

Title 10 VEHICLES AND TRAFFIC

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- 10.04 TRAFFIC CODE**
- 10.08 UNAUTHORIZED VEHICLES ON PRIVATE PROPERTY**
- 10.12 STOPPING, STANDING AND PARKING**
- 10.16 SNOW EMERGENCIES**

Chapter 10.04 TRAFFIC CODE

Sections:

- 10.04.010 Adoption of traffic code.**
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Section 10.04.010 Adoption of traffic code.

The following chapters or articles of a certain document, three copies of which are on file in the office of the City Clerk of the City of Olney, being marked and designated as the 1998 Illinois Vehicle Code as published by the Secretary of State, state of Illinois, as amended from time to time, be, and are hereby, adopted by reference as the traffic code of the City of Olney in the state of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, and made a part hereof as if fully set out in this chapter:

- A. 625 ILCS Ch. 5/4 Art. II (Abandoned, Lost, Stolen or Unclaimed Vehicles);
- B. 625 ILCS Ch. 5/11 (Illinois Rules of the Road);
- C. 625 ILCS Ch. 5/12 (Illinois Vehicle Equipment Law); and
- D. 625 ILCS Ch. 5/15 (Illinois Size and Weight Law). (Ord. 98-149 § 1)

Section 10.04.020 Violations of traffic code--Penalties.

Any person who shall violate a provision of Chapter 5/4 Article II (Abandoned, Lost, Stolen or Unclaimed Vehicles), Chapter 5/11 (Illinois Rules of the Road), Chapter 5/12 (Illinois

Vehicle Equipment Law) or Chapter 5/15 (Illinois Size and Weight Law) in the Illinois Vehicle Code, as amended from time to time, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), plus costs, except for parking violations established by other ordinances for which different fines are imposed. (Editorially amended pursuant to Ord. ⁱ2014-20 & § 1.08.030: Ord. 98-149 § 2)

Section 10.04.030 Copy for inspection.

The City Clerk of the City is directed to keep at least three copies of the adopted chapters and articles of the Illinois Vehicle Code, as amended from time to time, on file in the office of the City Clerk for public use, inspection and examination. (Ord. 98-149 § 3)

Section 10.04.040 Savings clause.

Nothing in this chapter or in the chapters and articles of the Illinois Vehicle Code, as amended from time to time, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance repealed as cited in Section 4 of the ordinance codified in this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter. (Ord. 98-149 § 5)

Section 10.04.050 Negligent driving.

A. It is unlawful for any person upon any street, in any parking lot or in any area accessible to the public, to needlessly race the motor of any motor vehicle, needlessly bring to a sudden start or stop any motor vehicle or make a U-turn or any other maneuver with a motor vehicle which causes the tires to screech or squeal, which results in a deposit of tire rubber or a tire mark on the surface of the street or parking lot, or which, because of excessive acceleration, causes the drive wheels of the vehicle to spin so rapidly that full traction is not maintained between the tire and street or parking lot surface. This section shall not apply when additional acceleration is needed to remove a vehicle from ice, snow, gravel or mud.

B. Any person violating any provision of this section shall, upon a judicial finding of such violation, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). (Editorially amended pursuant to Ord. ⁱⁱ2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 84-12 §§ 1, 2)

Section 10.04.060 Temporary closure of or load limits on alleys and alleyways.

A. Existing alleys and alleyways within the City may be temporarily closed or temporarily posted with a load limit of five tons by action of the City Manager of the City of Olney, taken by the posting of the appropriate directional signs or street signs as authorized by

"An Act in Relation to the Regulation of Traffic" (605 ILCS 5/6-201.11). If the City Manager is of the opinion that temporary closing or limitation of loads upon said alleyways is in the public and economic interests and that the temporary closing will not materially interfere with the flow of traffic in the City, then upon the posting of said alleyways with the appropriate signs giving notice of the closure or load limit on said alley, it shall be unlawful for anyone to do one of the following acts:

1. Operate any motor vehicle upon an alleyway which has been posted as temporarily closed;
 2. Operate a motor vehicle having a gross weight in excess of five tons on an alleyway posted load limit five tons.
- B. The City Manager may temporarily close the alleyway or post the alley with a load limit for a period of time not to exceed ninety (90) days.
- C. Violation--Penalty. Any person who shall violate any of the provisions of this section or fail to comply therewith shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Editorially amended pursuant to Ord. ⁱⁱⁱ2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 81-11 §§ 1-3)

Section 10.04.070 Sound Amplification Systems.

