

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. **(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. **(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. **(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)**

**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. (625 ILCS 5/11-206)

**24-2-8 BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:

(A) A lamp upon the front which emits a white light visible from a distance of at least **five hundred (500) feet** to the front.

(B) A red reflector on the rear which shall be visible to a distance of **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

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

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

**24-2-9 PROHIBITING HITCHHIKING.**

(A) No person shall stand in or on a public road or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle. The provisions hereof shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(B) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on or in the proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

### 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"** shall be 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. (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. (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. **(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. **(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. **(625 ILCS 5/11-608)**

(F) **Speed Restrictions.** It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the Illinois State Department of Public Works and Buildings, or the County, or an urban district within the Village at a speed in excess of the posted speed limit as designated below by the Village, or in an alley at a speed in excess of **fifteen miles per hour (15 MPH)**. **(See Schedule "D" for Speed Restrictions) (625 ILCS 5/11-601)**

(G) **Special Speed Limit While Passing Schools.** On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, 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 where children pass going to and from school.

For the purpose of this Section the school zone is designated as North Appleknocker Drive from the south edge of Locust Street to the north edge of Walnut Street. For the purpose of this Section a school day shall begin at **seven ante meridian (7:00 A.M.)** and shall conclude at **four post meridian (4:00 P.M.)**. **(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) **Limitations on U-Turns.**

(1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from any direction within **five hundred (500) feet**. **(625 ILCS 5/11-802) (Ord. No. 431; 08-19-93)**

(K) **No Left Turn.** It shall be unlawful for the operator of any vehicle to turn left or right at any place where such turns are prohibited by law. Such prohibition shall be indicated by appropriate signs.

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

**24-4-7 EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(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 OBSTRUCTING PERSON IN HIGHWAYS.** No person shall willfully and unnecessarily hinder, obstruct or delay, or willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any street or highway within the Village or offer for barter or sale merchandise on said highway so as to interfere with the effective movement of traffic. **(625 ILCS 5/11-1416) (Ord. No. 433; 08-16-93)**

**24-4-11 BICYCLES.**

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

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling. **(625 ILCS 5/11-1503) (Ord. No. 434; 08-16-93)**

**24-4-12 UNATTENDED VEHICLES.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. **(625 ILCS 5/11-1401) (Ord. No. 435; 08-16-93)**

**24-4-13 UNATTENDED ANIMALS.** It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

**24-4-14 CLINGING TO VEHICLES.** It shall be unlawful for any person on any street riding a bicycle, motorcycle, sled, or any toy vehicle to cling to or attach himself or his vehicle to any moving motor vehicle or wagon. **(625 ILCS 5/11-1504)**

**24-4-15 TOY VEHICLES.** It shall be unlawful for any person upon skates, a coaster, sled or other toy vehicle, to go upon any roadway other than a crosswalk.

**24-4-16 RIDING ON RUNNING BOARDS.** It shall be unlawful for any person to ride upon the fenders, running board, bumpers, top or outside step of any vehicle.

**24-4-17 MOTORCYCLES.**

(A) **Riding on Motorcycles.**

- (1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than **one (1) person**, in which event a passenger may ride upon the permanent and regular seat if designed for **two (2) persons**, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- (2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (3) No person shall operate any motorcycle with handlebars higher than the height of the shoulders of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator. **(625 ILCS 5/11-1403)**

(B) **Operation on One Wheel.** No person shall operate a motorcycle, motor driven cycle, or motorized pedal-cycle on one wheel. **(625 ILCS 5/11-1403.2)**

(C) **Special Equipment.** The operator of a motorcycle, motor driven cycle or motorized pedal-cycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield. **(625 ILCS 5/11-1404) (Ord. No. 436; 08-16-93)**

**24-4-18 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.**

(A) Upon the immediate approach of authorized emergency vehicles making use of audible and visual signals or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(B) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. **(625 ILCS 5/1-907) (Ord. No. 429; 08-16-93)**

**24-4-19 EXEMPTIONS.** The provisions of this Chapter regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver, when approaching shall slow down as necessary for safety, but may proceed cautiously past a red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

No driver of any authorized emergency vehicle shall assume any special privileges, except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

The provisions of this Chapter regulating the movement and parking of vehicles shall not apply to persons, equipment or vehicles while actually engaged in installing, repairing or otherwise improving streets or street pavements.

**24-4-20 DRIVER AND PASSENGER REQUIRED TO USE SAFETY BELTS, EXCEPTIONS AND PENALTY.**

(A) Each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. A child less than 8 years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver of a motor vehicle transporting a child 8 years of age or more, but less than 16 years of age, shall secure the child in a properly adjusted and fastened seat safety belt as required under the Child Passenger Protection Act. Each driver of a motor vehicle transporting a passenger who is unable, due to infirmity, illness, or age, to properly adjust and fasten a seat safety belt and is not exempted from wearing a seat safety belt under subsection

(B) shall secure the passenger in a properly adjusted and fastened seat safety belt as required under this Section.

