No. 2021-10; 10-14-21)

24-4-13 **GO-CARTS AND MINIBIKES RESTRICTED.** It shall be unlawful to operate a minibike, go-cart, or other unlicensed motor vehicle on any street, sidewalk, alley, or other public property within the Village. **(Ord. No. 03-01; 01-09-03)**

24-4-14 **DRIVING ON SIDEWALKS PROHIBITED.** It shall be unlawful to operate an automobile, truck, motorcycle, farm machinery, or other motor-driven vehicle on any sidewalk within the Village.

24-4-15 **"U" TURNS; ENTRY AND EXIT FROM PARKING PLACE.** It shall be unlawful for the operator of any vehicle:

(A) To make a "U" turn on Third Street between Randolph Street and Fairfield Street; or

(B) To enter any parking place on Third Street between Randolph Street and Fairfield Street except from the traffic lane nearest said parking place; or

(C) To exit from any parking place on Third Street between Randolph Street and Fairfield Street except into the traffic lane nearest said parking place.

24-4-16 **OBSTRUCTING TRAVEL.**

(A) It shall be unlawful for any person to willfully and unnecessarily hinder, obstruct, or delay, or to willfully and unnecessarily attempt to hinder, obstruct or delay, any other person in lawfully driving or traveling along or upon any street or highway within the Village limits or to offer for barter or sale merchandise on said street or highway so as to interfere with the effective movement of traffic thereon.

(B) No person or persons shall sit upon the roof, the hood, or the trunk of the vehicle while it is being driven down the roadway, or on any roadway or alley in the Village. Nor shall any person or persons stand up in the back of any pickup truck or other vehicle without having safety belt to help hold them from falling out of the vehicle which is secured to said vehicle.

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 5/12-605, 5/12-605.1; and 5/12-605.2)**

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

24-5-3 **SOUND AMPLIFICATION 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 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

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 **ALLEYS.** No person shall stop, stand or park a vehicle in an alley in such a manner or under such conditions as to leave available less than **ten (10) feet** of the width of the alley for the free movement for vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property or as to block access to any abutting property by motor vehicle over an established way.

24-6-5 **PARKING IN EXCESS OF FORTY-EIGHT (48) HOURS.** It shall be unlawful for any person or operator of a vehicle to park such a vehicle in the Village on any street and to permit it to remain without moving the same for a span of time in excess of **forty-eight (48) consecutive hours.**

24-6-6 **NO PARKING PLACES.** At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

- (A) In any intersection.
- (B) In a crosswalk.
- (C) Upon any bridge
- (D) Within **thirty (30) feet** of a traffic signal, beacon, or sign on the approaching side.
- (E) Within **twenty (20) feet** of any intersection or crosswalk.
- (F) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than **ten (10) feet.**
- (G) Within **fifteen (15) feet** of a fire hydrant.
- (H) At any place where the vehicle would block the use of a driveway.
- (I) Within **twenty (20) feet** of the driveway entrance to the Fire Protection District's Fire Station.
- (J) On any sidewalk or parkway.
- (K) At any place where signs or yellow curbing authorized by ordinance prohibit parking. **(See Schedule "E" for street locations.)**

24-6-7 **PARKING AT CURB.** No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle

in a street other than parallel with the curb and with **two (2) wheels** of the vehicle within **twelve (12) inches** of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

24-6-8 OVERSIZED VEHICLES. It shall be unlawful for any truck, trailer, semi-trailer, road tractor, farm tractor or recreational vehicle over **twenty (20) feet** in length to be parked:
 (A) In the street in front of or adjacent to any residential property except when loading or unloading at such residence; or
 (B) In the street in front of or adjacent to or in the yard of any residential property for a period longer than **twenty-four (24) hours.**
(Ord. No. 00-04; 06-06-00)

