

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

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

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

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

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

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the 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.

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

24-2-8 **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of one hundred (100) to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

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

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of two hundred (200) feet.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of five hundred (500) feet and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least three-sixteenths (3/16) of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the 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.

The streets listed in Schedule "A", when properly signed, shall be through streets and stop intersections.

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.

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.

The streets listed in Schedule "A", when properly signed, shall be through streets and stop intersections.

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.

The streets listed in Schedule "B", when properly signed, shall be designated as yield right-of-way streets.

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.

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.**
The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Section 11, entitled "Rules of the Road", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the 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 11-202, 11-204, 11-207, 11-208, 11-208.1, 11-208.2, 11-209, 11-209.1, 11-211, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and

including 11-416, 11-500 to and including 11-504, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419.02, and 11-1422.

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

24-4-2 DRIVING RULES.

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the 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 Unlawful.** No person shall be a participant in drag racing as defined in 625 ILCS Sec. 5/11-504.

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** The Department of Local Authorities with reference to traffic-control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than three-eighths (3/8) of an inch or more than three-fourths (3/4) inch in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department of Local Authorities, police officers, contractors, and their employees engaged in highway construction, contract or work on the highways approved by the Department of Local Authorities, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified.

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

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the Village Board, but shall not exceed fifteen miles per hour (15 MPH) in an alley and shall not exceed twenty-five miles per hour (25 MPH) on a residential street or on an arterial street unless otherwise posted. See Schedule "D" for other restrictions.

(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 Schedule "D" for school speed zones.

(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 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 "L".

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

24-4-4 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.

24-4-5 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.

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, except for the last sentence of Sections 12-205, beginning with "the" and ending with "act", 12-605 and 12-605.1.

24-5-2 **EXCESSIVE NOISE - STOPPED VEHICLE.** No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-5-3 **EXCESSIVE NOISE - WHEELS.** No operator of a motor vehicle shall, when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-5-4 **EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall accelerate the engine thereof when shifting the gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise.

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

24-5-6 **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.

24-5-7 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

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 **PARKING PRIVILEGE FOR HANDICAPPED.** A vehicle displaying a placard indicating that the occupant of the vehicle is a person with a mobility handicap may be parked along public streets regardless of any generally applicable time limits on parking in such area; except that this privilege shall not apply to zones in which:

- (A) Stopping, standing or parking of all vehicles is prohibited at all times;
- (B) Only special vehicles (e.g., bus stops) may be parked; or
- (C) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

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.
 - (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.
- (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) The list of no-parking signs are contained in Schedules "C", "E" and "F".

24-6-5 PARKING RESTRICTIONS FOR MOTOR VEHICLES AND TRAILERS. No trailer or motor vehicle except motor vehicles with passenger "B" class registration plates, or out-of-state motor vehicles which would qualify for passenger, or "B" class registration plates if registered in Illinois, shall be parked on any residential street for a period of time exceeding seventy-two (72) hours. All streets adjacent to an SR-1, SR-2, SR-3 or MR-1 zone district are designated as residential streets. (Ord. No. 499; 04-02-90)

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

24-6-7 **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. 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 forty-eight (48) hours; provided, however, that this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police Department or Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

24-6-8 **PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

ARTICLE VII - ABANDONED VEHICLES

24-7-1 **DEFINITIONS.** For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

"ABANDONED VEHICLE" shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

"ANTIQUE VEHICLE" means any motor vehicle or other vehicle twenty-five (25) years of age or older.

"COMPONENT PART" means any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State.

"DERELICT VEHICLE" means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner's, lienholder's or other legally entitled person's land contrary to the public policy expressed in this Code.

"HIGHWAY" means any street, alley or public way within this Municipality.

"REMOVE" means to remove, deface, cover, or destroy.

"VEHICLE" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting, however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. (See 625 ILCS Sec. 5/4-201)

24-7-2 ABANDONMENT.

(A) **Highway.** The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein.

(B) **Private Property.** The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property other than a highway in view of the general public anywhere in this Municipality is unlawful, except on property of the owner, lienholder, other legally entitled person or bailee of such abandoned vehicle.

(C) **Owner's Property.** A motor vehicle or any part thereof so abandoned on private property shall be authorized for removal by or upon the order of the Police Department of the Municipality after waiting a period of seven (7) days or more. (See 625 ILCS Sec. 5/4-201)

24-7-3 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING.

Where an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this Municipality who is not the owner, lienholder or other legally entitled person of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in Section 24-7-5, until the vehicle is claimed by the owner, lienholder, or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter. (See 625 ILCS Sec. 5/4-202)

24-7-4 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned or left unattended on a highway in an urban district for ten (10) hours or more, its removal by a towing service may be authorized by the Police Department.

(B) 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 the Police Department.