(B) Paragraph (A) shall not apply to any of the following:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.
2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.
3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.
4. A driver operating a motor vehicle in reverse.
5. A motor vehicle with a year prior to 1965.
6. A motorcycle or motor driven cycle.
7. A moped.
8. A motor vehicle which is not required to be equipped with seat or safety belts under federal law.
9. A motor vehicle operated by a rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier.
10. A driver or passenger of an authorized emergency vehicle, except this exception does not apply to vehicles of the fire department; vehicles of the Office of the State Fire Marshal; or ambulances, unless the delivery of life-saving measures prohibits the use of a safety belt.
11. A back seat passenger of a taxicab.

(C) Failure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(D) A violation of this Section shall be a petty offense and subject to a fine not to exceed \$25.

(E) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section. (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1) (Source: P.A. 97-16, eff. 1-1-12; 97-333, eff. 8-12-11; 98-451, eff. 8-16-13.) (#2019-992; 05/06/2019)

## 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. (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. (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. (625 ILCS 5/12-611)

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 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 or Other Obstruction:**
  - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - (b) On a sidewalk.
  - (c) Within an intersection.
  - (d) On a crosswalk.
  - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
  - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
  - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
  - (h) On any railroad tracks.
  - (i) At any place where official signs prohibit stopping.
  - (j) On any controlled-access highway.
  - (k) In the area between roadways of a divided highway, including crossovers.
  - (l) In any alley that is open and maintained.
  - (m) At any place where the standing of a vehicle or other obstruction will prohibit or impede passage of emergency vehicles.
- (2) **Stand or Park a Vehicle or Other Obstruction** (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 with the exception of the hydrant between West Ash and West Maple Street on South Appleknocker Drive which shall be within **ten (10) feet** on the south side of the 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 when properly sign-posted.



- (f) At any place where official signs prohibit standing or parking.
  - (g) Within **twenty (20) feet** of an intersection.
  - (h) An **eighty-five (85) foot** area on the east side of South Front Street beginning at the intersection of East Ash Street and South Front Street. **(Ord. NO. 821; 07-20-09)**
  - (i) At left hand curb.
- (3) **Parking a Vehicle or Other Obstruction** (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. **(625 ILCS 5/11-1303) (Ord. No. 814; 04-20-09)**
- (C) See **Schedules "E" & "F"** for applicable streets.

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

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

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

(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(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 Dollars (\$200.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle. **(625 ILCS 5/11-1301.3(C))**

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H"**.

#### **24-6-6 LOAD LIMITS.**

(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.

**24-6-7 TOWING OF VEHICLES.**

- (A) **Policy.** The Cobden Police Department will use tow services for removing:
1. Vehicles pursuant to a custodial arrest.
  2. Abandoned or disabled vehicles when required to ensure public safety.
- (B) **Authority.**
1. 625 ILCS 5/4-203, "Removal of motor vehicles or other vehicles: Towing or hauling away"
  2. 625 ILCS 5/11-1302, "Officers authorized to remove vehicles"
- (C) **Procedures.**
1. Forms
    - a. A Vehicle Recovery Report, hereinafter referred to as the Tow Report, will be used for all vehicles towed at the request of officers of the Department.
    - b. The officer should complete a Tow Report, if necessary, at the scene of the tow whenever feasible.
    - c. A Tow Report is not required if the tow is made at the owner's or operator's request, and he/she is present.
    - d. When a vehicle is towed because of a custodial arrest, a Tow Report must be completed regardless of whether the driver requests a tow service of their preference.
    - e. When a vehicle is towed because of seizure with statutory authority for forfeiture proceedings, a Tow Report will be completed regardless if custodial arrest occurs.
    - f. Officers will:
      1. Complete a Tow Report in all cases where a stolen vehicle is recovered.
      2. Request the recovered stolen vehicle be taken to a secure storage area for safekeeping and processing.
    - g. The officer who completes the Tow Report will make an examination and inventory of the contents of all vehicles towed or held by authority of department officer(s). This examination and inventory will be restricted to those areas where an owner or operator would ordinarily place or store property or equipment in the vehicle, and would normally include, but not be limited to:
      1. Bags
      2. Boxes
      3. Console
      4. Containers
      5. Front and rear seat areas
      6. Glove compartment
      7. Luggage
      8. Map case
      9. Receptacles
      10. Sun visors
      11. Trunk and engine compartments
    - h. Distribution of copies of the Tow Report:
      1. Original document will be placed in the case file with a copy to be sent to the Union County States Attorney. Additional copies to be made upon request.
    - i. Officers will use the case number with an added "T" for the tow number to be placed on the Tow Report.
    - j. Officers should ensure the applicable guidelines in case law and the Illinois Compiled Statutes are adhered to when placing a "hold" on towed vehicles.
  2. Calls for service
    - a. The owner or operator may select the tow service of their preference, as long as there will be no undue delay in clearing the roadway.