24-6-9 OVERNIGHT PARKING.
 (A) It shall be unlawful for any person or operator of a vehicle to park such a vehicle on Third Street between Fairfield Avenue and Randolph Street between the hours of **1:00 A.M.** and **5:00 A.M.**
 (B) It shall be unlawful for any person or operator of a vehicle to park such a vehicle on School Street between Second Street and Third Street between the hours of **10:00 P.M.** and **7:00 A.M.**

24-6-10 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. Designation of such spaces shall be by ordinance.
 (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 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 Fifty Dollars (\$250.00).** 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.
 (E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H".**

24-6-11 LOAD LIMITS.
 (A) **Established.** There is hereby established "gross load limits" on certain Village streets. The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in **Schedule "J".**

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

(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the 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.

24-6-12 SNOW REMOVAL ROUTE AFTER TWO (2) INCH SNOWFALL. On the day after a **two (2) inch** snow, the snow removal route will go into effect in the Village:

The even numbered sides of streets will go into effect at **6:00 A.M.** and for the odd numbered sides of streets will go into effect at **6:00 P.M.**

This means that all vehicles parking on roadways and the side of roadways must be removed before these times, or they will be ticketed and towed at owner's expense. The Fisher Police Department will tag all vehicles that need to be removed prior to the snow route going into effect so that the owners may get them removed before the time limit.

24-6-13 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 **Twenty Dollars (\$20.00)** for each such offense and **Twenty Dollars (\$20.00)** 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**.

24-6-14 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.

24-6-15 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.

24-6-16 LOADING ZONES.

(A) It shall be unlawful for the driver of a vehicle to park a passenger vehicle for a period of time longer than necessary for the loading or unloading of passengers, not to exceed **fifteen (15) minutes**, and for the driver to park any freight carrying vehicles for a period of time longer than is necessary to load, unload, and deliver materials, not to exceed **thirty (30) minutes**, in any place designated by the Board of Trustees as a loading zone and marked as such.

(B) It shall be unlawful to park within said marked loading zone between the hours of **6:00 A.M.** and **6:00 P.M. seven (7) days** a week.

(C) Any violation of this provision shall result in a fine of **One Hundred Dollars (\$100.00)**.

(Ord. No. 21-12; 10-14-21)

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 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 **Three Hundred Dollars (\$300.00)**; 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 – BICYCLES

24-8-1 **DEFINITION.** The term “bicycle” shall mean and include a device with **two (2) wheels** in tandem propelled by human power and having wheels over **twenty (20) inches** in diameter with tires inflated.

24-8-2 **MANNER OF RIDING – GENERALLY.** No person shall ride any bicycle otherwise than as follows:

(A) The rider controlling and propelling a bicycle shall ride only upon a regular and permanent seat provided for such rider.

(B) Any rider other than the operator shall ride only upon suitable seat provided for that purpose and attached to the bicycle in such a place and manner that the rider thereon will not interfere with the safe and proper operation of the bicycle by its operator.

(C) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

24-8-3 **COMPLIANCE WITH VEHICLE REGULATIONS.** Every person riding a bicycle upon a roadway shall be subject to the provisions of this Code applicable to drivers of vehicles except as otherwise provided in this Chapter and except those provisions of this Chapter which by their nature have no application.

24-8-4 **OBEDIENCE TO TRAFFIC-CONTROL DEVICES.** Any person operating a bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable thereto placed in accordance with the traffic ordinances of the Village unless otherwise directed by a Village officer.

24-8-5 **RIGHT-OF-WAY.** The operator of a bicycle approaching an intersection shall yield the right-of-way to a vehicle entering or which has entered the intersection. The operator of a bicycle emerging from an alley, parking space, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area; and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

24-8-6 **DUTY TO KEEP TO RIGHT.** Every person operating a bicycle upon a roadway shall ride as near the curb on the right-hand side of the roadway as practicable, exercising due care when passing a vehicle proceeding in the same direction or standing.

