

# TITLE 6

## MOTOR VEHICLES AND TRAFFIC

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### CHAPTER 1

#### GENERAL TRAFFIC PROVISIONS

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##### 6-1-1: DEFINITIONS:

Words and phrases used in this Title have the meanings respectively ascribed to them in 625 Illinois Compiled Statutes. (1978 Code §41.01)

##### 6-1-2: CERTAIN STATE REGULATIONS ADOPTED:

The following enumerated sections of 625 Illinois Compiled Statutes, exclusive of any provisions thereof relating to the penalties or the punishment to be imposed for violation of such sections, are adopted and by reference made a part of this Code with the same force and effect as though set forth here verbatim, and the terms "this Act" wherever used in any section shall mean this Title of this Code, whenever necessary to effectuate the meaning of the section:

Section No.

- 5/3-413 Display of Registration Plates, Registration Stickers and Driveway Decal Permits
- 5/3-707 Operation of Uninsured Motor Vehicle - Penalty
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- 5/11-310 Display of Unauthorized Signs, Signals, Markings
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- 5/11-403 Duty to Give Information and Render Aid
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- 5/11-601 General Speed Restrictions (Except as provided for in Section 6-1-2A)
- 5/11-604 Alteration of Limits by Local Authorities
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- 5/11-906 Vehicles Entering Highway from Private Road or Driveway
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- 5/11-908 Vehicle Approaching Highway Construction or Maintenance Area
- 5/11-1001 Pedestrians Obedience to Traffic-Control Devices and Traffic Regulations
- 5/11-1002 Pedestrian's Right-of-Way at Crosswalks
- 5/11-1003 Crossing at Other Than Crosswalks
  - 5/11-1003.1 Driver to Exercise Due Care
- 5/11-1004 Blind, Hearing Impaired or Physically Handicapped Pedestrian Right-of-Way
  - 5/11-1004.1 Motorized Wheelchairs
- 5/11-1005 Pedestrians to Use Right Half of Crosswalks
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- 5/12-604 Television Receivers
- 5/12-606 Tow Trucks Identification - Equipment - Insurance
- 5/12-607 Suspension System
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5/12-609 Disposal of Motor Vehicles Bearing Police Markings

5/12-610 Headset Receivers (1993 Code)

It shall be an affirmative defense in any prosecution for a violation under this code of 5/11-1426 and 5/11-1427 that the operator of any ATV or off-highway motorcycle was operating the vehicle while engaged in an emergency activity to aid or assist a member of the general public. (Amd. Ord. 2004-06, 03-02-2004)

### **6-1-2A: GENERAL MAXIMUM SPEED LIMITS:**

It shall be unlawful to drive any motor vehicle on any public roadway at a speed in excess of twenty five (25) miles per hour or in an alley at a speed in excess of ten (10) miles per hour within the city limits of the City of Genoa. Notwithstanding the foregoing, if the City Council, by ordinance, sets other speed limits, as provided by statute, then such limits shall govern the rate of speed on the streets indicated in such ordinance. The Public Works Director shall post all appropriate signage indicating said speed limits. (Amd. Ord. 2005-34,09-06-2005)

### **6-1-3: VEHICLE WEIGHT AND LOAD:**

A. Excess of Eight Thousand Pounds: The Superintendent of Streets may regulate the use of certain City streets as in his discretion may be necessary to avoid decay and erosion of the streets during certain seasons and periods of extreme weather by posting such streets with signs restricting the use of such streets by motor vehicles exceeding a gross weight of eight thousand (8,000) pounds. The posting shall be by some reasonable and economical means available to the Superintendent of Streets and shall be placed on such streets and in such positions as shall reasonably inform the motoring public using such streets of such restrictions. (1978 Code §41.04)

B. There is hereby established a 14,000 pound weight limit for the 300 block of South Hadsall Street. (Ord. 2008-31,10-07-2008)

#### **C. CLASS II AND CLASS III TRUCK ROUTES:**

The following State highways within City limits are designated Class II Truck Routes:

- Route 23
- Route 72

The following local roads within City limits are designated Class III Truck Routes:

- 400 Block of East 2<sup>nd</sup> Street
- Eureka Avenue
- Brown Street from Route 72 to Eureka Avenue
- 1<sup>st</sup> Street from North State to Eureka Avenue
- North Sycamore Street from Route 72 to First Street
- Railroad Avenue from Sycamore to Stiles Street
- North State Street from First to City limit
- North Washington Street from Route 72 to First Street
- West Main Street from Route 72 to First Street
- 600 Block of South Hadsall Street
- Pearson Drive
- South Centre Drive

- A.) State and local truck routes shall be used in connection to local routes when making deliveries to Genoa businesses and Genoa homeowners that are not on the designated truck routes.
- B.) Notwithstanding any other municipal codes, trucks used for personal business shall adhere to paragraph (B).
- C.) Class II and Class III Truck Routes have been established by the City to restrict use of other streets by such vehicles as described in Section 6-1-3; and any person violating provisions in Section 6-1-3 of this chapter, shall be fined one hundred (\$100.00) dollars for each offense. Court costs, fees, and surcharges shall be assessed in addition to such fine.

The City Council may authorize at its discretion the use of any and all streets in Chapter 6-1-3-B for temporary detour routes, thereby permitting a driver of any vehicle having a gross weight of 73,280 pounds to use the roadway.

Any person violating provisions of Chapter 6-1-3-B shall be fined one hundred (100) dollars for each offense. Court costs, fees and surcharges shall be assessed in addition to such fine.

- E. The Director of Public Works is hereby authorized to post suitable signage designating Class II and Class III Truck Routes and post suitable signage prohibiting the use of local roads by trucks that are not designated Class II and Class III Truck Routes. (amd. Ord. 2006-29,08-15-2006)

#### **6-1-4: NOISE OF VEHICLES:**

- A. It shall be unlawful to operate any vehicle on the streets of the City which makes unusual loud or unnecessary noise or to operate any such vehicle in such manner as to disturb the peace of the City . (1978 Code §41.05)
- B. No person shall operate or cause to be used or operated with the City any compression/release engine brake on any vehicle for any reason. For purposes of this Section, compression/release engine brake is defined as any mechanical exhaust devise designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in excessive, loud, unusual or explosive noise from such vehicle. Notwithstanding the above, if an emergency situation arises requiring the use of compression/release engine brake, then their use is permitted. Prior to the enforcement of this ordinance on state roads, permission shall first be obtained from the Illinois Department of Transportation. A violation of this section shall be punishable by a fine of Forty Five Dollars (\$45.00).