A. No person shall play, use, operate, or permit to be played, used or operated, a device for receiving broadcast sound or reproducing recorded sound in any motor vehicle on the public way, or place accessible to the public, in a manner or at a volume such that the sound generated by the device is clearly audible to a person with normal hearing at a distance greater than seventy-five (75) feet. This section shall not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event or for which a permit has been issued, if applicable.

B. Violation - Penalty. Any person who violates this section shall be subject to a fine of \$150.00 upon conviction of a first offense, a fine of \$250.00 upon conviction of a second offense committed within a one-year period, a fine of \$500.00 upon conviction of a third offense committed within a one-year period, and a fine of \$750.00 for conviction of a fourth or subsequent offense committed within a one-year period. (Ord. ^{iv}10-32 § 1)

Section 10.04.080 Low-speed vehicles prohibited.

A. Definition: Low-speed vehicle. Any 4-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that conforms with the federal motor vehicle safety standards set for in 49 C.F.R. Part 571.500.

B. Low-speed vehicles prohibited. It shall be unlawful for any person to drive or operate a low-speed vehicle upon any street under the jurisdiction of the City of Olney where the posted speed limit is 30 miles per hour or less.

C. Violation - Penalty. Any person who violates a provision of this Section shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred dollars (\$750.00) for each offense. Each occurrence of a violation constitutes a separate offense

and may be punished separately. (Editorially amended pursuant to Ord. ^v2014-20 & § 1.08.030: Ord. ^{vi}10-43 § 1)

Chapter 10.08

UNAUTHORIZED VEHICLES ON PRIVATE PROPERTY

Sections:

10.08.010 Towing of unauthorized vehicles on private property.

Section 10.08.010 Towing of unauthorized vehicles on private property.

A. A person, other than a driver or a person otherwise in control of a fire, police, emergency or public utility vehicle on official business, consents to removal by towing of his or her vehicle when he or she, without authorization, parks such vehicle upon private property while having notice that unauthorized vehicles will be towed from such property by the owner of such property, or agent thereof, at the vehicle owner's expense, where such notice is provided pursuant to subsection B of this section. However, the requirement of subsection B of this section for a sign shall not apply to residential property which, paying due regard to the circumstances and the surrounding area, is generally reserved or intended exclusively for the use or occupation of residents or their vehicles.

B. Notice. Residential property which, paying due regard to the circumstances and the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles, need not meet the requirements for the sign provided for in this section. Otherwise, all owners of private property who intend to remove unauthorized vehicles parked upon their private property shall give proper notice that vehicles parked upon such private property will be towed by the owner of such property, or his or her agent thereof, at the vehicle owner's expense; such notice must include a sign of at least twenty-four (24) inches in height by thirty-six (36) inches in width posted in a conspicuous place in the affected area of said private property at least four feet from the ground but not more than eight feet from the ground. Further, such signs shall be either illuminated or painted with reflective paint, or both, and shall state the amount of towing charges to which the person may be subjected.

C. Notice to Police. Before any such owner of private property, or his or her agent thereof, shall remove by towing any unauthorized vehicle parked upon such private property, the owner of such private property, or his or her agent thereof, shall telephone the Olney Police Department and indicate the make of the vehicle, the color of the vehicle, the license number of the vehicle, and the place to which the vehicle is being towed. (Ord. 80-25 §§ 1--3)

Chapter 10.12

STOPPING, STANDING AND PARKING

Sections:

- 10.12.010 Purpose.**
- 10.12.020 Definition of words and phrases.**
- 10.12.030 Stopping, standing or parking outside of business or residence district.**
- 10.12.040 Angle parking--One-way roadways.**
- 10.12.050 Unattended motor vehicles.**
- 10.12.060 No parking places.**
- 10.12.070 Street cleaning.**
- 10.12.080 Time limit parking.**
- 10.12.090 Towing cars away.**
- 10.12.100 Vehicles for sale.**
- 10.12.110 Loading zone.**
- 10.12.120 Loading and unloading on residential streets.**
- 10.12.130 All night parking.**
- 10.12.140 Alleys.**
- 10.12.150 Cab stands and bus stands.**
- 10.12.160 Enforcement, fines and penalties.**
- 10.12.170 Impoundment for unpaid violations.**

Section 10.12.010 Purpose.