- b. The officer will advise dispatch if the requested tow service is “owner’s request.”
  - c. If the owner or operator is not at the scene or is incapacitated, the officer will notify the dispatch by radio and request a tow service. Tow services located within the village limits will be requested first.
  - d. Dispatch will then contact the tow service.
  - e. A call to a tow service that for any reason cannot handle the call will result in that service being passed over and another service on the list being requested.
  - f. Dispatch will maintain a log of requests for tow services.
3. Administrative Impound
- a. Vehicles towed due to custodial arrest will be impounded. Officers towing the vehicle will complete the Notice of Seizure (Article-36) form and give a copy of the notice to the vehicle’s owner, or driver of the vehicle. See Administrative Impound directive for further instructions regarding the impounding of vehicles.

**24-6-8 PARKING VIOLATIONS.** Any person accused of a violation of a law 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-Five Dollars (\$25.00)**.

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 Police General Operating Fund. If payment is not received within **seventy-two (72) hours**, the matter can be resolved by paying the Village the sum of **Fifteen Dollars (\$15.00)**.

Provided that this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is housed. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley; nor to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.

**24-6-9 PARKING LOT HOURS.**

(A) **Front Street.** The parking lot (area of land east of Illinois Central Gulf Railroad and west of Front Street that is leased by the Village) shall be closed to public use between the hours of **eleven o’clock (11:00) P.M.** and **five o’clock (5:00) A.M.**

(B) **Appleknocker Drive.** The downtown park area (area of land west of Illinois Central Railroad and east of Appleknocker Drive that is leased by the Village) shall be closed to public use between the hours of **eleven o’clock (11:00) P.M.** and **five o’clock (5:00) A.M.** (Ord. No. 788; 09-04-07)

**24-6-10 PARKING TRUCKS, TRACTORS AND TRAILERS.**

(A) No person or persons shall park any truck, tractor or trailer with a capacity of **one (1) ton** or over, used for commercial purposes, whether governed by the Rules and Regulations of the Illinois Motor Vehicle Code or not, on any residential street in the Village for a period longer than **thirty (30) minutes**.

(B) No person or persons shall park any truck, tractor or trailer with a capacity of **one (1) ton** or over, used for commercial purposes, whether governed by the Rules and Regulations of the Illinois Motor Vehicle Code or not, on the property belonging to the Village known as the “Market Property” on South Front Street for a period longer than **thirty (30) minutes**.

(C) Persons found guilty of violating this Section shall, upon conviction be fined **One Hundred Dollars (\$100.00)**.

(D) There shall be excepted from the provisions herein, any person engaged in loading or unloading of merchandise, providing that the driver of such truck remain in the vicinity of such vehicle during the period it is so parked. (Ord. No. 827; 10-19-09)

**24-6-11 ALLEYS.** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than **ten (10) feet** of the width of the roadway for the free movement of

---

**MOTOR VEHICLE CODE 24-6-**

**12**

vehicular traffic, and 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.

**24-6-12 PARKING MOTOR VEHICLES ON PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

**24-6-13 VEHICLES FOR SALE.** It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale or to park any vehicle upon any business street from which vehicle merchandise is peddled.

**24-6-14 LOADING ZONE.** It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed **thirty (30) minutes**, in any place designated by the Village Board as a loading zone and marked as such.

## **ARTICLE VII – TOWING AND IMPOUNDING VEHICLES**

**24-7-1 DEFINITIONS.** For the purpose of this Article, the following words and phrase shall have the following meanings ascribed to them respectively:

(A) **Administrative Hearing Officer:** Officer who is an attorney licensed to practice law in this State for a minimum of **three (3) years**.

(B) **Business Day:** Any day in which the offices of the Village Hall are open to the public for a minimum of **eight (8) hours**.

(C) **Controlled Substances:** Any substance as defined and included in the schedules of Article II of the Illinois Controlled Substances Act, **720 ILCS 570/201 et seq.**, and cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.**

(D) **Driving a Vehicle by Person Subject to Warrant:** Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code.

(E) **Driving on a Suspended or Revoked License, Permit, or Privilege to Operator a Motor Vehicle:** Any offenses as defined in Section 5/6-303 of the Illinois Vehicle Code, **625 ILCS 5/6-303**; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

(F) **Driving on an Expired License:** Operation or use of a motor vehicle with an expired license, in violation of Section 5/6-101 of the Illinois Vehicle Code, **625 ILCS 5/6-101**, if the period of expiration is greater than **one (1) year**.

(G) **Driving Under the Influence of Alcohol, Drugs and/or Intoxicating Compounds:** Any offense as defined in Section 5/11-501 of the Illinois Vehicle Code, **625 ILCS 5/11-501**.

(H) **Driving Without a License or Permit:** Operation or use of a motor vehicle without ever having been issued a license or permit, in violation of Section 6-101 of the Illinois Vehicle Code, or operating a motor vehicle without ever having been issued a license or permit due to a person's age.

(I) **Drug Paraphernalia:** Any equipment, products and materials as defined in **720 ILCS 600/2**.

(J) **Fleeing or Attempting to Elude a Police Officer:** Any offenses as defined in Section 5/11-204 or 11-204.1 of the Illinois Vehicle Code, **625 ILCS 5/11-204 and 204.1**.