#### **6-1-5: NO U-TURNS:**

- A. It shall be unlawful to cause any motor vehicle to make a U-turns at the following locations:
  - 1. Main Street (Illinois State Route 72), from the intersection of Main and Sycamore Streets to the intersection of Park Avenue, State Street and West Main Street.
  - 2. The intersection of Illinois State Route 23 and Hill Street.
- B. A violation of this section shall be punishable by a fine of Forty Five Dollars (\$45.00). If the fine is received within ten (10) working days, ten dollars (\$10.00) will be subtracted from the penalty.

#### **6-1-6: VEHICLES ON SIDEWALKS:**

No operator of a vehicle shall drive within or upon any sidewalk except at a permanent or temporary driveway. (1978 Code §41.07)

#### **6-1-7: STOP AND YIELD INTERSECTIONS:**

The City Council may, from time to time by resolution, provide for the installation of stop signs and yield signs at intersections of streets within the City limits as the City Council may determine to be necessary. When stop or yield signs are erected in accordance therewith, the driver of a vehicle shall stop or yield at any such sign as required by law. (1978 Code §41.08)

**6-1-7.5: SPEED LIMIT ON CERTAIN STREETS:**

Fifteen Miles Per Hour		
Street	From	Direction
North Locust Street	Second Street north on the 400 and 500 blocks of North Locust	Both

(Ord. 99-18-2, 12-7-1999)

**6-1-8: PENALTIES:**

- A. Any person violating any provision of Section 6-1-2 of this Chapter, except 625 Illinois Compiled Statutes 5/3-707, 5/12-603 and 5/12.603.1, shall be punished by a fine of not less than seventy five dollars (\$75.00) nor more than five hundred dollars (\$500.00) for each offense. Court costs, fees and surcharges shall be assessed in addition to such fine.
- B. Any person violating 625 Illinois Compiled Statutes 5/12-603 or 5/12.603.1 shall be punished by a fine of not less than twenty five dollars (\$25.00) for each offense; court costs, fees and surcharges shall be assessed in addition to such fine.
- C. Any person violating 625 Illinois Compiled Statutes 5/3-707 shall pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense. (1993 Code)

**6-1-9: BAIL SCHEDULE AND FINES, STATUTES ADOPTED:**

The following enumerated sections of 110A Illinois Compiled Statutes are adopted and by reference made a part of this Code with the same force and effect as though set forth here verbatim and shall provide for all things and matters set forth in them as though they were set out fully here and shall be in all respects, self-executing provisions:

528 (Supreme Court Rule 526) Bail Schedule - Traffic Offenses.

529 (Supreme Court Rule 529) Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses. (1993 Code)

### **6-1-10: TRAFFIC-CONTROL SIGNAGE CRITERIA:**

The City will approve all traffic-control signage to meet the "Manual of Uniform Traffic Control Devices" and Illinois Supplement criteria. (Ord. 837, 10-12-1993)

### **6-1-11: ONE-WAY STREETS AND ALLEYS:**

The following streets, or portions thereof, are designated directionally one-way for vehicular traffic:

Emmett Street, northbound traffic only, from Main Street to Railroad Street.

Railroad Street, eastbound traffic only, from Emmett Street to Genoa Street. (Ord. 1995-13, 6-27-1995)

### **6-1-12: TOWING PROCEDURES:**

1. Any vehicle towed to or impounded at the Genoa police facility shall be released to an individual following the production of a valid drivers license, proof of ownership of the vehicle and insurance for the vehicle, and payment of a \$300.00 administrative fee.

2. Within ten (10) days after a vehicle has been impounded, notice of impoundment shall be sent by certified mail, return receipt requested, to the registered owner of the vehicle, at the last address reflected in the records of the Secretary of State. The notice shall state that the owner has the right to a review of the tow and impound upon request and that if the vehicle is not claimed within thirty (30) days from the date of the notice the vehicle may be sold or otherwise disposed of in accordance with the Illinois Vehicle Code.

3. Upon written notice of the owner of the vehicle, the Chief of Police will review the appropriateness of the tow and impound and the fee charged to determine its appropriateness.

4. Within seven (7) days of the decision of the Chief of Police, an owner may appeal said decision in writing to the City Administrator, and the hearing shall be held within seven (7) business day. (Ord. 2008-24, 07-15-2008).

## **CHAPTER 2 STOPPING, STANDING AND PARKING**

### **SECTION:**

- 6-2-1: Policy of City; Authority**
- 6-2-2: Manner of Parking**
- 6-2-3: No Parking Places**
- 6-2-4: General Parking Restrictions**
- 6-2-5: Snow Routes**
- 6-2-5A: Winter Parking Restrictions**
- 6-2-6: Parking Trucks and Buses in Residential Districts**
- 6-2-7: Parking for Handicapped Persons**
- 6-2-8: Parking Prohibited on Certain Streets**
- 6-2-9: Time Limit Parking**
- 6-2-10: Loading Zones**
- 6-2-11: Municipal Parking Lots**
- 6-2-12: Liability of Owner**
- 6-2-13: Towing Illegally Parked Vehicles**
- 6-2-14: Parking Fines and Penalties**

### **6-2-1: POLICY OF CITY; AUTHORITY:**

- A. It is the stated policy of the City Council to regulate the parking of motor vehicles on the streets in such manner and at such times as to afford the public free access on the public streets and to regulate such parking in such manner as to minimize the dangers of public travel on the streets.
- B. The City Council may, from time to time by resolution, designate certain areas as "no parking" or "restricted parking" areas. When signs are erected in such areas giving notice thereof, no person shall park a vehicle in violation of the instructions on such signs. (1978 Code §41.09)

### **6-2-2: MANNER OF PARKING:**

- A. Diagonal Parking:

1. All vehicles parking on the north side of Main Street between Sycamore and Washington Streets or on any other street where parking at any angle to the curb is designated by painted lines shall be limited to passenger cars, motorcycles and pickup trucks up to and including three-fourths (3/4) ton. (1978 Code §41.11)

2. No owner or operator of any vehicle within the corporate limits of the City shall back his vehicle into a diagonal or perpendicular parking space facing traffic or park facing traffic on any street within the City. (1978 Code §41.24)

B. Parallel Parking: Parking of vehicles parallel to the curb on either side of Main Street between Sycamore and State Street or on any other street where parallel lines are painted shall be unlimited to the type of vehicle, except those hauling livestock, providing such vehicle is parked within the painted lines allowable for each vehicle. (1978 Code §41.11)

### **6-2-3: NO PARKING PLACES:**

At any time, it shall be unlawful to permit any vehicle to stand in any of the following locations except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic signal:

A. In any intersection.

B. Within twenty feet (20') of a crosswalk at an intersection.

C. Upon or under any bridge or viaduct.

D. Within thirty feet (30') of any flashing signal, stop sign, yield sign or traffic-control signal, in accordance with the Illinois Revised Statutes.