This chapter shall regulate parking, standing, or stopping of vehicles within the corporate limits of the City of Olney, Illinois. (Ord. 77-44 § 1)

Section 10.12.020 Definition of words and phrases.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires and except where another definition set forth in another section of this chapter and applicable to that section or a designated part thereof is applicable:

"Alley" means a public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

"Authorized emergency vehicle" means emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the Fire Department and ambulances.

"Bus" means every motor vehicles designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"Business district" means the territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

"Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

"Crosswalk" means:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface places in accordance with the provisions of City ordinance.

"Driver" means every person who drives or is in actual physical control of a vehicle.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Improved highway" means any roadway of concrete, brick, asphalt, macadam and crushed stone or gravel.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

1. Where a highway includes two roadway forty (40) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.
2. The junction of an alley with a street or highway does not constitute an intersection.

"Motor vehicle" means 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.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractor.

"Motor-driven cycle" means every motorcycle, every motor scooter, or every bicycle with motor attached, with less than one hundred fifty (150) cubic centimeter piston displacement.

"Official traffic-control devices" means all signs, signals, markings and devices which conform with the State Manual and are not inconsistent with the Illinois Vehicle Code or City ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

"Owner" means a person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such motor vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

"Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

"Parkway" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, where no hard-surface walkway exists and not intended for use by pedestrians.

"Passenger car" means a motor vehicle of the First Division, including a multipurpose passenger vehicle, that is designed for carrying not more than ten persons.

"Person" means every natural person, firm, copartnership, association or corporation.

"Physically handicapped person" means every natural person who has permanently lost the use of a leg or both legs or an arm or both arms or any combination thereof or any person who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair.

"Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic or parking regulations.

"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other person.

"Railroad-highway grade crossing" means the intersection of stationary rails owned or used in the operation of a railroad corporation across a highway.

"Railroad signs or signals" means any sign, signal or device other than an official traffic-control device erected in accordance with the laws governing same and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Registration" means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

"Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

"Roadway" means 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 or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Specially constructed vehicle" means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its originally construction.

"Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic-control sign or signal.

"Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobiles Registration and Safety Act. (Ord. 77-44 § 2)

Section 10.12.030 Stopping, standing or parking outside of business or residence district.

A. Outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

B. The City, with respect to highways under its jurisdiction or for the maintenance of which it is responsible, may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any street or highway where in its opinion such stopping, standing or parking is dangerous to those using the street or highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Any such regulations adopted by the City regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways become effective at the time of the erection of appropriate signs indicating such regulations.

C. This section shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, but shall be moved as soon as possible by the owner or operator of such vehicle, unless such vehicle shall cause a traffic hazard and then shall be caused to remove immediately by any Police Officer of the City at the owner's expense. (Ord. 77-44 § 3(1))

Section 10.12.040 Angle parking--One-way roadways.

A. Where angle parking is not permitted, every vehicle stopped or parking upon a roadway shall be so stopped or parked with the right hand wheels of such vehicle parallel with and within twelve (12) inches of the right hand curb or edge of the roadway. Where angle parking is permitted and the streets are marked for angle parking, vehicles shall park at the angle to the curb indicated by such marks.

B. Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped, or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right hand wheels within twelve (12) inches of the right hand curb or edge of the roadway, or its left hand wheels within twelve (12) inches of the left hand curb or edge of the roadway. (Ord. 77-44 § 3(2))

Section 10.12.050 Unattended motor vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. (Ord. 77-44 § 3(3))

Section 10.12.060 No parking places.

It is unlawful to permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic-control device:

- A. In any intersection;
- B. In a crosswalk;
- C. Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto;
- D. Between a safety zone and the adjacent curb or within thirty (30) feet of a point of the curb immediately opposite the end of a safety zone;
- E. Within thirty (30) feet of a traffic signal, beacon or sign on the approaching side;
- F. Within twenty (20) feet of any intersection or crosswalk;
- G. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen (18) feet;
- H. Within fifteen (15) feet of a fire hydrant;
- I. At any place where the vehicle would block the use of a driveway;
- J. Within fifty (50) feet of the nearest rail or a railroad grade crossing;
- K. Within twenty (20) feet of the driveway entrance to any Fire Department station and on the side of the street opposite the entrance to any such station within seventy-five (75) feet of such entrance when properly sign posted;
- L. On any sidewalk or any portion thereof; provided, however, that the sidewalk may be used when necessary for construction and remodeling purposes when the following conditions are satisfied: (1) the sidewalk must be blocked off in such a manner as to prevent the use of the sidewalk by pedestrians, provided, however, that if construction or remodeling shall continue for more than fourteen (14) calendar days, a specific area must be roped off and designated for pedestrian traffic; (2) all materials, barriers and vehicles must be removed from the sidewalk after each work day, if possible; and (3) the City must be notified in advance of the use of the sidewalk for construction and remodeling purposes;
- M. At any place where official signs prohibit parking;
- N. On the traffic side of any legally or illegally parked vehicle (double parking);
- O. At any place where official signs reserve a parking space for any individual who is handicapped or otherwise deemed by the City Council to be in need of a special reservation. For example, a space may be reserved for a doctor, so that he or she may respond quickly to emergency calls. (Ord. 85-31 § 1; Ord. 81-12 § 1; Ord. 77-44 § 3(4))