(K) **Leaving the Scene of a Personal Injury or Property Damage Accident:** Any offenses as defined in Sections 5/11-401, 5/11-402, and 5/11-403 of the Illinois Vehicle Code, **625 ILCS 5/11-401, 402, and 403**.

(L) **Level 1 Administrative Fee:** Two Hundred Fifty Dollars (**\$250.00**).

(M) **Level 2 Administrative Fee:** One Hundred Fifty Dollars (**\$150.00**).

- (N) **Misdemeanor:** Any misdemeanor offense as defined by Illinois statute.
- (O) **Motor Vehicle:** Every vehicle which is self-propelled, including, but not limited to, automobiles, trucks, vans, motorcycles and motor scooters.

---

**MOTOR VEHICLE CODE 24-7-2**

- (P) **Owner of Record/Interested Person:** The recorded title holder(s) or lien holder(s) of the motor vehicle as registered with the Secretary of State, State of Illinois, or if not registered in Illinois, the particular state where the motor vehicle is registered.
- (Q) **Preliminary Hearing Officer:** The Chief of Police or a police captain.
- (R) **Theft Offense:** Any offense in violation of Article 16 of the Criminal Code, Chapter 720 of the Illinois Compiled Statutes.
- (S) **Weapons Offense:** Any of the following offenses contained within Article 24 of Chapter 720 of the Illinois Compiled Statutes: **720 ILCS 5/24-1, 24-1.1, 24-1.2, 24-1.25, 24-1.5, 24-1.6, 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.6 and 24-3A.**

**24-7-2 MOTOR VEHICLE IMPOUNDMENT.** Pursuant to Article II, Chapter 11 of the Illinois Vehicle Code, **625 ILCS 5/11-208.7**, the Village of Cobden (the "Village") shall follow the procedures set forth herein when impounding vehicles (with the exception of those vehicle impounded pursuant to Section 24-4-9 of this Chapter) and imposing reasonable administrative fees, payable to and collected by the Village, related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment storage, and release of the vehicle. The administrative fees imposed herein by the Village shall be uniform for all similarly situated vehicles and are in addition to any other penalties or fees that may be assessed by a court of law for the underlying violations, or by a person, firm, or entity that tows and stores the impounded vehicle.

**24-7-3 VIOLATIONS AUTHORIZING IMPOUNDMENT.**

(A) Any motor vehicle, operated with the express or implied permission of the owner of record/interested person, that is used in connection with the following violations shall be subject to seizure and impoundment by the Village, and the owner of record of said motor vehicle or its agent, shall be liable to the Village for a Level 1 Administrative Fee, as provided for in this Section, in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as herein provided:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of Illinois; or
- (2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code; or
- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of a felony offense in the cannabis control act; or
- (4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substance Act; or
- (5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of Section 24-1 (unlawful use of weapons), 24-1.5 (reckless discharge of a firearm), or 24-3.1 (unlawful possession of firearms and firearm ammunition) of the Criminal Code of Illinois; or
- (6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing, fleeing or attempting to elude a police officer, or leaving the scene of a personal injury or property damage accident; or
- (7) Operation or use of a motor vehicle while soliciting, or attempting to solicit cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substance Act; or
- (8) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of Article 16 (theft offenses) of the Criminal Code of Illinois; or

- (9) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other felony offense in violation of the criminal or vehicle codes of Illinois.

(B) Any motor vehicle, operated with the express or implied permission of the owner of record/interested person that is used in connection with the following violations, including arrest warrants, but not including those violations listed in **Section 24-7-3(A)** of this Article, shall be subject to seizure and impoundment by the Village, and the owner of record or its agent, shall be liable to the Village for a Level 2 Administrative Fee, as provided for in this Section, in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as hereinafter provided:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor violation of the Cannabis Control Act; or
- (2) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor offense in violation of Article 16 (theft offenses) of the Criminal Code of Illinois; or
- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor offense in violation of the criminal or vehicle codes of Illinois; or
- (4) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code if the period of expiration is greater than **one (1) year**.

#### **24-7-4 SEIZURE AND IMPOUNDMENT.**

(A) Whenever a police officer has reason to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Article, the police officer shall provide for the towing of the motor vehicle to a facility controlled or approved by the Village. This Section shall not apply if 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.

(B) The Village shall notify, or make a reasonable attempt to notify, the owner of record/interested person or any person who is found to be in control of the motor vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the motor vehicle owner's right to an administrative hearing to be conducted under this Section.

