

VILLAGE OF PECATONICA, ILLINOIS
MUNICIPAL CODE
ARTICLE SEVEN
MOTOR VEHICLES AND TRAFFIC

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Chapter One Definitions

- A. Business District: That portion of the Village occupied by business and commercial establishments.
- B. Crosswalk: That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.
- C. Driver: Any person who drives or is in actual physical control of a vehicle.
- D. Intersection: The area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not such streets cross.
- E. Operator: Every person who operates or is in actual physical control of a snowmobile.
- F. Park or parking: The standing of a vehicle, whether occupied or not, for a greater time than is reasonably necessary for unloading merchandise or passengers.
- G. Person: Includes any person, firm, partnership, association, corporation, company or organization of any kind.
- H. Property: Any real property within the Village which is not a street, alley or highway.
- I. Residence District: Those portions of the Village principally occupied by residential buildings.
- J. Roadway: That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.
- K. School Zone: That portion of a street adjoining or near school grounds where authorized signs are erected, designating or indicating a school.
- L. Sidewalk: That portion of a street between the curblines, or the internal lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

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- M. Snowmobiles: A self-propelled device designed for travel on snow or ice or on natural terrain and steered by skis and runners, and supported in part by skis, belts and cleats.
- N. Street or Highway: The entire width between boundary lines of every way publicly maintained for the use of the public for the purposes of vehicular traffic.
- O. Traffic: Vehicles using any highway for purposes of travel.
- P. Vehicle: Every device in or by which any person or property is or may be transported or drawn upon a highway.

Chapter Two Traffic Violations

Section 1 Illinois Vehicle Code

- A. In all matters affecting vehicles not herein referred to, and where applicable, the provisions of Chapter 625 ILCS 5/ of the Illinois Revised Statutes, entitled "The Illinois Vehicle Code" and revisions thereto shall govern, and such Act is hereby incorporated by reference. (Revised: Ord. 2003-4-3)

Section 2 Obedience to Police

- A. Members of the Police Department are hereby authorized to direct all traffic in accordance with the provisions of this ordinance, 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 police officer.
- B. Except in case of emergency, it shall be unlawful for any person not authorized by the Police Chief to direct or attempt to direct traffic.

Section 3 Authority for Traffic Signals and Signs (Ord. 97-12-1)

- A. The Village of Pecatonica through its designated officers with reference to the streets and alleyways within the Village may designate through streets and alleys, and place and maintain traffic control devices upon streets and alleyways within the Village including but not limited to the erection of stop

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signs or yield signs for the designation of any intersection as a stop intersection or as a yield intersection.

- B. All traffic signage in the Village shall conform to the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as published by the U.S. Department of Transportation, Federal Highway Administration as adopted by the State of Illinois.

Section 4 Penalty (revised: Ord. 97-12-1)

- A. It shall be unlawful for any person to violate or fail to comply with any provision of this Chapter.
- B. Any person who violates the provisions of this Chapter, except where noted herein or as provided for by similar provisions of state law, shall be fined not less than \$25.00 nor more than \$200.00 for each offense. (Revised: Ord. 2004-11-2)
- C. A person who violates the provisions of this Chapter shall be subject to the penalties provided in the Illinois Vehicle Code and the Illinois Criminal Code and revisions thereto.

Section 5 Limitations on U-Turns (revised: Ord. 93-10-1)

- A. The following are limitations on U-turns:
 - 1. On any street or highway in the Village of Pecatonica where there is not a sign limiting or prohibiting U-turns, 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 either direction within 500 feet.
 - 3. No driver of any motor vehicle upon the streets or highways within the Village shall make a U-turn where "No U-Turns" or similar traffic control devices are placed prohibiting the same, including, but not limited to, Main Street from First Street to and including Seventh Street.

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Section 6 Right of Way

- A. When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

Section 7 Vehicle Turning Left

- A. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed at such time as a safe interval occurs.

Section 8 Pedestrian Right of Way

- A. The driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- C. Notwithstanding other provisions of the Code, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

Section 9 Vehicles Entering Highway

- A. The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

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Section 10 Obstruction of Traffic

- A. No vehicle shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to the traffic thereon.

Section 11 Setting Speed Limits on Designated Streets (added: 9-3-91)

- A. The rate of speed on the streets or parts of streets described in the appropriate schedule on file in the Office of the Village Clerk shall be as prescribed in said schedule, and it shall be unlawful for any person to drive a vehicle at a rate of speed greater than designated.