Section 10.12.070 Street cleaning.

It is unlawful to park any vehicle on any public street or portion thereof in the City at any time when such street is being cleaned or snow removed. Signs indicating such cleaning or snow removal shall be posted before such work is done. (Ord. 77-44 § 3(5))

Section 10.12.080 Time limit parking.

A. Except on Sundays or holidays, it is unlawful to park any vehicle for a longer consecutive period of time than that designated between the hours of nine a.m. and five p.m. in any area designated as a time-limit parking area and so posted.

B. It is unlawful to park any vehicle for a period of time in excess of the amount of time designated by ordinance when so posted and designating days and hours other than those specified in subsection A of this section.

C. Effective October 15, 1980, or as soon thereafter as lawful and as parking meters are covered giving notice as follows:

TWO HOURS FREE PARKING COMPLIMENTS CITY OF OLNEY

It is unlawful to park any vehicle for a period of time in excess of two hours when any temporary sign or permanent sign is posted giving notice thereof. For purpose of this subsection, signs with the notice designated above shall be sufficient notice to the public of this restriction. Hereafter, if said restriction is made permanent by ordinance duly passed, the sign shall read as follows:

LIMIT TWO HOUR PARKING ONLY

This restriction shall be effective for all areas of the City so designated by proper posting.

D. All parking meters within the city limits of the City of Olney shall be removed at the direction of the City Manager. Signs designating a two-hour parking limit shall be installed in the two-hour-limit parking zones at the direction of the City Manager.

E. The Chief of Police and the City Manager of the City shall have complete authority to determine the frequency with which the time-limit parking areas are policed and supervised.

F. This section shall not apply to physicians subject to emergency or hospital call who exhibit the appropriate sticker on their vehicle designating said exemption. The City Manager of the City shall designate an appropriate sticker for said purpose. Physicians subject to emergency and hospital call may exhibit the appropriate sticker on their vehicles upon having secured approval by the City Council of the City.

G. Enforcement, Fines and Penalties. This section shall be fully subject to the provisions of Sections 10.12.160 and 10.12.170. Specifically, if the owner or driver of any vehicle shall park in any space designated as two-hour parking for a time in excess of two hours and shall be ticketed for violation of this chapter, such owner or driver shall pay to the City Clerk of the City the sum of two dollars (\$2.00) within five days of the violation and such payment shall be in full satisfaction for the violation. If such payment is not paid within five days of the violation, but is made within thirty (30) days of the violation, the sum of five dollars (\$5.00) shall be the penalty for such violation and such payment shall be in full satisfaction for the violation. If such payment is not made within thirty (30) days of the violation, the sum of ten dollars (\$10.00) shall be the penalty for such violation. The other provisions of Sections 10.12.160 and 10.12.170 shall fully apply. (Ord. 83-45 § 1; Ord. 82-54 § 1; Ord. 81-48 §§ 1, 2, 4; Ord. 80-35 §§ 1, 2; Ord. 77-44 § 3(6))

Section 10.12.090 Towing cars away.

The Police Department and all members thereof assigned to traffic duty are authorized to remove and tow away or have removed and towed away by commercial towing service, or require the driver or other person in charge of the vehicle to move the same, 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; or any vehicle which has been parked in any public street or other public place for a period of twenty-four (24) consecutive hours. Cars so towed away shall be stored on any City property or in public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing such vehicles. (Ord. 77-44 § 3(7))

Section 10.12.100 Vehicles for sale.

It is unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any street from which vehicle merchandise is peddled or sold. (Ord. 77-44 § 3(8))

Section 10.12.110 Loading zone.