(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner, lienholder or other legally entitled person of the vehicle shall be responsible for all towing costs. (See 625 ILCS Sec. 5/4-203)

24-7-5 POLICE RESPONSIBILITIES. When a motor vehicle or other vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer

authorizing the tow. (See 625 ILCS Sec. 5/4-204)

24-7-6 **UNKNOWN OWNER.** When the Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches shall be used by the Police Department in sending notification by certified mail to the owner, lienholder or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. (See 625 ILCS Sec. 5/4-205)

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

24-7-8 **RECLAIMED VEHICLES - EXPENSES.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 24-7-9, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other legally entitled person under this Section until all towing and storage charges have been paid. (See 625 ILCS Sec. 5/4-207)

24-7-9 **DISPOSAL OF UNCLAIMED VEHICLE.** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle seven (7) years of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place to be sent by certified mail to the registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice shall not be required.

24-7-10 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

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

(B) **Old Car.** When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, it shall be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner, lienholder, or other legally entitled person by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor 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 person, the Chief of Police shall authorize the disposal of the vehicle as junk.

An exception to the above is provided for if, in the opinion of the police officer processing the vehicle, it has a value of Two Hundred Dollars (\$200.00) or more and can be restored to safe operation condition. In this event, the agency may authorize its purchase as salvage and the Secretary of State may issue a salvage certificate.

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

24-7-11 POLICE RECORD FOR DISPOSED VEHICLE. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction shall be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal. (See 625 ILCS Sec. 5/4-210)

24-7-12 PUBLIC SALE PROCEEDS. When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Police Department and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the municipal treasury. (See 625 ILCS Sec. 5/4-211)

24-7-13 LIABILITY. A law enforcement officer or agency, 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 motor vehicle. (See 65 ILCS Sec. 5/11-40-3 and 625 ILCS Sec. 5/4-213)

24-7-14 PENALTY.

(A) Any person who violates or aids and abets in the violation of this Article is guilty of a petty offense, and

(B) shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and

(C) shall be required by the Court to make a disposition on the abandoned or unclaimed vehicle and pay all towing and storage charges pursuant to Section 24-7-8.

ARTICLE VIII – NON-HIGHWAY VEHICLES

24-8-1 DEFINITIONS.

“GOLF CART” means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf or maintaining the condition of the grounds on a public or private golf course.

“NON-HIGHWAY VEHICLE” means a Recreational off-highway vehicle or Golf Cart, as defined in this Article.

“RECREATIONAL OFF-HIGHWAY VEHICLE” means any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer’s dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

“SEAT BELTS” means 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 collision or upset of the vehicle

“VILLAGE CERTIFIED INSPECTOR” means a person, company or corporation meeting the requirements of Section 24-8-7 of this Code.

“VILLAGE STREETS” means any of the streets within the boundaries of the Village of New Baden.

24-8-2 NON-HIGHWAY VEHICLES ON VILLAGE STREETS. Non-highway vehicles, as defined and qualified herein, shall be allowed on Village Streets, subject to the conditions stated herein.

24-8-3 REQUIREMENTS. All persons operating a Non-highway vehicle on the Village Streets must comply with the following requirements:

- (A) Must reside within the corporate limits of the Village of New Baden.
- (B) Must possess at all times, proof of current liability insurance meeting the requirements of Articles VI of Chapter 7 of the Illinois Vehicle Code.
- (C) Must possess a Non-highway vehicle permit from the Village, after first having the subject Non-highway vehicle inspected by a Village Certified Inspector.
- (D) Must display Village decal on the rear of the vehicle.
- (E) Must have a current, valid Illinois driver’s license.
- (F) Non-highway vehicles must be equipped with the following items, with such items being fully operational:
 - (1) Horn;
 - (2) Brakes adequate to stop such vehicle when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material;
 - (3) Brake Lights;
 - (4) Turn Signals;
 - (5) A Steering Wheel Apparatus;
 - (6) Tires that do not have any part of a ply or cord exposed, have any tread or sidewall crack, cut, snag, or other surface interruption deep enough to expose a ply or cord, and do not contain any bulge, knot or separation;
 - (7) Seat Belts;

- (8) Rearview Mirror;
 - (9) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - (10) Two (2) headlights that emits a white light visible from a distance of 500 feet to the front which must illuminate when in operation;
 - (11) Tail Lamp that emits a red light visible from at least 100 feet from the rear which must be illuminated when in operation;
 - (12) Any additional requirements which may be amended to 65 ILCS 5/11-1426.1 or any other provision of the Illinois Motor Vehicle Code.
- (G) Must obey all traffic laws of the State of Illinois and the Village of New Baden.
- (H) Must operate headlights and tail lamps at all times that the Non-highway vehicle is in use on the Village Streets.
- (I) Must be 18 years of age.
- (J) May not tow or pull any device or object behind the Non-highway vehicle.
- (K) Must be operated only on Village Streets, except where prohibited.
- (L) If traveling in a group of two (2) or more Non-highway vehicles, the Non-highway vehicles must travel in a single file line and may not travel side by side.
- (M) Must not be operated in excess of posted speed limit.
- (N) May only be operated between 6:00 a.m. and 11:00 p.m.
- (O) May not transport a number of passengers that exceeds the number of Seat Belts installed on the Non-highway vehicle.
- (P) The operator and all passengers must, all times during the operation of the Non-highway vehicle, wear the Seat Belts.
- (Q) May not stand on the Non-highway vehicle at any time while the Non-highway vehicle is in operation.
- (R) May not leave the ignition key in the ignition cylinder while the Non-highway vehicle is unattended or parked on a Village Street.
- (S) A person operating or who is in actual physical control of a Non-highway vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502).