<u>Date of Designation</u>	<u>Street</u>	<u>From</u>	<u>To</u>	<u>Speed Limit</u>
9-3-1991	W. 1st St.	Main St.	John St.	20 mph
10-20-2009	Main St.	North Village Limits	South Village Limits	25 mph

- B. On all streets and roads within the Village limits of the Village of Pecatonica, the maximum speed limit for all vehicles, shall be 30 miles per hour, except where otherwise posted. (Ord. 2003-4-4)

Section 12 Careless Driving (added: 5-5-92)

- A. It shall be unlawful for any person to operate a vehicle in a careless manner upon and along the streets, roadways, and highways of the Village of Pecatonica.
- B. For the purposes of this Section, to operate "in a careless manner" means the operation of a vehicle upon and along the streets, roadways and highways of the Village of Pecatonica in such a manner as to endanger or be likely to endanger any persons or property.
- C. Any person who violates this section shall be fined not less than fifty dollars (\$50.00) nor more than two hundred (\$200.00). (Ord. 2004-11-3)

Section 13 Riding on Certain Portions of Vehicles (added: 5-5-92)

- A. It shall be unlawful for any person to ride upon the fenders, running board, outside step, trunk or hood of any vehicle or upon any portion thereof not designed or intended for use of passengers.

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Section 14 Bicycles, Skateboards, Roller Skates, Inline Skates (added: 7-7-92,
revised: Ord. 97-5-1)

- A. It shall be unlawful to use skateboards, inline skates and roller skates on the sidewalks of the 300, 400 and 500 blocks of Main Street in the Village of Pecatonica.
- B. It shall be unlawful to ride bicycles on the sidewalk in the 400 and 500 block of Main Street in the Village of Pecatonica.
- C. It shall be unlawful to use skateboards, inline skates and roller skates on the street surface of Main Street within the Corporate Boundaries of the Village of Pecatonica except when crossing Main Street at an intersection.

Section 15 Engine Braking (added: Ord. 2004-4-1)

- A. Engine braking prohibited.
 - 1. It shall be unlawful for any driver of any vehicle to use an engine brake to assist slowing a vehicle within the Village limits.
 - 2. Any person who violates the provisions of this Section shall be fined not less than seventy-five dollars (\$75.00) nor more than one hundred dollars (\$100.00) for each offense.

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Chapter Three Parking

Section 1 No Parking Rules

A. It shall be unlawful to permit any vehicle to stop, stand or park in any of the following places except in compliance with the direction of a police officer or signal:

1. In any intersection.
2. In a crosswalk.
3. Within thirty feet of a traffic signal or a through street sign on the approaching side.
4. Within twenty feet of any intersection.
5. At any place where the standing of a vehicle reduces the usable width of the roadway for moving traffic to less than eighteen feet.
6. At any curb within fifteen feet of a fire hydrant.
7. At any place where the vehicle would block the use of a driveway.
8. At any place where official signs prohibit parking.
9. On school days between the hours of:
 - a. 6:30 a.m. to 2:45 p.m. on the south side of the 200 block of West Sixth Street with the exception of loading and unloading,
 - b. 6:30 a.m. to 2:45 p.m. on the north side of the 200 block of West Seventh Street with the exception of school bus parking from 6:30 a.m. to 8:30 a.m.

(Ord. 2005-8-1, Rev. 2009-9, Rev. 2009-15)

10. When signs are erected giving notice thereof, it shall be unlawful for any person at any time to park a vehicle commonly known and classed as a truck, having a length of eighteen or more feet, on either side of Main Street.

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11. Any curb which is painted yellow.
12. Within an alley in such a manner or under such a condition as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.
13. Within an alley in such a position that it blocks the driveway entrance to any abutting property. (Ord. 93-9-3)
14. Pecatonica Public Library (Ord. 94-1-1)
 - a. It is unlawful to park a motor vehicle in the parking area of the Pecatonica Public Library unless the person parking or owning the vehicle is patronizing the Library.
 - b. The parking area of said Library shall be posted with a sign which may be essentially worded as follows: Library Parking Only, Violators Towed or Ticketed (name and phone number of towing company).
 - c. It is unlawful to violate any section of the Illinois Vehicle Code in the parking area or on the grounds of the Pecatonica Public Library.
15. On either side of Main Street between First Street and the Pecatonica Bridge.
16. No parking on the south side of Berglund Road from Monroe Street to the Village limits. (Ord. 2005-11-3)

Section 2 Parking Vehicles for Sale

- A. 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.