(C) The Village shall also provide a notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner of record/interested person of the vehicle posts with the Village a bond equal to the administrative fee as provided by this Section and pays for all towing and storage charges. Whenever the owner of record/interested person of a vehicle seized pursuant to this Section requests, in writing hand delivered to the police department, a preliminary hearing on probable cause within **twelve (12) hours** after the seizure, a preliminary hearing officer shall conduct such preliminary hearing within **seventy-two (72) hours** after the seizure, excluding Saturdays, Sundays and holidays. The owner of record/interested person at the time of the alleged offense shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the preliminary hearing officer determines that there is probable cause to believe that the vehicle was used in the commission of any crime described as Level 1 or Level 2 Administrative Fee offense, the preliminary hearing officer shall order the continued impoundment of the vehicle as provided in this Section unless the owner of record/interested person posts with the Village a cash bond in the amount of the Level 1 or Level 2

Administrative Fee offense, plus fees for towing and storing the vehicle. If the preliminary hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

#### **24-7-5 ADMINISTRATIVE HEARING.**

(A) Within **ten (10) days** after a motor vehicle is seized and impounded pursuant to this Section, the Village shall notify by personal service or by first class mail, return receipt requested, to the owner of record/interested person, the right of hearing before the administrative hearing officer, along with the date, time and location of the hearing, to challenge whether a violation of this Section has occurred. The owner of record/interested person shall also be notified of the continued impoundment of the vehicle as provided in this Section unless the owner of record/interested person posts with the Village a cash

**MOTOR VEHICLE CODE 24-7-**

**6**

bond in the amount of the Level 1 or Level 2 Administrative Fee offense, plus fees for towing and storing the vehicle. The hearing date must be scheduled and convened no later than **forty-five (45) days** after the mailing of the notice or issuance of the notice of hearing, when requested. The owner of record/interested person and any other interested person(s) shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible.

(B) If, after the hearing, the administrative hearing officer determines by a preponderance of the evidence that the motor vehicle was used in violation of this Section, then the administrative hearing officer shall issue a written decision finding the owner of record of the motor vehicle liable to the Village for the applicable administrative fee.

(C) If, after the hearing, the administrative hearing officer does not determine by a preponderance of the evidence that the motor vehicle was used in such a violation, the administrative hearing officer shall issue a written decision finding for the owner and for the return of the motor vehicle, or the administrative fees if already paid.

(D) If owner of record fails to appear at the hearing, the owner of record/interested person shall be deemed to have waived his or her right to a hearing. If the owner of record/interested person pays such administrative fee and the motor vehicle is returned to the owner of record/interested person, no written decision needs to be entered if the owner of record/interested person was informed of his or her right to a hearing, in which case liability shall be deemed to have been made when the Village receives the written waiver.

(E) If a bond in the amount equal to the applicable administrative fee is posted with the police department, the impounded motor vehicle shall be released to the owner of record/interested person. The owner of record/interested person shall still be liable to the towing agent for any applicable towing fees.

(F) If an administrative fee is imposed for a violation of this Section, the bond will be forfeited to the Village; however, if a violation of this Section is not proven by preponderance of the evidence, the bond will be returned to the person posting the bond. All bond money posted pursuant to this Section shall be held by the Village until the administrative hearing officer issues a decision, or, if there is a judicial review, until the court of jurisdiction issues its orders.

(G) All decisions of the administrative hearing officer shall be subject to review under the provisions of the Illinois administrative review law.

**24-7-6 DISPOSITION OF IMPOUNDED MOTOR VEHICLE.**

(A) An administrative fee imposed pursuant to this Section shall constitute a debt due and owing the Village.

(B) A motor vehicle impounded pursuant to this Section shall remain impounded until:

- (1) The administrative fee is paid to the Village and all applicable towing fees are paid to the towing agent, in which case the owner of record/interested person shall be given possession of the motor vehicle.
- (2) A bond in an amount equal to the applicable administrative fee is posted with the police department and all applicable towing fees are paid to the towing agent, at which time the motor vehicle will be released to the owner of record/interested person; or
- (3) Any motor vehicle that is not reclaimed or retrieved from the facility controlled or approved by the Village within **thirty-five (35) days** after the administrative hearing officer issues a written decision shall be deemed abandoned and may be disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Vehicle Code.

- (4) The administrative fee imposed by the Village for impounded vehicles shall be in addition to any fees charged for the towing and storage, or both, of an impounded vehicle. The towing or storage fees, or both, shall be collected and paid to the person, firm, or entity that tows and stores the impounded vehicle. The towing and/or storage company shall be entitled to receive a fee from the owner of record/interested person entitled to possession of any such vehicle prior to the release of the vehicle. The fee shall be to cover the cost of removing said vehicle and, in addition, any fees for the cost of storage of the vehicle for each day or fraction thereof that said vehicle remained at their storage facility in compliance