E. Within twenty feet (20') of any intersection.

F. Within fifteen feet (15') of a fire hydrant.

G. At any place where the vehicle would block the use of a driveway.

H. Within fifty feet (50') of the nearest rail or railroad grade crossing.

I. Within twenty feet (20') of a driveway entrance to any fire department and on the side of the street opposite the entrance to any such department, within seventy five feet (75') of such entrance.

J. At any place where official signs prohibit parking.

K. On any sidewalk or parkway. (1978 Code §41.20)

#### **6-2-4: GENERAL PARKING RESTRICTIONS:**

- A. Alleys: No vehicle shall be permitted to stand unattended in any alley or passageway within the City limits, and such alleys and passageways shall be kept open to vehicular traffic at all times. Furthermore, the police are authorized to tow any offending vehicle and the owner thereof shall be responsible for any tow charges. (1978 Code §41.15)
- B. Vehicles for Sale; Peddling Merchandise: It shall be unlawful to park any vehicle upon any street within the corporate limits of Genoa for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled. (1978 Code §41.17)

#### **6-2-5: SNOW ROUTES:**

- A. A snow emergency is hereby declared to be in effect immediately after a snowfall of at least two inches. The depth shall be determined by the Director of Public Works or, in his absence, the Mayor or someone designated by the Mayor.
- B. It shall be unlawful for any person to park a motor vehicle or, if parked, to allow a motor vehicle to remain parked or standing in any public street, except streets identified in subparagraph (1) herein, during or after a snow emergency has been declared. This prohibition shall remain in effect until such time as the street has been plowed or the snow has been removed therefrom.
- (1) South Genoa Street - Parking is from Jackson to Hill Street.
- C. Any motor vehicle parked in violation of this Section will be towed away at the owner's expense, and in addition, the owner will be subject to a fine of sixty Dollars (\$60.00) within thirty (30) days of the receipt. If payment is made within fourteen (14) days, a ten dollar (\$10) discount will apply. (2008 Code §1-4-1)

SECTION 2. The Director of Public Works is hereby authorized to post suitable signage designating snow routes at various locations throughout the City.

SECTION 3. That said signs shall comply with the manual of Uniform Traffic Control Devices for the State of Illinois.

SECTION 4. This ordinance shall take effect on January 1, 2011.

(Ord. 2011-24,12/07/10)

## **6-2-5A: WINTER PARKING RESTRICTIONS:**

- A. Except as provided in paragraph B below, a winter parking restriction on all City streets is in effect from December 1<sup>st</sup> through March 31<sup>st</sup> between the hours of 2 A.M. to 5 A.M.
- B. South Genoa Street - From Jackson to Hill Street.
- C. Any motor vehicle parked in violation of this Section will be towed away at the owner's expense, and in addition, the owner will be subject to a fine of sixty Dollars (\$60.00) within thirty (30) days of the receipt. If payment is made within fourteen (14) days, a ten dollar (\$10) discount will apply. (2008 Code §1-4-1)

SECTION 2. The Director of Public Works is hereby authorized to post suitable signage designating winter parking restrictions at various locations throughout the City.

SECTION 3. That said signs shall comply with the manual of Uniform Traffic Control Devices for the State of Illinois.

SECTION 4: This ordinance shall take effect on January 1, 2011.

(Ord. 2011-25,12/07/10)

## **6-2-6: PARKING TRUCKS AND BUSES IN RESIDENTIAL DISTRICTS:**

- A. It shall be unlawful to park or leave standing any motor vehicle of the second division, defined in 625 Illinois Compiled Statutes 5/1-146, pertaining to motor vehicles, on any street lying within any district zoned R Residential for a period of time longer than five (5) minutes, except for the purpose of loading, unloading or the delivery of materials and then, in such case, for a period of time no longer than is necessary to load, unload and deliver such materials and in any case not to exceed thirty (30) minutes.

### **B. DEFINITIONS:**

For the purpose of this Section, "Motor Vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low speed gas bicycles. For this ordinance, motor vehicles are divided into two divisions:

**First Division:** Those motor vehicles which are designed for carrying of not more than 10 persons.

**Second Division:** Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles implements of husbandry and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

**“Recreational Vehicle”** shall mean every motor home, mini-motor home, truck camper or van camper used primarily for recreational purposes, and not used commercially nor owned by a commercial business.

**“Trailer”** shall mean every camping trailer, travel trailer used primarily for recreational purposes, and those trailers used for commercial business and private use.

C. Except as provided in subparagraph 1. below, It shall be unlawful for any person to park or store or to permit another to park or store, any motor vehicle, trailer, or recreational vehicle on a residential lot or portion thereof that is not an approved driveway as required in Article 6.7, Section 4.C. of the Unified Development Ordinance of the City of Genoa.

1. Within the City Residential District (CR) only, parking or storing recreational vehicles is permitted in a side yard, rear yard and corner yard where temporary blocks are used at grade level underneath the vehicle wheels and tow hitches for ground support.

D. It shall be unlawful for a person or persons to occupy a parked or stored recreational vehicle for residential purposes for than thirty consecutive days in any six-month period.

E. It shall be unlawful for a person or persons to park or store, or to permit another to park or store, a recreational vehicle or trailer on a public right-of-way, driveway approach or private sidewalk. No recreational vehicle or trailer shall be parked within one (1) foot of a public sidewalk, alley, or street.(amd. Ord. 2011-04,3-15-11)

## **6-2-7: PARKING FOR HANDICAPPED PERSONS:**

A. Designated: There shall be established within the City certain parking stalls known as handicapped parking stalls. These stalls shall be designated as handicapped parking stalls by a sign clearly indicating the same.

B. Location: Handicapped parking stalls shall be located as follows:

100 block of North Monroe Street, east side of street, first parking space, south corner location.

100 block of South Genoa Street, Municipal Parking Lot, northeast corner of lot.

300 block of east First Street, south side. (1978 Code §41.25; amd. Ord. 836, 10-26-1993)

Southeast corner of S Washington Street and W Main Street

Southeast corner of S Emmett Street and W Main Street

Northwest corner of Monroe Street and W Main Street

Northeast corner of N Emmett Street and W Main Street (Amd. Ord 2004-32, 06-15-2004)

**C. Penalties:**

1. A penalty of fifty dollars (\$50.00) shall be assessed to the owner of a vehicle in violation of the following: parking a vehicle in a handicapped parking stall when said vehicle does not have either handicapped license plates issued by the State of Illinois or any other state or a City handicapped parking card or a handicapped parking card issued by any other city.