Section 3 Time Limits for Parking

- A. No vehicle is to be parked in a Village parking lot for more than forty-eight (48) hours.
- B. Any such vehicle parked for more than forty-eight (48) hours may be removed by the Police Department, and stored at the expense of the owner of the vehicle.

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- C. When signs are erected giving notice thereof, no person shall park a vehicle for more than two hours at any time between the hours of 6:00 A.M. and 6:00 P.M. of any day, except Sunday:
1. on either side of Main St. between the north line of Market Street and the north line of Fifth Street; (Ord. 2001-8-4)
 2. on the south side of West Fourth Street from Main Street to Alley; (Ord. 2001-8-4)
 3. on the north side of West Third Street between Reed and Division Streets;
 4. on the south side of West Third Street between the east end of the Dean Food's parking lot and Division Street. (Ord. 2001-8-4)

Section 4 Unattended Motor Vehicle

- A. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brakes thereon and turning the front wheels to the curb or side of the highway.

Section 5 Curb Parking

- A. Except when otherwise provided by local ordinance, every vehicle stopped, standing, or parked upon a roadway or a Village street, shall be stopped, stood, or parked parallel to the curb line or if there is no curb line, then parallel with the lane of traffic, or the lot line with the right side front and rear wheels of the vehicle within 12 inches of the regularly established curb, lane of traffic, or lot line.

Section 6 Snow Emergencies (Revised: Ord. 2010-3)

- A. It shall be unlawful to park any motor vehicle on any street in the Village between November 1 of any year and March 31 of the succeeding year between the hours of twelve o'clock (12:00) midnight and seven o'clock (7:00) A.M., except in accordance with the terms of this Section.

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1. Between the dates and during the times specified in paragraph A parking on Village streets shall be allowed on the even-numbered side of the street on even-numbered days of the month and on the odd-numbered side of the street on the odd-numbered days of the month.
 2. Sides of streets are hereby defined as odd or even in accordance with the last digit of the house or building number of the buildings on that particular side of the street.
- B. No person shall deposit or cause to be deposited, any snow upon any street or alley of the Village. (Ord. 2001-11-2)
- C. No snow is to be deposited on any street of the Village in a manner to obstruct a public sidewalk and no such deposit is to be made upon a neighboring parkway or other private property, nor is such snow to hamper vision at any intersection.
- D. In order to facilitate the plowing of streets during a snow emergency, the Police Department of the Village of Pecatonica is authorized
1. to remove any vehicle which is in violation of this section and
 2. to provide the owner of each vehicle with notice and a reasonable opportunity to remove said vehicle prior to vehicle being towed.
 3. The owner of a towed vehicle will be responsible for all towing and storage charges.
- E. Penalty (revised Ord. 94-5-1) (Ord. 2002-10-1)
1. Any person, corporation, or organization or other entity violating this section shall be subject to a fine of not less than \$25.00 nor more than \$100.00 if issued by the Circuit Court.
 2. Each day of the violation to this ordinance shall be a separate offense.

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3. If a citation given for violating this ordinance is paid within ten (10) days from the issuance of said citation, by the violator entering his or her appearance on the reverse side of the citation, pleading guilty, and waiving a right to a hearing by the Court, the fine shall be \$25.00; however, if so paid after ten (10) days, the fine shall be \$50.00.

Section 7 Restricted Parking Zones
(added: 11-6-91) (revised: Ord. 2005-1-1)

- A. It shall be unlawful to park any vehicle between 2:00 A.M. and 5:00 A.M. from November 1 through April 15 upon the designated blocks of the following streets:
 1. The east and west side of the 400 block of Main Street.
 2. The east and west side of the 500 block of Main Street.
 3. The north and south side of W. 3rd Street, from Main Street to the first north-south alley west of Main Street.
 4. The north and south side of E. 3rd Street, from Main Street to the first north-south alley east of Main Street.
 5. The north and south side of W. 4th Street, from Main Street to the first north-south alley west of Main Street.
 6. The north and south side of E. 4th Street, from Main Street to the first north-south alley east of Main Street.
- B. The Police Department of the Village of Pecatonica is authorized to remove any vehicle which is in violation of this Section.
- C. The owner of a towed vehicle will be responsible for all towing and storage charges.