24-8-4 **PROHIBITED LOCATIONS.** Operation of a Non-highway vehicle is prohibited in the following locations:

- (A) Illinois State Route 160 or Illinois State Route 161.
- (B) Sidewalks.
- (C) Any unpaved area of the Village Park, unless the operator first receives a written permit from the Village President for the operation of the Non-highway vehicle at a special event.
- (D) Streets, highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois State Route 160 and Illinois State Route 161) or the County Highway Department.

24-8-5 **RESERVED.**

24-8-6 **RESERVED.**

24-8-7 **VILLAGE CERTIFIED INSPECTOR.** Any person, company or corporation meeting the following requirements shall be deemed a Village Certified Inspector

and shall be qualified to inspect Non-highway vehicles for Village residents applying for a Non-highway vehicle permit.

(A) Certificate from Certifying Authority.

- (1) If the inspector is a natural person, the inspector shall possess a certificate from a recognizable certifying authority such as, but not limited to, National Institute for Automotive Service Excellence (ASE), Blue Oval, GM Goodwrench, or I-CAR.
- (2) If the inspector is not a natural person, but is a company or corporation, the company or corporation must employ one or more natural persons that possess a certificate from a recognizable certifying authority such as, but not limited to, National Institute for Automotive Service Excellence (ASE), Blue Oval, or GM Goodwrench. Only employees that possess such certificates may perform inspections of Non-highway vehicles for Village residents applying for a Non-highway vehicle permit.

(B) Statement of Inspection Standards. Any person, company or corporation seeking to become a Village Certified Inspector shall read and sign a Statement of Inspection Standards in a form prepared by the Village, and as amended from time to time, affirmatively stating at least the following:

- (1) That the person, company or corporation shall only permit persons possessing a certificate from a recognizable certifying authority to perform such inspections;
- (2) That the person, company or corporation understands and acknowledges the equipment requirements set forth in Section 24-8-3(f) and affirmatively states that it will not issue a grade of passing for any Non-highway vehicle that does not comply with Section 24-8-3(f).
- (3) That the person, company or corporation understands and acknowledges that a violation of subsections (1) or (2), above, shall be grounds for immediate suspension or revocation the Village Certified Inspector designation.

(C) Procedures for Obtaining Village Certified Instructor Certificate. Any person, company or corporation seeking to become a Village Certified Inspector shall submit to the Village Clerk the Certificate from Certifying Authority and Statement of Inspection Standards. If the Village Clerk determines that the Certificate from Certifying Authority and Statement of Inspection Standards comply with this Section, then the Village Clerk shall issue a Village Certified Instructor Certificate to such person, company or corporation. Upon receipt of the Village Certified Instructor Certificate from the Village Clerk, the Village Certified Instructor shall be permitted to perform inspections of Non-highway vehicles for the purpose of obtaining a Village Non-highway vehicle permit.

24-8-8 PERMITS.

(A) No person shall operate a qualified Non-highway vehicle without first obtaining a permit from the Village Clerk, as provided herein. Each permit obtained shall be valid for one Non-highway vehicle. The cost of the permit shall be \$25.00. Each permit shall be valid for one (1) year, commencing on January 1, and expiring on December 31. The cost of a permit obtained during such term shall not be pro-rated to reflect the actual time remaining on such 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 and insurance policy number;

- (3) The serial number, make, model and description of the Non-highway vehicle;
 - (4) Signed Waiver of Liability by applicant releasing the Village of New Baden and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of applicant's Non-highway vehicle on the Village Streets;
 - (5) Photocopy of applicable liability insurance coverage card specifically for the Non-highway 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 Non-highway vehicle must be inspected by a Village Certified Instructor and submit an inspection form, in the form and substance determined by the Village and amended from time to time, completed by the Village Certified Instructor;
 - (2) 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;
 - (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.
- (D) The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or there is evidence that permittee cannot safely operate a qualified Non-highway vehicle on the designated roadways.

24-8-9 **VIOLATIONS.** Any person who violates any provision of this Article VIII shall be guilty of an ordinance violation and shall be punished by a fine of not less than \$75.00, nor more than \$750.00. A second offense within a twenty-four (24) months period shall result in a six (6) month suspension of the permit. Any third or subsequent offense within a twenty-four (24) month period shall result in the revocation of the permit for a period of not less than five (5) years. To the extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

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