24-8-7 **RIDING ON SIDEWALKS.** No person shall ride any bicycle on any sidewalk within the area defined in this Code. Outside of said area, riding on the sidewalk shall be permitted. Any person riding a bicycle on a sidewalk shall keep to the right side of such sidewalk insofar as practicable and shall yield the right-of-way to every pedestrian and, when approaching a pedestrian from the rear, shall give a clearly audible warning signal when at least **twenty-five (25) feet** from such pedestrian.

24-8-8 **RIDING ABREAST.** Persons riding bicycles shall not ride more than **two (2)** abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

24-8-9 **SPEED LIMITS.** No bicycle shall be operated at a speed faster than is reasonable and proper with regard to the safety of both the rider and other persons.

24-8-10 **CLINGING TO MOVING VEHICLES.** No bicycle rider shall cling to or attach himself or his bicycle to any moving vehicle on any street.

24-8-11 **TURNING.** No bicycle rider upon any roadway shall turn suddenly in front of any pedestrian, bicycle or motor vehicle. Every bicycle rider, when upon any roadway with other traffic near shall signal his intention to turn by extending an arm in the direction of the intended turn or by some distinct and unmistakable signal, in ample time for other traffic to recognize his intention to turn and act accordingly.

24-8-12 **TRICK RIDING, RACING.** No bicycle rider shall practice or perform any stunt, trick, fancy or acrobatic riding on any street except that exhibitions may be given under permit from and under the supervision of a Village officer. No bicycle rider shall participate in any race for speed, or in any endurance contest, with any bicycle or vehicle upon any street except under permit from and under the supervision of a Village officer.

24-8-13 **LIGHTING EQUIPMENT.** Whenever operated upon any street or highway during the period between sunset and sunrise, every bicycle shall display a white light on the front thereof visible for a distance of not less than **two hundred (200) feet**, and on the rear thereof shall display a reflector so designed and maintained as to be visible at all distances within **two hundred (200) feet** when such bicycle is directly in front of a motor vehicle displaying lawfully lighted headlights. A lamp exhibiting a red light visible for a distance of not less than **two hundred (200) feet** to the rear may be used in addition to or in lieu of such rear reflector.

24-8-14 **BELLS AND OTHER WARNING DEVICES.** Every bicycle when operated upon any street shall be equipped with a bell or other device capable of giving a signal clearly audible for a distance of not less than **one hundred (100) feet**; provided, however, that no bicycle shall be equipped with nor shall any person use on a bicycle any siren or whistle.

24-8-15 **BRAKES.** Every bicycle shall be equipped with a brake adequate to control the movement of and to stop such bicycle quickly.

24-8-16 **RENTAL AGENCIES.** Bicycles offered for rent by a rental agency shall be equipped by such agency with lights and other safety equipment required by this Chapter and shall be kept in good and safe working order. Rental agencies shall comply in all respects with all the provisions of this Chapter and shall be responsible for the condition of the bicycles they rent.

24-8-17 **BICYCLE PARKING.** It shall be unlawful for any person or operator of a bicycle to park such a bicycle on any sidewalk along Third Street between Sangamon Street and Fairfield Street except in the proper bicycle racks provided.

24-8-18 **PENALTY.** Any person, firm or corporation in violation of any provision of this Article shall be fined the sum of **Fifty Dollars (\$50.00)**. (**Ord. No. 08-02; 01-10-08**)

ARTICLE IX – SNOWMOBILES

24-9-1 OWNER RESPONSIBLE FOR OPERATOR’S COMPLIANCE.

(A) No owner of a snowmobile stored or operated within the Village shall permit or cause his snowmobile to be operated or maintained in violation of this Code at any time.

(B) No owner of a snowmobile stored or operated within the Village limits shall permit or cause another person to operate his snowmobile when said owner knows or has reasonable cause to believe that such other person has, within the preceding **thirty (30) days**, operated or maintained any snowmobile in violation of any provision of this Code.