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Section 8 Proof of Culpability

- A. In any prosecution charging a violation of any ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any ordinance, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, or permitted such vehicle to be parked, or placed such vehicle at the point where, and for the time during which, such violation occurred.

Section 9 Penalty (revised: 94-5-2, Ord. 98-2-2) (Ord. 2002-10-1)

- A. It shall be unlawful for any person, corporation, or other entity to violate or fail to comply with any of the provisions of this Chapter, and any person who violates any provision of this Chapter, except Section 6, 10, and 12 hereof, shall be liable for a fine of \$10.00 if paid within ten (10) days of the date of issuance of a citation or complaint, or \$25.00 if paid after ten (10) days but before thirty (30) days from said issuance, or \$50.00 if paid after thirty (30) days from said issuance, all if paid to the Village Clerk and the offender signs an entry of appearance and plea of guilty and waiver of the right to a hearing by the Circuit Court.
- B. Any person violating or failing to comply with any of said provisions who does not so enter an appearance and plea of guilty and waiver shall be subject to a fine of not less than \$50.00 and not more than \$200.00 for each offense.
- C. A separate offense shall be deemed committed upon each day during or on which the violation of this ordinance occurs or continues.

Section 10 Handicapped Parking
(Ord. 93-9-6, revised Ord. 94-5-6, Ord. 98-2-2)

- A. The first stall on the north side of W. 4th Street west of Main Street and the first stall on the north side of E. 4th Street east of Main Street shall be designated and posted as a handicapped parking space.
- B. Parking privileges are strictly limited to the person to whom a

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handicapped registration plate, special decal or device were issued and to qualified operators acting under his/her express direction while the disabled person is present.

- C. Such parking privileges are granted to motor vehicles of not-for-profit organizations used for the transportation of handicapped persons when such motor vehicles display the decal or device issued for handicaps.
- D. It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person in said parking place.
- E. Any person found guilty of violating the provisions of this Ordinance shall be fined at least \$100.00 but not more than \$200.00, in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under 625ILCS 5/11-1301.3.

Section 11 Fifteen Minute Parking (Ord. 93-9-7, revised Ord. 2001-8-5)

- A. It shall be unlawful to park any motor vehicle in these spaces longer than fifteen (15) minutes and they shall be designated and posted as 15-minute parking from 8:00 A.M. to 5:00 P.M., Monday through Friday:
 - 1. The second stall on the north side of East Fourth Street, east of Main Street.
 - 2. The first stall on the west side of Main Street, south of West Fourth Street.
 - 3. The first two stalls on the south side of East Third Street, east of Main Street.
 - 4. (deleted: Ord. 2007-11-2)
- B. It shall be unlawful to park any motor vehicle in this space any longer than fifteen minutes.
- C. Any person found guilty of violating the provisions of this Ordinance shall be fined the general penalty.

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Section 12 Semi-trailer Parking and Penalties (Revised: Ord. 2009-13)

- A. No person shall stand or park any truck, motor home, tractor, semi-tractor, semi-trailer, trailer or bus on any street for longer period than is necessary for reasonably expeditious loading and unloading of such vehicles.
- B. This restriction shall not apply to any pickup truck whose extreme overall length does not exceed two hundred forty-four inches (244") and the body width of which, excluding mirrors or similar accessories, does not exceed ninety-six inches (96")
- C. All pull behind trailers covered or uncovered shall not be parked or pulled on Village streets unless properly registered with properly placed license plates on such trailer.
- D. No trailer unattached from a vehicle shall be parked for more than 48 hours on Village streets.
- E. Motor Homes may be parked on any street for a period of 48 hours.
- F. Violators will be subject to a fine and towed away by the Police Department at the owner's expense.
- G. Penalties
 - 1. Any person who violates any provision of this section shall be liable for a fine of seventy five dollars (\$75.00) if paid within thirty (30) days of the issuance of the local citation or complaint, or one hundred dollars (\$100.00) if paid after the thirty (30) days, to the Village Clerk and the offender signs an entry of appearance and plea of guilty and waiver of the right to a hearing by the Circuit Court.
 - 2. Any person violating or failing to comply with any of said provisions of this Chapter, except as otherwise provided herein, who does not so enter an appearance and plea of guilty and waiver, after thirty (30) days from issuance of the citation or the complaint, shall be subject to a fine of not less than one hundred fifty dollars (\$150.00) and not more than two hundred fifty dollars (\$250.00).