2. Any person who fails to pay the requisite penalty as prescribed above within a ten (10) day period may be prosecuted in the name of the City and fined not less than seventy five dollars (\$75.00) nor more than one hundred dollars (\$100.00) for each violation. (1978 Code §41.26)

**6-2-8: PARKING PROHIBITED ON CERTAIN STREETS:**

Parking of vehicles is prohibited at the following places, on the following streets, and said locations listed herein may be amended from time to time. There shall be no parking at any time on:

STREET	SIDE FROM	TO
Generally		
Illinois State Route 72 - within the limits of intersections as determined by the State from intersection	Both	Most westerly corporate limits of the City West of State Street

studies

Illinois State Route 23	Both	Hill Street	Southerly corporate limits of the City
Illinois Route 23	Both	Main Street, south	South corporate limits
East First Street	North	Eureka Avenue, west	Duvall Avenue
Forest View Drive	Both	307 Forest View Drive	315 Forest View Drive

Main Street - vehicles transporting livestock

Main Street (Illinois Route 72 and 23)	Both	Sycamore Street, easterly	East corporate limits
North Sycamore Street	West	Main Street	First Street
*South Sycamore Street	West	Main Street, south	Hill Street

\* See Sunday only parking  
Except Sundays And  
Holidays

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Brown Street	North	Railroad Avenue	First Street
Eureka Avenue	West	East First Street, north	East Second Street
Eureka Avenue	East	East Second Street, south in the specific area designated as no parking	
Eureka Avenue	Both	First Street	Second Street

Residential Parking Only

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West Main Street	North	800 block	
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8:00 A.M. To 5:00 P.M.,  
Monday Through Friday

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South Sycamore Street	East	Hill Street, south	Railroad tracks
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Sunday Only Parking

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South Sycamore Street	West	Elm Street, south	Hill Street
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2:00 A.M. To 4:30 A.M. (All-Night Parking),  
except physicians and  
emergency vehicles

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Main Street		Sycamore Street	Intersection of Park Avenue and West
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		Main Street
730 Watson Drive		125 feet along frontage
758 Watson Drive		80 feet along frontage
796 Watson Drive		93 feet along frontage
Forest View Drive	West Aspen Way	Tyler Street
Madison Street	West Walnut Street	Cherry Tree Lane
Market Street	East Route 72	Riverbend Drive
Heritage Trail	Both Route 72	Riverbend Drive
Middleton Street	Both Parkview Lane	Preserve Drive
Angler Lane	Both Parkview Lane	Winding Trail
Riverbend Drive	Both Parkview Lane	Winding Trail

(1978 Code §§41.09, 41.11, 41.16, 41.22; amd. Ord. 786, 6-11-1991; Ord. 811, 7-28-1992; Ord. 816, 11-10-1992; Ord. 831, 6-8-1993; Ord. 836, 10-26-1993; Ord. 96-68-3, 9-24-1996; Ord. 2001, 2-1-2000, amd. Ord. 2004-43,10-19-2004,amd. Ord. 2004-52, 12-21-2004, amd. Ord. 2006-14,05-02-2006, amd. Ord. 2007-49, 12-19-2007)

**6-2-9: TIME-LIMIT PARKING:**

- A. Maximum Time-Limit Parking: It shall be unlawful to park any vehicle continuously on any street within the corporate limits of the City for a period of time in excess of forty eight (48) hours. (1978 Code §41.10)
- B. Time-Limit Parking On Certain Streets: It shall be unlawful to park a vehicle for longer than the times indicated at the following locations on the following streets:

On the east side of EUREKA AVENUE from the railroad tracks north of Railroad Avenue to south of East Second Street in the specific area designated as two (2) hour parking only, except Sundays and holidays.

On WEST MAIN STREET from Sycamore Street to State Street between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, two (2) hour parking only.

On the south side of FIRST STREET east of Duval Street to Eureka Avenue between the hours of two o'clock (2:00) A.M. and six thirty o'clock (6:30) A.M. (1978 Code §41.23; amd. Ord. 836, 10-26-1993)

On GENOA STREET north between Main Street and first alley intersecting Genoa Street, on the east side of the street, fifteen minutes parking is allowed from 9:00 a.m. to 2:00 a.m. (Ord. 2008-21, 06-17-2008)

### **6-2-10: LOADING ZONES:**

During the times specified herein, 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 three (3) minutes, and for the driver to stand any freight-carrying vehicles for a period of time longer than necessary to load, unload and deliver materials, not to exceed thirty (30) minutes, in any of the following places:

- A. In any public alley during any hour of the day or night.
- B. At any place not to exceed seventy five feet (75') along or in front of the entrance of any medical facility at any time.
- C. At any place along or in front of the entrance to any commercial building.
- D. As designated, on the west side of Eureka Avenue between Railroad Street and First Street. (1978 Code; amd. Ord. 836, 10-26-1993)

### **6-2-11: MUNICIPAL PARKING LOTS:**

- A. Parking Use Only: No person shall utilize a City Municipal parking lot for any other purpose than parking a vehicle in said lot. No person within said Municipal parking lots shall consume food or beverages in said lot, interfere with, unreasonably disturb or delay or in any manner hinder any other person engaged in the lawful act of parking a vehicle in said lot or loiter about, congregate or use said lot for meeting or other nonvehicle parking purposes.
- B. Proper Parking: It shall be unlawful for any person to back a motor vehicle into any parking space located in a Municipal parking lot. (1978 Code §41.25)

## **6-2-12: LIABILITY OF OWNER:**

Whenever any vehicle is stopped, standing or parked in violation of any of the provisions of the ordinances of the City, the person in whose name such vehicle is registered shall be subject to the penalty for such violation, unless the vehicle was being used without the consent of the owner. (1978 Code §41.18)

## **6-2-13: TOWING ILLEGALLY PARKED VEHICLES:**

### **A. Towing Vehicles Authorized:**

1. The Police Department and all members thereof are hereby authorized to remove and tow away or have removed and towed away by commercial service any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle.

2. Except as otherwise provided, any car or other vehicle parked on any of the streets within the City during the hours when parking thereon is prohibited may also be removed and towed away as herein provided.