24-9-2 OPERATION WITHIN VILLAGE LIMITS. It shall be unlawful for any person to operate a snowmobile on any street, alley, sidewalk, or other public place within the corporate limits of the Village, other than those streets which have been designated and marked by signs as Snowmobile Routes.

ARTICLE X – NON-HIGHWAY VEHICLES

24-10-1 **GENERALLY.** Non-Highway Vehicles specifically defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

24-10-2 **DEFINITIONS.**

(A) A "Golf Cart", as defined herein, means a vehicle specifically designed and intended for the purposes of transporting **one (1)** or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf or maintaining the condition of the grounds on a public or private golf course.

(B) An "UTV" shall mean an all-terrain vehicle as defined by **625 ILCS 5/11-1426.1(a)(1)** of the Illinois Compiled Statutes, except that it must have a steering wheel and a seat instead of a saddle.

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

24-10-3 **REQUIREMENTS.**

All persons wishing to operate a golf cart or UTV on the Village Streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance.

(B) Must be certified with the Village and have the vehicles certified with the Village by inspection by a designated representative.

(C) Must comply with the published "Rules Concerning Alternate Transportation for the Village of Fisher" as periodically updated.

(D) Must display Village decal on the vehicle.

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

(F) Golf carts and/or UTVs must be equipped as follows:

(1) Horn;

(2) Brakes and brake light;

(3) Turn signals;

(4) A steering wheel apparatus;

(5) Tires;

(6) Rearview mirror;

(7) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);

(8) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front;

(9) Tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear;

(10) Any additional requirements which may be amended to **65 ILCS 5/11-1428** or the Illinois Motor Vehicle Code.

(G) Must obey all traffic laws of the State of Illinois.

(H) Must be **eighteen (18) years** of age.

(I) Must be operated only on the Village streets, except where prohibited.

(J) May not be operated on State highways and County roads except at specifically designated crossing points.

(K) Must not be operated in excess of posted speed limit and may not exceed **thirty-five (35) miles per hour**.

(L) Golf carts and/or UTVs when operated on a street, road or alley shall, pursuant to **625 ILCS 5/12-201**, have headlights and tail lamps lighted from dusk to dawn, at all times when rain, snow, fog or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets, roads and alleys are not clearly discernible at a distance of **one thousand (1,000) feet**.

(M) A person operating or who is in actual physical control of a golf cart 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**).

(N) Golf carts and/or UTVs shall not be operated on sidewalks or in City Parks other than parking areas.

(O) Golf carts and/or UTVs may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (US Highway 136) of the County Highway Department except to cross at designated streets.

(Ord. No. 20-12; 09-10-20)

24-10-4 PERMITS.

(A) No person shall operate a qualified golf cart or UTV without first obtaining a permit from the Village 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 to be in effect by the Police Department when obtaining and renewing a permit.

(B) Every application for a permit shall be made on a form supplied by the Village 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 UTV;
- (4) Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf carts on Village Streets;
- (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
- (6) Such other information as the Village may require.

(C) No permit shall be granted unless the following conditions are met:

- (1) The vehicle must be inspected by the designated representative approved by the Village Chief of Police or Village Board of Trustees President to insure that the vehicle is safe to operate on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
- (2) A physically handicapped applicant must submit a certificate signed by the physician, certifying that the applicant is able to safely operate a qualified golf cart and/or UTV on Village Streets;
- (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.

(D) 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 there is evidence that permittee cannot safely operate a qualified golf cart and/or UTV on the designated roadways.

(E) Failure to abide by this Article shall result in a fine of **One Hundred Dollars (\$100.00)** with each infraction of this Article constituting a separate offense bearing a separate fine. **(See Section 1-1-20)**

(Ord. No. 14-11; 05-08-14)

ARTICLE XI - MOTOR VEHICLES USED IN COMMISSION OF CERTAIN OFFENSES

24-11-1 **DEFINITIONS.** For the purposes of this Article, and the interpretation and enforcement thereof, the words, terms and phrases set forth below shall be these meanings respectively ascribed to them in this Section as follows:

Motor vehicle means every vehicle which is self-propelled, including, but not limited to automobiles, trucks, vans, motorcycles, and motor scooters.