It is unlawful for the driver of a vehicle to stand such vehicle for a period of time longer than is necessary for the loading or unloading of passengers, merchandise, or freight in any place designated by the City Council as a loading zone and marked as such, or in any of the following designated places:

- A. Any place not to exceed seventy-five (75) feet along the curb before the entrance to any hospital or hotel at any time;
- B. At any place not to exceed seventy-five (75) feet along the curb line before the entrance to a public building between eight a.m. and six p.m. except on a Sunday;
- C. Directly in front of the entrance to any theater at any time the theater is open.

(Ord. 77-44 § 3(4))

Section 10.12.120 Loading and unloading on residential streets.

A. No person operating a motor vehicle with more than six tires in contact with the ground or road surface shall stand or park such vehicle upon any street where the primary use of the structures fronting upon said street is for residential purposes, except for the purpose of making a delivery or pickup of merchandise or material, in which event such standing or parking shall be permitted for a period not to exceed one hour; provided, however, that trucks engaged in the transporting of household possessions of persons moving into or out of a dwelling unit shall be permitted to park or stand said truck in front of the residence of a person so moving for a period not to exceed eight hours.

B. No person owning or operating a camping trailer, motor home, boat and/or trailer shall stand or park such equipment upon any street where the primary use of the structures fronting thereon is for residential purposes except for the purpose of loading, unloading, or cleaning up such equipment, in which event such standing or parking shall be permitted for a period not to exceed two hours.

C. Violation--Penalty. Anyone in violation of this section shall be fined ten dollars (\$10.00) for the first offense and twenty-five dollars (\$25.00) for each offense thereafter. Each day a violation of this section continues shall be considered a separate offense. (Ord. 88-34 §§ 1, 2; Ord. 79-23 §§ 1--3)

Section 10.12.130 All night parking.

No person shall park any vehicle between the hours of two a.m. and six a.m. of any day except physicians on emergency calls, on any streets in the municipality, when properly signed "no all night parking." (Ord. 77-44 § 3(10))

Section 10.12.140 Alleys.

No person shall park a vehicle within an alley except for the purpose of loading and unloading merchandise and then in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (Ord. 77-44 § 3(11))

Section 10.12.150 Cab stands and bus stands.

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone. (Ord. 77-44 § 3(12))

Section 10.12.160 Enforcement, fines and penalties.

A. The Chief of Police and the Police Officers of the City shall enforce the provisions of this chapter and shall attach to every vehicle parking in violation of any of the provisions of this chapter a parking summons and complaint directed to the owner or driver of the said vehicle giving notice of the violation of one or more regulations of this chapter. The parking summons and complaint shall also set forth the fines and penalties for said violation and the manner in which same can be paid and satisfied.

B. If the owner or driver of the vehicle in violation of this chapter shall pay to the City Clerk of the City the sum of five dollars (\$5.00) within five days of the violation, such payment shall be in full satisfaction for the violation. If such payment is not paid within five days of the violation, but is made within thirty (30) days of the violation, the sum of ten dollars

(\$10.00) shall be the penalty for such violation. If such payment is not made within thirty (30) days of the violation, the sum of twenty-five dollars (\$25.00) shall be the penalty for such violation. (Ord. 97-17 § 2; Ord. 77-44 § 4(A) and (B))

Section 10.12.170 Impoundment for unpaid violations.

A. Whenever it is determined that any vehicle owner has five or more unpaid parking summons and complaints and such condition has existed for a period of thirty (30) days, the Olney City Manager shall send notice of such condition by certified mail to the registered owner of the vehicle. The notice shall state the date and nature of each parking summons and complaint and the amount presently due and shall inform the vehicle owner of the following procedures:

1. The vehicle owner may obtain a review of the parking summons and complaints by giving written notice to the Olney City Manager within thirty (30) days of the mailing of the notice of unpaid parking summons and complaints, requesting an adjustment conference with the Olney City Manager.

2. If within thirty (30) days of the mailing of the notice of unpaid parking summons and complaints the vehicle owner has not either given written notice requesting an adjustment conference or paid the full amount of the unpaid parking summons and complaints, it shall be deemed that he or she has waived the right to the adjustment conference, and the full unpaid amount of the parking summons and complaints shall be due immediately.

3. If the vehicle owner fails either to give written notice requesting an adjustment conference or to pay the full amount of the unpaid parking summons and complaints within the prescribed time period, all vehicles owned by the owner shall be subject to impoundment as described in subsection C of this section.