**MOTOR VEHICLE CODE 24-8-**

**1**

- with their practices. Fees for a “standard” tow shall not exceed **One Hundred Dollars (\$100.00)**. Storage fees for the first **twenty-four (24) hours** shall not exceed **Twenty-Five Dollars (\$25.00)**.
- (5) It shall be the duty of the towing or storage company in possession of the vehicle to obtain documentation issued by the police department conforming compliance with the foregoing requirements and to retain photocopies of that documentation in their files for a period of not less than **twelve (12) months** following release of said vehicle. The foregoing information shall be made available to the authorities of the Village for inspection and copying, upon their request, by the towing or storage company. The towing or storage company is prohibited from releasing any vehicle they may tow within the Village until and unless they obtain the documentation as noted above.
- (6) The administrative fees established by this Section are to be paid by the owner of record/interested person, or the agents of the owner of record/interested person, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident. Vehicles towed by the police department for any reason other than those listed above shall be released to the owner of record/interested person with no administrative fee charged by the Village. The person purporting to be the owner of record/interested person, or the agents of the owner of record/interested person, must present proof of ownership, current proof of insurance and possess a valid driver’s license prior to release.
- (7) Upon verifiable proof that the vehicle used in the violation was stolen at the time it was impounded; or if the vehicle was operating as a common carrier including, but not limited to, taxicabs or buses and the violation occurred without the knowledge of the person in control of the vehicle, the administrative fee shall be waived by the Village.
- (8) Unless stayed by a court of competent jurisdiction, any administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the administrative review law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. This Section incorporates Sections 4/201 through 4/214.1 of the Illinois Vehicle Code to the extent they are consistent. Where a provision of this Section differs from Sections 4/201 through 4/214.1 of the Illinois Vehicle Code, the provisions of this Section shall be controlling. Enforcement and administrative of this Section shall be consistent with the policies and procedures of Section 4/201 through 4/215 of the Illinois Vehicle Code to the extent that said policies and procedures do not directly conflict with the provisions of this Section.

**(Ord. No. 903; 07-21-14)**

**ARTICLE VIII - GOLF CARTS – NEIGHBORHOOD VEHICLES**



**24-8-1 DEFINITIONS.** For the purpose of this Article, the following words and phrase shall have the following meanings ascribed to them respectively:

- (A) VILLAGE STREETS: Only those village streets designated on Exhibit A attached to the ordinance codified herein and incorporated herein by reference, located within the boundaries of the Village.
- (B) COUNTY ROADS: Include any roads outside the boundaries of the village limits.
- (C) GOLF CART: Defined in 625 Illinois Compiled Statutes 5/1-123.9 and 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. See also subsection B of this section.

---

**MOTOR VEHICLE CODE 24-8-**

**2**

- (D) NEIGHBORHOOD VEHICLE: A self-propelled, electric powered, four (4) wheeled motor vehicle (or a self-propelled, gasoline powered, 4 wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than twenty (20) miles per hour, but not more than twenty five (25) miles per hour, and which conforms to federal regulations under title 49 CFR part 571.500. See also subsection B of this section.
- (E) RECREATIONAL OFF HIGHWAY VEHICLE: Shall be defined as provided in 625 Illinois Compiled Statutes 5/1-168.8 and shall mean any motorized off highway device designed to travel primarily off highway, sixty four inches (64") or less in width, having a manufacturer's dry weight of two thousand (2,000) pounds or less, traveling on four (4) or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawn mowers. See also subsection B of this section.
- (F) STATE ROADS: Illinois Route 51.
- (G) Exclusions: For purposes of this chapter, a "golf cart", a "recreational off highway vehicle" and a "neighborhood vehicle" specifically does not include all-terrain vehicles, off highway motorcycles and any other vehicle which is not described within the foregoing definitions of "golf carts", "neighborhood vehicles" or "recreational off highway vehicles".

**24-8-2 REQUIREMENTS.** All persons operating a golf cart, neighborhood vehicle or recreational off highway vehicle on the designated streets of the city must comply with the following requirements:

- (A) Proof of ownership.
- (B) Proof of liability insurance.
- (C) Must display village registration on rear of vehicle.
- (D) Must be inspected by the Chief of Police or his designated representative.
- (E) Must be equipped with seat belts, a windshield, horn, brakes, turn signals, a steering wheel apparatus, tires, a rearview mirror, red reflectorized warning devices in the rear, red reflectorized warning devices in front, a slow moving vehicle emblem on the rear of the vehicle, a headlight that emits a white light visible from a distance of five hundred feet (500') to the front, a tail lamp that emits a red light visible from at least one hundred feet (100') from the rear, and brake lights. When operated on a roadway, a golf cart, neighborhood vehicle or a recreational off highway vehicle shall have its headlight and tail lamps lighted.
- (F) Must obey all traffic laws of the State of Illinois and the Village of Cobden.
- (G) Can be driven on only those streets designated on exhibit A attached to the ordinance codified herein.
- (H) Must have a valid driver's license.
- (I) Must not exceed twenty five (25) miles per hour or the posted speed limit.
- (J) Crossing of the state highway will only be allowed at East Maple Street, South Front Street, North Walker Street, North Centennial Street, and Locust Street.

- (K) Golf carts, neighborhood vehicles and recreational off highway vehicles shall not be operated in inclement weather nor when visibility is impaired by weather, smoke, fog, or other conditions, or between the hours of 10:00 p.m. and 6:00 a.m.
- (L) Each driver and passenger of a golf cart, neighborhood vehicle or recreational off highway vehicle shall wear a properly fastened and adjusted seat safety belt. Children must be secured in a child restraint system as required pursuant to the child passenger protection act.
- (M) A person who drives or is in actual physical control of a golf cart, neighborhood vehicle or recreational off highway vehicle on a roadway while under the influence of alcohol or drugs is subject to sections 11-500 through 11-502 of Illinois Compiled Statutes.
- (N) Golf carts, neighborhood vehicles and recreational off highway vehicles may not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic.
- (O) Golf carts, neighborhood vehicles or recreational off highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois department of transportation (Illinois Route 51) or the county highway department.