Owner of record means, collectively, the record title holder of the motor vehicle.

24-11-2 **VIOLATIONS; EXCEPTIONS.**

(A) The owner of record of any motor vehicle shall be liable to the Village for an administrative penalty in the amount of **Five Hundred Dollars (\$500.00)**, plus any applicable towing and storage fees payable to a towing agent, whenever any such motor vehicle is used in the commission of any of the following offenses:

- (1) the knowing possession of more than **ten (10) grams** of cannabis as provided in Section 4 of the Cannabis Control Act (**720 ILCS 550/4**) or the knowing possession of a controlled substance in violation of Section 402 of the Illinois Controlled Substances Act (**720 ILCS 570/402**).
- (2) driving under the influence of alcohol, drugs and/or intoxicating compounds in violation of Section 11-501 of the Illinois Vehicle Code (**625 ILCS 5/11-501**).
- (3) driving at a time when the driver's license, permit or privilege to operate a motor vehicle is suspended or revoked in violation of Section 6-303 of the Illinois Vehicle Code (**625 ILCS 5/303**).
- (4) fleeing or attempting to elude a police officer in violation of Section 11-204 of the Illinois Vehicle Code (**625 ILCS 5/11-204**).
- (5) the commission of an offense involving a weapon in violation of Article 24 of the Criminal Code of 1961 (**720 ILCS 5/24-1 et seq.**).
- (6) the third or any subsequent offense within a **two (2) year** period of playing, using or operating a sound amplification system in violation of Section 20-131.

Any motor vehicle used in the commission of any such violation shall be subject to seizure and impoundment as provided in this Article.

(B) For purposes of this Section, a motor vehicle is not considered to have been used in a violation that would render such motor vehicle eligible for seizure and impoundment if:

- (1) the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within **twenty-four (24) hours** after the theft was discovered or reasonably should have been discovered;
- (2) the motor vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the motor vehicle; or
- (3) the alleged owner of record provides adequate proof that the motor vehicle had been sold to another person prior to the violation.

24-11-3 **SEIZURE AND IMPOUNDMENT.** Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to Section 20-244, such police officer shall provide for the towing of such motor vehicle to a facility designated by the Village. Before or at the time the motor vehicle is towed, the police officer shall notify the owner of record or the person in control of the motor vehicle at the time of the alleged violation, whichever is present if there is such a person, of the fact of the seizure and impoundment and of the right of the owner of record to request a vehicle impoundment hearing under this Article.

24-11-4 **NOTICE.** Within **seventy-two (72) hours** after a motor vehicle is seized and impounded pursuant to Section 20-245, the Village Police Department shall notify by certified mail the owner of record and any lien holder of record of the fact of the seizure and impoundment and the right to request a motor vehicle impoundment hearing under this Article. However, no such notice need be sent to the owner of record if the owner of record is personally served with the notice at the time the motor vehicle is seized and impounded, and the owner of record acknowledges receipt of such notice in writing. A copy of such notice shall be forwarded to the hearing officer. The notice shall state the penalties that may be imposed if no hearing is requested, including that a motor vehicle not released by payment of the administrative penalty and applicable towing and storage fees may be sold or disposed of by the Village in accordance with applicable law.