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Chapter Four Snowmobiles, ATV's and Motor Driven Cycles
(revised: Ord. 98-3-4)

Section 1 Snowmobiles, ATV's and Motor Driven Cycles

- A. All snowmobiles when used in the Village of Pecatonica must use the designated route prescribed by the Village when entering and leaving the Village. Residents of Pecatonica must use the shortest distance from their residence to the designated route.
- B. Snowmobiles are to be operated, used or ridden within the Village limits only between the hours of 7:00 A.M. to 11:00 P.M. Monday through Thursday and from 7:00 A.M. to 1:00 A.M. on Friday through Sunday.
- C. A snowmobile, when moving or traveling or being operated on a Village street or alley must proceed in single file on the right side of the street or alley, as close to the curb or street line or alley line as is possible.
- D. The speed shall not exceed 15 miles per hour.
- E. All owners of snowmobiles must have the vehicles insured with liability insurance not less than \$20,000 as a protection to the public prior to operating, driving or moving their vehicles within the Village.
- F. Riding snowmobiles during periods of insufficient snow cover (i.e., less than 4") or alternate freezing and thawing (i.e., bare grass/earth showing) shall be prohibited.
- G. All other provisions of the present Village of Pecatonica Ordinance pertaining to Regulation of Vehicular Traffic pertain to the operation of snowmobiles unless patently not applicable to this type of vehicle.
- H. In all matters affecting snowmobiles not herein referred to, and where applicable, the provision of Chapter 625 of the ILCS entitled "Snowmobiles Registration and Safety Act" and revisions thereto, shall govern and such Act is hereby incorporated by reference.
- I. No person shall operate any motorcycle, motor-driven cycle, go-cart or other similar motor vehicle on any public property within the Village of Pecatonica, except the roadway of a public street, and

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then only if such vehicle is otherwise duly licensed for operation on such roadway.

- J. No person shall operate any motorcycle, motor-driven cycle, go-cart, or other similar motor vehicle on any private property, other than his/her own, within the Village of Pecatonica except such areas as may have been designated as motorcycle recreation areas, without first securing the prior permission of the owner of such property in writing. Any person so authorized to operate a motorcycle, motor-driven cycle, go-cart, or other similar motor vehicle on private property shall have copy of such written authorization in his/her possession at all times that he/she is operating such vehicle on such property.
- K. It shall be unlawful to operate a motorcycle, motor-driven cycle, go-cart, or other similar motor vehicle within the Village of Pecatonica on any public or private property within the Village in such a manner as to create loud or offensive noises that disturb the peace and quiet of the occupants in residences or other structures in the vicinity of the property on which such vehicles are operated, even though written permission has been granted to operate on the property.

Section 2 Removal of Vehicles

- A. Any person stopped by a law enforcement officer for violation of this Chapter shall have the option of removing the vehicle from the scene of the violation by means that do not violate this chapter. If no arrangements are made by the operator, the vehicle used by the operator shall be confiscated and towed away by the Village to a site designated for such detention at the expense of the owner or operator.
- B. This chapter shall not apply to any law enforcement vehicle or vehicles being operated at the direction of the law enforcement officials.

Section 3 Penalty

- A. Any person who violates any provision of this Chapter shall be liable for a fine of seventy-five dollars (\$75.00) if paid within thirty (30) days of issuance of the local citation or complaint, or one hundred dollars (\$100.00) if paid after the thirty (30) days, to the

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Village Clerk and the offender signs an entry of appearance and plea of guilty and waiver of the right to a hearing by the Circuit Court.

- B. Any person violating or failing to comply with any of said provisions of this Chapter who does not so enter an appearance and plea of guilty and waiver shall be subject to a fine of not less than one hundred and fifty dollars (\$150.00) and not more than two hundred and fifty dollars (\$250.00).

Chapter Five Abandoned and Derelict Vehicles

Section 1 Abandoned Vehicles

- A. An abandoned vehicle shall be defined as:
 - 1. A vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or
 - 2. Any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

Section 2 Derelict Vehicles

- A. Any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy stated in Section 3 of these ordinances.