**MOTOR VEHICLE CODE 24-8-**

**3**

**24-8-3 PERMITS.**

- (A) No person shall operate a qualified non-highway vehicle without first obtaining a permit from the Village Clerk as provided herein (Exhibit B). Permits shall be granted for a period of ONE (1) YEAR and shall be renewed annually on January 1<sup>st</sup> of each and every successive year. The cost of the permit shall be THIRTY-FIVE DOLLARS (\$35.00) or as otherwise established by the Village Board, which permit fee shall not be pro-rated if purchased after January 1<sup>st</sup>. Permits may be transferrable during the same calendar year to a later purchased non-highway vehicle, owned by the same original permittee, upon the payment of FIVE DOLLARS (\$5.00) per transfer. Insurance coverage shall be verified by the Chief of Police or his designate prior to issuing or renewing a permit. Non-highway vehicles used by governmental entities in the Village of Cobden shall be exempt and not required to obtain permits pursuant to this Ordinance.
- (B) Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
  - 1. The name and address of applicant.
  - 2. Name of liability insurance carrier as required for passenger motor vehicles by the State of Illinois.
  - 3. The serial number, make, model and description of non-highway vehicle as described herein; and
  - 4. Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit;
  - 5. Photocopy of the operator's current driver's license; and
  - 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 Chief of Police or designee to ensure that the vehicle is safe to operate on Village streets and is in full compliance with this ordinance.
  - 2. Any physically-handicapped applicant, as determined pursuant to the sole discretion of the Chief of Police, must submit a certificate signed by a licensed physician in good standing, certifying that the applicant and is able to safely operate a qualified motorized golf cart, neighborhood vehicle or recreational off highway vehicle on the roadways designated.
  - 3. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding mandatory minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.
- (D) A golf cart, neighborhood vehicle or recreational off highway vehicle will be allowed to be driven to the Police Department to have the vehicle inspected and permitted, if the requestor has called ahead and arranged with the chief of police (or designee) a specific meeting time.

**28-8-4 ENFORCEMENT.**

- (A) The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this chapter or if there is evidence that the permit holder cannot safely operate the motorized golf cart, neighborhood vehicle or recreational off highway vehicle on the designated roadways.
- (B) Every person operating a golf cart, neighborhood vehicle or recreational off highway vehicle pursuant to permit hereunder on designated village streets has all the rights and duties applicable to a driver of any other vehicle pursuant to the state highway traffic laws and regulations except when those provisions cannot reasonably be applied to motorized golf carts, neighborhood vehicles or recreational off highway vehicles.
- (C) Any person who violates any provision of this chapter shall upon conviction be subject to a fine of not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) and the costs of prosecution. A second conviction shall result in suspension of permit, to be reinstated only by the Village Board of Trustees.
- (D) Upon conviction of operating a golf cart, neighborhood vehicle or recreational off highway vehicle on a state highway, other than crossing at the designated locations, shall result in

**MOTOR VEHICLE CODE 24-9-**

**1**

a fine no less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) plus court costs. A first conviction shall result in the suspension of permit for the remainder of the calendar year. (# 2016-945; 10/17/2016)

**ARTICLE IX – CHILD PASSENGER PROTECTION ACT**

**24-9-1 DEFINITIONS.** The terms "highway", "motor vehicle", "owner", "police officer", "recreational vehicle", "roadway" and "street" as used in this Act, unless the context otherwise requires, have the meaning ascribed to them in The Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Act, "motor vehicle" does not include motorcycles. (625 ILCS 25/3) (from Ch. 95 1/2, par. 1103) (Source: P.A. 83-8.)

**24-9-2 CHILD RESTRAINT SYSTEM REQUIRED.** When any person is transporting a child in this State under the age of 8 years in a non-commercial motor vehicle of the first division, any truck or truck tractor that is equipped with seat safety belts, any other motor vehicle of the second division with a gross vehicle weight rating of 9,000 pounds or less, or a recreational vehicle on the roadways, streets or highways of this State, such person shall be responsible for providing for the protection of such child by properly securing him or her in an appropriate child restraint system. The parent or legal guardian of a child under the age of 8 years shall provide a child restraint system to any person who transports his or her child.

When any person is transporting a child in this State who is under the age of 2 years in a motor vehicle of the first division or motor vehicle of the second division weighing 9,000 pounds or less, he or she shall be responsible for properly securing the child in a rear-facing child restraint system, unless the child weighs 40 or more pounds or is 40 or more inches tall.

For purposes of this Section and Section 4b, "child restraint system" means any device which meets the standards of the United States Department of Transportation designed to restrain, seat or position children, which also includes a booster seat.

A child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt. (625 ILCS 25/4) (from Ch. 95 1/2, par. 1104) (Source: P.A. 100-672, eff. 1-1-19.)

**24-9-3 SEAT BELT REQUIRED.**

(A) Every person, when transporting a child 8 years of age or older but under the age of 16, as provided in Section 4 of this Act, shall be responsible for properly securing that child in seat belts. (625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a) (Source: P.A. 92-171, eff. 1-1-02; 93-100, eff. 1-1-04.)