24-11-5 **HEARING.** The owner of record seeking a vehicle impoundment hearing shall file a written request for such a hearing with the Village Police Department no later than **fifteen (15) days** after notice was mailed or otherwise given to the owner of record under Section 20-245 or Section 20-246. The hearing date shall be no more than **ten (10) calendar days** after a request for a vehicle impoundment hearing has been filed. If, after the vehicle impoundment hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was used in the violation, the hearing officer shall enter an order finding the owner of record liable to the Village for the amount of the administrative penalty prescribed, plus applicable towing and storage fees payable to the towing agent. If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the motor vehicle was used in such a violation, the hearing officer shall enter an order finding for the owner of record and for the return of the motor vehicle and any previously paid administrative penalty and applicable towing and storage fees; provided that if the motor vehicle was seized and impounded pursuant to state or federal drug asset forfeiture laws, the motor vehicle shall not be returned unless and until the Village receives notice from the appropriate, state, or where applicable, federal officials that forfeiture proceedings will not be instituted; or forfeiture proceedings have concluded and there is a settlement or a court order providing that the motor vehicle shall be returned to the owner of record. If the owner of record requests a vehicle impoundment hearing but fails to appear at such hearing or fails to request a vehicle impoundment hearing in a timely manner, the owner of record shall be deemed to have waived his right to such a hearing and the hearing officer shall enter a default order in favor of the Village for the amount of the administrative penalty prescribed, plus applicable towing and storage fees payable to the towing agent. However, if the owner of record pays such administrative penalty and applicable towing and storage fees and the motor vehicle is returned to the owner of record, no default order need be entered if the owner of record is informed of his right to a hearing and signs a written waiver, in which case an order of liability shall be deemed to have been made when the Village receives the written waiver.

24-11-6 **HEARING OFFICER; PROCEEDINGS.**

(A) The Village President or his designee shall serve as the hearing officer for vehicle impoundment hearings under this Article.

(B) All interested persons shall be given a reasonable opportunity to be heard at any vehicle impoundment hearing. The formal rules of evidence will not apply at any such hearing.

(C) Any sworn or affirmed report, including a report prepared in compliance with Section 11-501.1 of the Illinois Vehicle Code (**625 ILCS 5/11-501.1**) that is prepared in the performance of a law enforcement officer's duties and sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the owner of record's liability under Section 20-244, and shall support a finding of the owner of record's liability under Section 20-244, unless rebutted by clear and convincing evidence.

24-11-7 **DISPOSITION OF IMPOUNDED VEHICLE.** Any administrative penalty imposed pursuant to this Article shall constitute a debt due and owing the Village which may be enforced

in any manner provided by law. Except as otherwise provided in this Article, a motor vehicle impounded pursuant to this Article shall remain impounded until:

(A) The administrative penalty is paid in full to the Village and all applicable towing and storage fees are paid to the towing agent, in which case the owner of record shall be given possession of the motor vehicle;

(B) A cash bond in the amount of **Five Hundred Dollars (\$500.00)** is posted with the Village and all applicable towing and storage fees are paid to the towing agent, at which time the motor vehicle shall be released to the owner of record; or

(C) The motor vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

Notwithstanding any other provision of this Section, whenever a person with a lien of record against a motor vehicle impounded under this Section has commenced foreclosure proceedings, possession of the motor vehicle shall be given to that person if he pays the applicable towing and storage fees and agrees in writing to refund to the Village the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of administrative penalties imposed under this Article. Notwithstanding any other provision of this Section, no vehicle that was seized and impounded pursuant to state or federal drug asset forfeiture laws shall be returned to the owner of record unless and until the Village has received notice from the appropriate state, or where applicable, federal officials that forfeiture proceedings will not be instituted; or forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the owner of record.

24-11-8 POSTING OF BOND. If a cash bond as required by this Article is posted with the Village comptroller, the impounded motor vehicle shall be released to the owner of record upon the payment of any applicable towing and storage fees to the towing agent. If an administrative penalty is imposed for any violation under Section 20-244, the cash bond will be forfeited to the Village; however, in the event a violation under Section 20-244 is not proven by a preponderance of the evidence, the cash bond will be returned to the person posting the bond. Any bond money to be forfeited to the Village pursuant to this Section shall be held by the Village comptroller until **thirty (30) days** after an administrative penalty is imposed by the hearing officer under this Article, or, if there is a judicial review, until a final judgment is rendered by a court of competent jurisdiction.