**B. Storage And Redemption Of Towed Vehicles:** Vehicles so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of a parking ticket, if issued. The owner or operator of any towed vehicle shall be responsible for any tow charges. (1978 Code §41.21)

## **6-2-14: PARKING FINES AND PENALTIES:**

A. Any person who violates any provision of the Chapter relating to parking a vehicle shall be fined in accordance with the following schedule:

Parked in a No Parking Zone	\$35.00
Parked in a Restricted Parking Zone while parking is prohibited	\$35.00
Parked blocking driveway	\$35.00
Parked blocking sidewalk or passageway	\$35.00
Parked facing traffic	\$35.00

Parked more than 48 hours	\$35.00
Overweight vehicle parking	\$35.00
Parked in violation of sign	\$35.00
Parked backed into parking space	\$35.00
Parked in handicapped designated zone	\$60.00
Parked in violation of a snow route	\$60.00
Parked by a fire hydrant or blocking a fire lane	\$60.00
All other violations	\$35.00

- B. If the fine is received within ten (10) working days, ten dollars (\$10.00) will be subtracted from the penalty.

## **CHAPTER 3 BICYCLES AND TOY VEHICLES**

### **SECTION:**

- 6-3-1: Definition**
- 6-3-2: Voluntary Registration; Identification Number**
- 6-3-3: Operation of Bicycles and Toy Vehicles**
- 6-3-4: Parking Bicycles**
- 6-3-5: Bicycle Lights and Reflectors**
- 6-3-6: Responsibility of Parent or Guardian**
- 6-3-7: Violations and Penalties**

### **6-3-1: DEFINITION:**

"Toy vehicles" shall include skateboards, scooters, coaster wagons, sleds or other such type vehicles. This definition is not meant to include carriages, perambulators or strollers used for the conveyance of infants while being used for such purpose or wheeled carts designed for the transport of packages when being used for such purposes or wheelchairs, bicycles or tricycles for the transport of nonambulatory or physically handicapped persons when being used for such purposes. (1978 Code §39.01)

### **6-3-2: VOLUNTARY REGISTRATION; IDENTIFICATION NUMBER:**

- A. Filing Description: Any resident of the City who owns a bicycle or similar vehicle or device may file with the Police Department a description of such bicycle upon a form provided for the purpose. Such filing of description shall constitute a registration of the bicycle or vehicle. Such registrations shall be serially numbered and be kept on file by the Police Department in its office as a public record. (1978 Code §39.02)
- B. Identification Number: Immediately upon registration of such bicycle or vehicle in its office, the Police Department shall stamp such bicycle or vehicle with an identification number, serially numbered to correspond with the registration of such bicycle. (1978 Code §39.03)
- C. Condition of Registration: The Police Department shall cause to be inspected each bicycle presented for registration, and it shall have the authority to refuse to register any such bicycle found by it to be in unsafe mechanical condition or not equipped as herein required. (1978 Code §39.04)

### **6-3-3: OPERATION OF BICYCLES AND TOY VEHICLES:**

- A. Due Caution: No person shall operate any bicycle or toy vehicle in an unsafe manner or in violation of any State law or local ordinance. (1978 Code §39.07)
- B. Operation on Certain Sidewalks : The riding of bicycles or toy vehicles shall be prohibited on any sidewalk within the area zoned business between Sycamore Street on the east and State Street on the west. This paragraph B shall not apply to the operation of bicycles or toy vehicles by police officers acting in the line of duty.
- C. Operation of Toy Vehicles on Streets: It shall be unlawful for any person to operate a toy vehicle upon any street except in designated crosswalks, within the City. (1978 Code §39.09)

### **6-3-4: PARKING BICYCLES:**

No person shall leave or park a bicycle in such a place or in such a way as to create a hazard to pedestrians, automobile operators or any person. (1978 Code §39.06)

### **6-3-5: BICYCLE LIGHTS AND REFLECTORS:**

No bicycle shall be operated during the time from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise, unless equipped with a white light on the front of the bicycle and a red reflector or a red light on the rear. (1978 Code §39.05)

### **6-3-6: RESPONSIBILITY OF PARENT OR GUARDIAN:**

It shall be unlawful for any parent of any child or guardian of any ward to authorize or knowingly permit such child or ward to act in such a manner as to violate the provisions of this Chapter. (1978 Code §39.10)

### **6-3-7: VIOLATIONS AND PENALTIES:**

Any person who violates any of the provisions of this Chapter shall receive a fine of five dollars (\$5.00) on the first offense. A second violation for the same offense shall result in a ten dollar (\$10.00) fine, and each subsequent violation for the same offense shall result in a fifty dollar (\$50.00) fine. In the case of a juvenile offender, after the second offense, the bicycle or toy vehicle will be held by the Police Department until a parent or guardian appears to claim such vehicle. (1978 Code §39.11)

## **CHAPTER 4 SNOWMOBILES**

### **SECTION:**

- 6-4-1: Purpose**
- 6-4-2: Definitions**
- 6-4-3: Certain State Provisions Adopted; Application and Jurisdiction**
- 6-4-4: Registration and Driver's License Required**
- 6-4-5: Speed Restrictions**
- 6-4-6: Operating Areas Restricted**
- 6-4-7: Operation of Snowmobiles**
- 6-4-8: Snowmobile Equipment**
- 6-4-9: Prohibited Acts and Conditions**
- 6-4-10: Accidents**
- 6-4-11: Liability**
- 6-4-12: Inspections; Enforcement of Provisions**
- 6-4-13: Violation; Penalty**

### **6-4-1: PURPOSE:**

It is the policy of the City to promote the safety of persons and property in and connected with the use, operation and equipment of snowmobiles and to promote uniformity of laws relating thereto. (1978 Code §44.03)

## **6-4-2: DEFINITIONS:**

Words and phrases used in this Chapter have the meanings respectively ascribed to them in chapter 625 of the Illinois Compiled Statutes. (1978 Code §44.01)

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter:

**DANGEROUS DRUG:** Any drug defined as a depressant or stimulant substance in the Illinois Controlled Substance Act and cannabis as defined in the Cannabis Control Act of the State of Illinois.

**DEALER:** A person, partnership or corporation engaged in the business of manufacturing, selling or leasing snowmobiles at wholesale or retail.

**HIGHWAY:** The entire width between boundary lines of any highway, road, street, avenue, boulevard, alley or public driveway.

**INTOXICATING BEVERAGE:** Any beverage enumerated in the Liquor Control Act of the State of Illinois.

**LOCAL AUTHORITY:** The Municipal board or body having authority to adopt local police regulations under the Constitution and laws of this State.

**NARCOTIC DRUG:** Any substance defined as a narcotic drug in the Illinois Controlled Substance Act.

**OPERATE:** To ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not the snowmobile is under way.

**OPERATOR:** Every person who operates or is in actual physical control of a snowmobile.

**OWNER:** A person other than a lienholder registered as owner of a snowmobile.

**PEACE OFFICER:** Any person authorized under the statutes of the State of Illinois to make arrests for violations of any statute or ordinance, whether it be a total arrest power of all statutes or a portion of any statute.