(B) Children 8 years of age or older but under the age of 19; seat belts. Every person under the age of 18 years, when transporting a child 8 years of age or older but under the age of 19 years, as provided in Section 4 of this Act, shall be responsible for securing that child in a properly adjusted and fastened seat safety belt or an appropriate child restraint system. This Section shall also apply to each driver over the age of 18 years who committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code in the 6 months prior to the driver's 18th birthday and was subsequently convicted of the violation, until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code. (625 ILCS 25/4b) (Source: P.A. 96-607, eff. 8-24-09; 97-333, eff. 8-12-11.)

**24-9-4 FAILURE TO SECURE – NEGLIGENCE.** In no event shall a person's failure to secure a child under 8 years of age in an approved child restraint system constitute contributory negligence or be admissible as evidence in the trial of any civil action. (625 ILCS 25/5) (from Ch. 95 1/2, par. 1105) (Source: P.A. 93-100, eff. 1-1-04.)

---

**MOTOR VEHICLE CODE 24-9-**

**5**

**24-9-5 PENALTY.**

(A) A first violation of this Act is a petty offense punishable by a fine of \$75.

(B) Except as provided in subsection (d) of this Section, a person charged with a violation of Section 4 of this Act shall not be convicted if the person produces in court satisfactory evidence of possession of an approved child restraint system, as defined under this Act, and proof of completion of an instructional course on the installation of a child restraint system pursuant to Section 6a of this Act. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that a person charged with a violation of Section 4 of this Act is in possession of an approved child restraint system and has completed an instructional course.

(C) A second or subsequent violation of this Act is a petty offense punishable by a fine of \$200.

(D) Subsection (b) of this Section shall not apply in the case of a second or subsequent violation of this Act. (625 ILCS 25/6) (from Ch. 95 1/2, par. 1106) (Source: P.A. 96-914, eff. 1-1-11.)

**24-9-6 CHILD PASSENGER SAFETY INSTRUCTIONAL COURSE.**

(A) As used in this Section, "technician" means a person who has successfully completed the U.S. Department of Transportation National Highway Traffic Safety Administration's (NHTSA) standardized National Child Passenger Safety Certification Training Program and who maintains a current child passenger safety technician or technician instructor certification through the current certifying body for the National Child Passenger Safety Training Program as designated by the NHTSA.

(B) A person in violation of Section 4 of this Act may schedule a child safety instructional course with a technician. The instructional course shall include instruction on the proper installation of a child restraint system. The instructional course shall also include an inspection of the child restraint system. At the time of scheduling, the technician shall notify the person that the instructional course must be completed prior to the mandatory court appearance date on the person's citation for a violation of Section 4 of this Act.

(C) Prior to beginning the instructional course, the person must present a copy of the citation of a violation of Section 4 of this Act to the technician.

(D) The technician shall be observant for any citations with the notation "no safety seat" in the notes field and discuss with the person, for the purpose of determining the person's need for a child restraint system, the person's reasons for not transporting the child in a child restraint system.

(E) Upon completion of the instructional course to the satisfaction of the technician conducting the course, the technician shall issue a letter to the person for presentation in court. The letter shall:

- (1) be printed on a form or in a manner required by the Illinois Department of Transportation;

- (2) indicate that the person has voluntarily participated in the instructional course and received instruction from a technician regarding the proper use of the person's child restraint system; and
- (3) include (i) the date the instructional course was completed, (ii) the citation number presented to the technician under this Section, (iii) the county in which the citation was issued, and (iv) the technician's signature and technician number. (625 ILCS 25/6a)

**24-9-7 ARRESTS – PROSECUTIONS.** The State Police shall patrol the public highways and make arrests for a violation of this Act. Police officers shall make arrests for violations of this Act occurring upon the highway within the limits of a county, city, village, or unincorporated town or park district.

The State's Attorney of the county in which the violation of this Act occurs shall prosecute all violations except when the violation occurs within the corporate limits of a municipality, the municipal attorney may prosecute if written permission to do so is obtained from the State's Attorney.

The provisions of this Act shall not apply to a child passenger with a physical disability of such a nature as to prevent appropriate restraint in a seat, provided that the disability is duly certified by a physician who shall state the nature of the disability, as well as the reason the restraint is inappropriate. No physician shall be liable, and no cause of action may be brought for personal injuries resulting from the exercise of good faith judgment in making certifications under this provision. (625 ILCS 25/7) (from Ch. 95 1/2, par. 1107) (Source: P.A. 88-685, eff. 1-24-95.)

**MOTOR VEHICLE CODE 24-10-**

**1**

#### **ARTICLE X – PENALTY**

**24-10-1 PENALTY.** Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, be fined as provided in **Section 1-1-20** of this Code.

**24-10-2 ARRESTS.** Any person arrested for a violation of any provisions of this Chapter shall be released upon proper bail being furnished as required by state statute.

**24-10-3 PRIMA FACIE PROOF.** The fact that a vehicle that is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation. (#2019-991; 05/06/2019)