Section 3 Public Nuisance

- A. Abandoned and derelict vehicles wherever found are hereby declared to be a safety hazard and a public nuisance and are hereby prohibited and subject to removal as provided by this ordinance and by statute.

Section 4 Abandonment of Vehicles

- A. No person shall abandon any vehicle within the Village, and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle

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reasonably to appear to have been abandoned.

- B. No person shall leave any partially dismantled, non-operating, wrecked, junked or derelict vehicle on any street or highway in the Village.

Section 5 Removal of Vehicles

- A. All persons are required to dispose of any abandoned or derelict vehicles under their control upon written notice received from the Police Department commanding disposition of the said vehicle.
- B. When a vehicle is abandoned on any street or alley in the Village, its removal may be authorized by the Police Department after:
 - 1. Seven days have elapsed from the discovery of the vehicle by the Police Department, and
 - 2. Notice that the vehicle is to be towed is mailed to the registered owner by registered or certified mail, or
 - 3. Notice that the vehicle is to be towed is posted on the vehicle where the registered owner is not known or reasonably ascertainable.
- C. When an inoperable, partially dismantled or derelict vehicle is found on any street in the Village, its immediate removal by a towing service may be authorized by the Police Department with notice to the registered owner, if known, before or after the removal takes place.
- D. When an abandoned, wrecked, partially dismantled or derelict vehicle is found on private property, its removal shall be authorized by the Police Department after notice to the owner, if known, and after the expiration of seven (7) days from the discovery of the vehicle.
- E. When an abandoned, unattended, wrecked, burned, partially dismantled or derelict vehicle is creating a traffic hazard because of its position in relation to the street or its physical appearance is causing the impeding of traffic, its immediate removal from the street or private property adjacent to the street by a towing service may be authorized by the Police Department.

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Section 6 Responsibility for Costs

- A. When a vehicle is removed from either public or private property by authority of a member of the Police Department, the owner of the vehicle will be responsible for all towing and storage costs.

Section 7 Penalty (revised Ord. 98-2-1)

- A. Any person who violates any of the provisions of this Chapter shall be subject to a fine of not less than \$25.00 nor more than \$200.00 and charge the prevailing rate each day the vehicle is stored and is required to pay costs for the removal of such vehicle.

Section 8 Illinois Vehicle Code

- A. Enforcement of this Chapter shall be in compliance with Chapter 95 ½ of the Illinois Vehicle Code and any revisions or amendments thereto.

Chapter Six Inoperable Motor Vehicles

Section 1 Declaration

- A. All inoperable motor vehicles, whether on public or private property and in view of the general public, are hereby declared to be a nuisance.

Section 2 Definition of Inoperable Motor Vehicle

- A. The definition of inoperable motor vehicles, as used herein, "inoperable motor vehicle," means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
- B. Inoperable motor vehicles shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, or as to any motor vehicle that is kept within a building when not in use, or as to operable historic vehicles over twenty-five (25) years of age, or as to a motor vehicle on the premises of a

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place of business engaged in the business of wrecking or junking of motor vehicles.

Section 3 Notice to Owner

- A. Any inoperable motor vehicle is hereby declared to be a nuisance and the Village Police may cause the owner to be served with a written notice which states that such person is to dispose of any inoperable motor vehicle under his/her control within the next seven (7) days.
 - 1. In the event said person does not dispose of said inoperable motor vehicle under his/her control within said seven (7) day time period, the Village, after said notice to remove the inoperable vehicle has been served on the owner for seven (7) days and the motor vehicle has not been satisfactorily removed from the site or made operable, as the case may be, a complaint shall be filed in the Circuit Court of Winnebago County asking for a court order authorizing the Police Department of the Village to have said vehicle towed and also asking for a fine for violating the provisions of this Ordinance.

Section 4 Penalty

- A. The owner or operator of any inoperable motor vehicle found guilty of violating any of the provisions of this Chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such vehicle that is allowed to remain under his/her control after receiving said above referred to seven-day notice.
- B. The cost of towing said vehicle and the cost of storing said vehicle to be removed from said public or private property shall be at the expense of the owner or person having control of said inoperable motor vehicle.
- C. In the event a court order is obtained authorizing the Village Police Department to have said vehicle towed, the cost of the towing and storage shall be added to the fine.