REGISTER: The act of assigning a registration number to a snowmobile by State statute and by local ordinance.

ROADWAY: That portion of a highway, improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term roadway, as used in this Chapter, refers to any such roadway separately but not to all such roads collectively.

SNOWMOBILE: A self-propelled device designed for travel on snow or ice or natural terrain, steered by skis or runners and supported in part by skis, belts or cleats. (1978 Code §44.04)

### **6-4-3: CERTAIN STATE PROVISIONS ADOPTED; APPLICATION AND JURISDICTION:**

A. The following enumerated sections of 625 Illinois Compiled Statutes, inclusive of any provisions thereof relating to penalties, are hereby adopted and by reference made a part of this Code with the same force and effect as though set forth herein verbatim, and the term "this Act", wherever used in any such section, shall mean this Chapter of this Code, whenever necessary to effectuate the meaning of the section.

- 40/1-1 Title and Declaration of Intent
- 40/1-2 Definitions
  - 40/1-2.02 Dealer
  - 40/1-2.03 Dangerous Drug
  - 40/1-2.05 Highway - State Highway - Interstate Highway -  
Controlled Access Highway - Tollroad
  - 40/1-2.06 Intoxicating Beverage
  - 40/1-2.07 Local Authority
  - 40/1-2.08 Narcotic Drug
  - 40/1-2.09 Operate
  - 40/1-2.10 Operator
  - 40/1-2.11 Owner
  - 40/1-2.12 Person
  - 40/1-2.13 Register
  - 40/1-2.14 Roadway
  - 40/1-2.15 Snowmobile
- 40/2-1 Enforcement

- 40/2-4 Resistance to Officers
  - 40/2-5 False Representation
  - 40/3-1 Operation of Unnumbered Snowmobiles
  - 40/3-2 Identification Number Application
  - 40/3-3 Identification Number Display
  - 40/3-4 Destruction, Sale, Transfer or Abandonment
  - 40/3-5 Transfer of Identification Number
  - 40/3-6 Loss of Certificate
  - 40/3-7 Department Records
  - 40/3-8 Certificate of Number
- (1978 Code §44.02)

B. No portion of this Chapter shall preclude the State or its officers or agents from enforcing the Illinois Snowmobile Registration and Safety Act, under 625 Illinois Compiled Statutes 40/1-1 et seq. (1978 Code §44.05)

#### **6-4-4: REGISTRATION AND DRIVER'S LICENSE REQUIRED:**

A. Registration Of Snowmobiles: All persons owning or operating a snowmobile within the corporate limits of the City shall have registered said snowmobile under the provisions of the State of Illinois Snowmobile Registration and Safety Act <sup>62</sup> before operating it or any snowmobile on any street within the corporate limits of the City. (1978 Code §44.07)

B. Driver's License: No person shall operate a snowmobile within the corporate limits of the City on any roadway unless he is in possession of a valid operator's license issued by the State or is a resident of another state and possesses a valid operator's license from that state, or has a certificate issued by the Department of Conservation (State of Illinois). (1978 Code §44.32; amd. Ord. 96-77-3, 11-19-1996)

#### **6-4-5: SPEED RESTRICTIONS:**

A. Reasonable And Proper: No snowmobile may be driven on any roadway within the corporate limits of the City at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. No snowmobile will, at any time, travel at a speed greater than thirty (30) miles per hour on any street, avenue, drive or any other thoroughfare designed for vehicular travel nor will any snowmobile travel at a speed greater than

fifteen (15) miles per hour in any alley or on any parking lot. The fact that the speed of the snowmobile should not exceed the applicable maximum speed limit does not relieve the driver of the snowmobile from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians 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 a duty of all persons to use due care.

- B. Specific Speed Limits: Unless some other speed restriction is established by the posting of speed limit signs under authority of the City Council, the maximum speed limit for snowmobiles within the corporate limits of the City is as follows:

30 miles per hour unless otherwise posted

15 miles per hour in any alley or parking lot

20 miles per hour in any properly posted school zone

(1978 Code §44.09)

- C. Minimum Speed Regulations: No person shall drive a snowmobile at such a slow speed as to impede or block the normal and reasonable flow or movement of traffic, except when reduced speed is necessary for safe operation of his snowmobile or in compliance with the direction of a peace officer. (1978 Code §44.12)

#### **6-4-6: OPERATING AREAS RESTRICTED:**

- A. Route Designated: The following streets or portions thereof within the corporate limits of the City are declared to be egress and ingress routes for the use of snowmobiles:

Railroad Avenue

- B. Use of Routes Restricted: No person shall operate a snowmobile within the City of Genoa except upon the routes designate herein. The foregoing route shall be used solely for access to and from the unincorporated areas surrounding the City. Nothing herein contained shall be deemed to permit the operation of snowmobiles within the corporate limits other than for access to and from the unincorporated areas.

- C. Signs Posted: The corporate authorities of the City shall post or cause to be posted the above-designated ingress and egress routes as snowmobile routes.
- D. State Highways: No person may operate a snowmobile on any State highway within the corporate limits of the City, except to cross said State highway at a ninety degree (90°) angle, yielding to all traffic and crossing only when it is safe to do so.

#### **6-4-7: OPERATION OF SNOWMOBILES:**

- A. Obedience To Traffic-Control Devices: The operator of any snowmobile shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Chapter, and it shall be unlawful for any snowmobile operator to leave the roadway and travel across any public or private property to avoid an official traffic-control device. (1978 Code §44.25)
- B. Driving On Right Side Of Roadway; Meeting Vehicles: Snowmobiles shall be operated on all roadways, where permissible within the corporate limits of the City as close to the right-hand side of the roadway as possible and in single file. Snowmobiles proceeding in opposite directions shall pass each other to the right, and upon roadways having a width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway, as nearly as possible. (1978 Code §44.13)
- C. Driving To Left Of Center:
  - 1. No snowmobile shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken and without endangering any person or property. (1978 Code §44.14)
  - 2. No snowmobile shall be driven on the left side of the roadway when approaching or upon the crest of a grade or curve or where the driver's view is obstructed or when approaching within one hundred feet (100') of or traversing an intersection or railroad grade or crossing or when the driver's view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct or tunnel, and no driver may pass to the left where signs or markings are in place to define a "No Passing Zone" as indicated by pavement striping or appropriate signing. (1978 Code §44.15)
- D. Right of Way:

1. Generally: Any snowmobile approaching or entering an intersection from a different roadway shall yield the right of way to a vehicle on the opposite roadway which is entering from the right at approximately the same time. The driver of the vehicle or snowmobile on the left must yield the right of way to the vehicle on the right. (1978 Code §44.22)

2. Left Turns: The operator of a snowmobile 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 snowmobile operator having so yielded may proceed at such time as a safe interval occurs. (1978 Code §44.21)

3. Entering Stop Intersections: Except when directed to proceed by a peace officer or traffic-control signal, every operator of a snowmobile approaching a stop intersection indicated by a stop signal or traffic-control signal shall stop before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway behind the stop sign or traffic-control signal where the operator has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the operator of the snowmobile shall yield the right of way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the operator is moving across or within the intersection, but said operator having so yielded may proceed at such time as a safe interval occurs. (1978 Code §44.23)

4. Entering a Yield Intersection: The operator of a snowmobile approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the operator 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 operator is moving across within the intersection. If a snowmobile is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past the yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield the right of way. (1978 Code §44.24)

5. Pedestrians: The operator of a snowmobile shall yield the right of way, slowing down or stopping if need be, to so yield to a pedestrian crossing a roadway within a crosswalk, but in any case, every driver of a snowmobile shall exercise due care to avoid colliding with any pedestrian and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (1978 Code §44.27)

E. Operator Required to Give Signal:

1. Signals Required: A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100') traveled by the snowmobile before turning within a residential district. (1978 Code §44.18)

2. Signal by Hand, Arm or Signal Device: Any stop or turn signal, when required, shall be given either by means of a hand and arm or by electric turn signal device conforming to the requirements of 625 Illinois Compiled Statutes 5/12-208. (1978 Code §44.19)

3. Method of Giving Arm and Hand Signals: All signals required by this Chapter shall be given from the left side of the vehicle in the following manner:

-Left Turn - hand and arm extended horizontally.

-Right Turn - hand and arm extended upward.

-Stop or Decrease Speed - hand and arm extended downward.

(1978 Code §44.20)

F. Following Too Closely: The operator of a snowmobile shall not operate his snowmobile behind another vehicle at a distance more closely than is reasonable and prudent having due regard for the speed of such vehicles and the traffic upon and the condition of the highway on which they are traveling. (1978 Code §44.16)

G. Starting Parked Snowmobile: No operator shall start a snowmobile which is stopped, standing or parked unless and until such movement can be made with reasonable safety. (1978 Code §44.17)

H. Prohibited Operations:

1. Generally: It is unlawful for any person to drive or operate any snowmobile in the following ways:

a. At any time without at least one lighted headlamp and one lighted taillamp on the snowmobile.

b. On the tracks or right of way of any operating railroad.

c. On any sidewalk.

d. On park or school property without written permission from the park board or the school board for their respective properties.

e. On private property without the written or verbal consent of the owner or lessee thereof. (1978 Code §44.36)

2. Harassing Persons or Animals: No person shall use a snowmobile to take, pursue or intentionally harass or disturb any person, wildlife, dog, cat or any animal. (1978 Code §44.38)

3. Reckless Driving: Any person who drives any snowmobile with a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. (1978 Code §44.10)

4. Racing: No persons shall engage in any race on any roadway within the corporate limits of the City. "Race" is defined as the act of two (2) or more individuals competing or racing on any street, or highway in situation in which one of the snowmobiles is beside or to the rear of a snowmobile operated by a competing driver, and the one driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or roadway within the corporate limits. (1978 Code §44.11)

5. Driving While Under the Influence of Liquor or Drugs: No person who is under the influence of intoxicating liquor or narcotic drugs may drive or be in actual physical control of any snowmobile within the corporate limits of the City and further, no person who is an habitual user of or under the influence of intoxicating liquor or any narcotic or who is under the influence of any other drug to a degree which renders him incapable of safely driving a snowmobile may drive or be in actual physical control of any snowmobile within the corporate limits of the City. (1978 Code §44.28)

6. Obstruction of Operator's View or Driving Mechanism: No person shall operate a snowmobile when it is loaded with passengers or other items or materials so as to obstruct the operator's view or his operation of the driving mechanism. (1978 Code §44.30)

7. Obstructing Roadways: No operator of any snowmobile shall wilfully or unnecessarily hinder, obstruct, delay or attempt to hinder, obstruct or delay any other person lawfully driving or traveling along or upon any roadway within the corporate limits of the City. (1978 Code §44.31)

## **6-4-8: SNOWMOBILE EQUIPMENT:**

### **A. Lights:**

1. Headlamp: All snowmobiles in operation shall display at least one lighted headlamp, white in color, having a minimum candle power of sufficient intensity to exhibit a white light plainly visible from a distance of at least five hundred feet (500') ahead during hours of darkness under normal atmospheric conditions.

2. Taillights: All snowmobiles, while in operation, shall display at least one red taillight having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during hours of darkness under normal atmospheric conditions.

- B. Brakes: All snowmobiles shall have an operating brake system in good mechanical order.
- C. Mufflers: No snowmobile shall be sold or offered for sale or operated unless it is equipped with a sound-muffling device installed or recommended by the manufacturer, and under no circumstances shall this muffler device be modified or removed by the owner or operator except in the actual course of repairing or replacing a worn or damaged muffling device. (1978 Code §44.08)
- D. Clear Vision: No person shall operate a snowmobile when it is so loaded with passengers as to obstruct the operator's view of his operation of the driving mechanism.
- E. Such other equipment as may from time to time be required by the State of Illinois.

#### **6-4-9: PROHIBITED ACTS AND CONDITIONS:**

- A. Consumption, Transporting Liquor or Drugs: No person shall consume any alcoholic liquor or narcotic drug or any other drug while operating or being in physical control of any snowmobile within the corporate limits of the City, and any alcoholic liquor transported in or on a snowmobile shall be in its original container or package with the seal unbroken. (1978 Code §44.29)
- B. Possession of Firearms: No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his possession, unless it is unloaded and enclosed in a carrying case and rendered inoperable. (1978 Code §44.33)
- C. Littering: No person shall deposit from a snowmobile on the snow, ice or ground surface any trash, glass, garbage, insoluble material or other offensive matter. (1978 Code §44.37)
- D. Obstructing Roadways: No operator shall willfully or unnecessarily hinder, obstruct or delay or attempt to delay, hinder or obstruct any other person lawfully driving or traveling along or upon any roadway within the corporate limits.
- E. Driving on sidewalks and in parks: No snowmobiles shall be operated within the City limits on any parkway or sidewalk, nor within any public park, unless such public park be posted for use by snowmobiles.