24-11-9 FAILURE TO PAY PENALTY. If the administrative penalty and applicable towing and storage fees are not paid within **thirty (30) days** after an administrative penalty is imposed under this Article against an owner of record who defaults by failing to appear at the vehicle impoundment hearing, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable towing and storage fees are not paid within **thirty (30) days** after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within **thirty (30) days** after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles; provided that, if the motor vehicle was seized and impounded pursuant to state or federal drug asset forfeiture laws and proceedings have been instituted under state or federal drug asset forfeiture laws, the motor vehicle may not be disposed of by the Village except as consistent with those proceedings.

(Ord. No. 10-13; 09-09-10)

ARTICLE XII – RESIDENTIAL MINIBIKE PERMIT

24-12-1 RESIDENTIAL MINIBIKE PERMIT AUTHORIZED. Residents of R-1 Residential zoning districts may apply for a minibike permit as provided under this Article.

24-12-2 MINIBIKE DEFINED. A “minibike” for purposes of this Article shall mean a two-wheel gasoline driven motorcycle with an engine not exceeding 110 cc in size.

24-12-3 PERMIT AUTHORITY. A minibike permit shall allow a resident to up to **two (2)** minibikes on his/her/their residence between the hours of **7:00 A.M.** and **6:00 P.M.** Monday through Friday and **9:00 A.M.** and **6:00 P.M.** on Saturdays and **12:00 P.M.** and **6:00 P.M.** on Sundays. No other motor-powered vehicles may be operated except for riding lawn mowers and motor-powered machinery utilized strictly for customary mowing and gardening. Said minibikes shall further be restricted to complying with the following:

- (A) Operating only in back yard and side yards but not front yards.
- (B) Be operated in a safe manner.
- (C) Operate with factory issued mufflers or mufflers that meet the same noise restrictions as factory issued mufflers.

24-12-4 APPLICATION. To qualify for a minibike permit the applicant shall:

- (A) Complete a minibike permit application in a form satisfactory to the Village in a format substantially similar to the form attached hereto and by reference incorporated herein.

- (B) Provide written confirmation from neighbors adjacent to the premises consenting to the issuance of the minibike permit. Any property directly across the street from the front of the applicant’s property shall constitute adjacent property for purposes of this Section.

24-12-5 REVOCATION. A minibike permit may be revoked by the Village Board President upon any of the following:

- (A) Operation of more than **two (2)** minibikes at any time.
- (B) Operation of minibikes outside of the hours of this permit.
- (C) Utilization of minibikes in a manner not in compliance with any portion of this Article.
- (D) Move of an adjacent neighbor from a property adjacent to the premises as provided under this Article unless a consent is received from the party moving in to said premises.

24-12-6 APPEAL OF REVOCATION. In the event a minibike permit is revoked by the Village the permit holder may appeal such revocation to the Board of Trustees at a regular meeting held within **two (2) months** of the date of revocation. Any revocation shall remain in effect until reinstatement by majority vote of the Board of Trustees.

24-12-7 FINE. Any person operating minibikes on residential property without a valid minibike permit shall be fined **Seven Hundred Fifty Dollars (\$750.00)**.

24-12-8 RENEWAL. Minibike permits shall be valid for **one (1) year** from the date of issuance. Renewal shall require the completion of a new permit application including the consents of adjacent neighbors as provided in this Article.

24-12-9 **PERMIT FEE.** The cost of a minibike permit shall be **Twenty-Five Dollars (\$25.00)** per year.

24-12-10 **HEADINGS.** The headings for the articles, sections, paragraphs and subparagraphs of this Article are inserted solely for the convenience of reference and form no substantive part of this Article nor should they be used in any interpretation or construction of any substantive provisions of this Article.

(Ord. No. 2023-04; 06-13-23)