#### **6-4-10: ACCIDENTS:**

Operators of snowmobiles involved in any accident with another snowmobile or any other motor vehicle, vehicle or pedestrian shall make an accident report in accordance with the provisions of the Illinois State Snowmobile Registration and Safety Act, 625 Illinois Compiled Statutes, article VI, section 40/6-1. (1978 Code §44.26)

#### **6-4-11: LIABILITY:**

- A. Except as specifically recognized by or provided in subsection C of this Section, the City or any owner or occupant of any premises or property under the care of the City owes no duty to keep the premises or property safe for entry or use by others for snowmobiling or give warning of any unsafe condition or use of or structure or activity on such premises or property.
- B. The City and any owner, lessee or occupant of any premises or property who gives permission to another to snowmobile upon such premises or property does not thereby 1) extend any assurance that the premises or property are safe for such purpose, 2) assume responsibility for or incur liability for any injury to person or property caused by any act or omission of persons to whom the permission is granted or 3) confer upon such persons the legal status of an invitee or a licensee to whom a duty of care is owed.
- C. Nothing in this Chapter limits in any way any liability which otherwise exists 1) for wilful and malicious failure to guard or warn against a dangerous condition, use, structure or activity and 2) for injury suffered in any case where the owner of land charges the person who enters or goes on the land to snowmobile; except, that for any land leased by the City or a subdivision thereof, any consideration received by the owner is not a charge within the meaning of this Section.
- D. Nothing in this Chapter shall be construed to 1) create a duty of care or ground of liability for injury to persons or property or 2) relieve any person using the land of another for snowmobiling purposes from any obligation which that person may have in the absence of this Chapter to exercise care in his use of such land and in his activities thereon or from the legal consequences of failure to employ such care. (1978 Code §44.39)

#### **6-4-12: INSPECTIONS; ENFORCEMENT OF PROVISIONS:**

- A. Inspections: Duly authorized peace officers may stop and inspect any snowmobile at any time for the purpose of determining if the provisions of this Chapter are being complied with. If the inspecting officer discovers any violation of the provisions of this Chapter, he may issue a summons to the operator of such snowmobile requiring that the operator appear before the circuit court for the county in which the offense was committed. Every snowmobile subject to this Chapter, if underway and upon being hailed by a designated law enforcement officer, must stop immediately.
- B. Arrests: It is the duty of all peace officers to arrest any person detected in violation of any of the provisions of this Chapter.
- C. Resisting Officers Prohibited: It is unlawful for any person to resist or obstruct any peace officer in a discharge of his duties under this Chapter. (1978 Code §44.06)

### **6-4-13: VIOLATION; PENALTY:**

Any person who violates any section of this Chapter shall be guilty of an ordinance violation and subject to the penalties provided by the terms of Section 1-4-1 of this Code, as amended from time to time. (1978 Code §44.40)

## **CHAPTER 5 ABANDONED AND INOPERABLE VEHICLES**

### **SECTION:**

- 6-5-1: Definitions**  
**6-5-2: Abandonment of Vehicles**  
**6-5-3: Citizens to Report**  
**6-5-4: Removal of Abandoned Vehicle**  
**6-5-5: Notification of Owner of Towed Vehicle**  
**6-5-6: Reclamation of Vehicle by Owner**  
**6-5-7: Sale, Disposal of Vehicles**  
**6-5-8: Declared Nuisance**  
**6-5-9: Nonliability of City and Towing Service**  
**6-5-10: Exemption from provision**

### **6-5-1: DEFINITIONS:**

For the purpose of this Chapter, the following words shall have the meanings ascribed to them as follows:

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

**ANTIQUUE VEHICLE:** Any motor vehicle or other vehicle that is more than twenty five (25) years of age.

**HIGHWAY:** Any street, alley or public way within the City.

**INOPERABLE MOTOR VEHICLE:** A motor vehicle which is twenty five (25) years of age or less, the engine, wheels, or other parts of which have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. It shall be presumed that any motor vehicle without a current vehicle registration plate is an inoperable motor vehicle. However, this presumption shall not be construed as limiting the introduction of any relevant and competent evidence bearing upon the question of whether or not the vehicle can be driven under its own power. The phrase shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair service.

### **6-5-2: ABANDONMENT OF VEHICLES:**

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle in any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Municipality is unlawful. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of the Police Department of the Municipality. The vehicle shall be tagged by the Chief of Police and may be removed after seven (7) days or more has expired.

### **6-5-3: CITIZENS TO REPORT:**

When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is

within the corporate limits of the City. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter.

#### **6-5-4: REMOVAL OF ABANDONED VEHICLE:**

- A. When a motor vehicle or other vehicle is abandoned on a highway in this Municipality ten (10) hours or more, its removal by a towing service may be authorized by order of the Chief of Police Department of this Municipality.
- B. When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of the Police Department.
- C. When vehicle removal from either public or private property is authorized by order of the Police Chief, the owner of the vehicle will be responsible for all towing costs.
- D. When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacture's trade name, manufacturers' series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

#### **6-5-5: NOTIFICATION OF OWNER OF TOWED VEHICLE:**

- A. When the Police Department does not know the identity of the registered owner or other legally entitled person, it will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
- B. The Police Department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle.

When the Illinois State police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information.

- C. When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of the owner.

#### **6-5-6: RECLAMATION OF VEHICLE BY OWNER:**

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.

#### **6-5-7: SALE, DISPOSAL OF VEHICLE:**

- A. Owner Notified, Public Sale: Whenever an abandoned, lost, or stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address

obtained from the registration records of this State, the sending of a second certified notice will not be required.

**B. Owner Unknown, Vehicle Sold or Junked:**

1. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided herein or disposed of in the manner authorized by this Chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.
2. When an abandoned vehicle of more than seven (7) years of age is impounded as specified within this Chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen motor vehicles files for theft and wanted information. At the expiration of the ten (10) day period. Without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

**C. Record of Sale or Disposal:** When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Section, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.

**D. Proceeds of Sale:** When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Chief of Police and disposed of as set forth in this Section, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Municipal Treasury.

**6-5-8: DECLARED NUISANCE:**

The parking or storing of any inoperable motor vehicle in the public view on any property within the City is hereby declared to be a nuisance and governed under Section 4-2-4. This Section shall not apply to: (1) motor vehicles on the premises of a place of business engaged in wrecking or junking motor vehicles; or (2) motor vehicles that are enclosed within a building.

### **6-5-9: NONLIABILITY OF CITY AND TOWING SERVICE:**

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Section.

### **6-5-10: EXEMPTION FROM PROVISIONS:**

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Section