B. The Olney City Manager shall schedule an adjustment conference to be held not less than ten nor more than twenty (20) days after he or she received written notice from the vehicle owner requesting the conference. After a review of the parking summons and complaints at the conference, the Olney City Manager shall determine the amount due up to the full amount of the unpaid parking summons and complaints and shall inform the vehicle owner of his or her decision. Unless other arrangements for payment are made with the Olney City Manager, the amount due shall be paid within fifteen (15) days. If after reaching an agreement with the Olney City Manager concerning payment of the parking summons and complaints the vehicle owner fails to make any payment when due, all vehicles of such owner shall thereupon be subject to impoundment as described below until all payments then due are made. The Olney City Manager shall have full authority to make binding agreements concerning amounts due, if any, and may agree to payment and other terms which he or she deems to be in the best interests of the City.

C. When any vehicle owner within thirty (30) days of the mailing of the notice of unpaid parking summons and complaints required by subsection A of this section has not either paid the full amount of the unpaid parking summons and complaints or given written notice to the Olney City Manager requesting an adjustment conference, or when any vehicle owner after an agreement with the Olney City Manager as described in subsection B of this section fails to make any payment when due and such payment has not yet been made, all vehicles of such owner thereafter found parked and unattended on a public right-of-way in the City by any Police Officer is declared a public nuisance, which may be abated by having such vehicle impounded there, or towed to a storage area and impounded therein. Public right-of-way shall include the

entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

D. The City may exercise the powers and functions enacted by this chapter, provided, however, that the authorization to impound vehicles for excessive unpaid parking violations shall not be the exclusive remedy of the City or its agents. The Police Officers of the City, after making note of the license number of the vehicle (and the name of the offender where possible) may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such case. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

E. Any owner of a vehicle impounded under subsection C of this section may have the vehicle removed from the storage area by paying all costs incurred in towing storing the vehicle, which costs shall not exceed the actual cost of towing and two dollars (\$2.00) a day in storage charges, together with the full amount due on the unpaid parking summons and complaints.

F. The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facia proof that such person was in control of the vehicle at the time of such parking.

G. It shall not be a defense to the prima facie proof defined in subsection F of this section that the vehicle at the time of a violation was in the control of a family member of the registered owner or that the registered owner loaned or leased the vehicle to another person.

H. The Olney City Manager may designate others to exercise powers and perform functions provided in this section. (Ord. 79-39 § 1; Ord. 77-44 § 4(C))

Chapter 10.16

SNOW EMERGENCIES

Sections:

- 10.16.010 Short title.**
- 10.16.020 Definitions.**
- 10.16.030 Parking on snow emergency routes.**
- 10.16.040 Public announcement.**
- 10.16.050 Termination of prohibition.**
- 10.16.060 Stalled vehicle on snow emergency routes.**
- 10.16.070 Provisions temporarily effective to take precedence.**
- 10.16.080 Signs to mark snow emergency routes.**
- 10.16.090 Removal, impounding, and return of vehicles.**
- 10.16.100 Citation.**
- 10.16.110 Snow emergency routes designated.**
- 10.16.120 Violation--Penalty.**

Section 10.16.010 Short title.

This chapter shall be known and may be cited as the snow emergency ordinance of the City of Olney. (Ord. 79-3 § 1)

Section 10.16.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Director" means the City Manager or, in his or her absence, the City Manager's duly designated and acting representative.

"Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

"Snow emergency routes" means those streets marked as such in accordance with the provisions of this chapter.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Ord. 79-3 § 2)

Section 10.16.030 Parking on snow emergency routes.

A. Whenever the Director finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicular traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing or other purposes, the Director shall put into effect a parking prohibition on all parts of or all snow emergency routes as necessary by declaring it in a manner prescribed by this chapter.

B. Notwithstanding the provisions of subsection A of this section, a parking prohibition shall automatically go into effect on any part of any snow emergency route on which there has been an accumulation of snow and ice of two inches or more for one hour or more between six a.m. and eleven p.m. of any day.

C. Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Director in accordance with this chapter, except that any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. (Ord. 79-3 § 3)

Section 10.16.040 Public announcement.

A. The Director shall cause each declaration made by him or her pursuant to this chapter to be publicly announced by means of broadcast or telecast from stations with a normal operating range covering the City, and he or she may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall

describe the action taken by the Director, including the time it became or will become effective, and specify the streets or areas effected.

B. The Director shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section. (Ord. 79-3 § 4)

Section 10.16.050 Termination of prohibition.

Whenever the Director shall find that some or all of the conditions which give rise to parking prohibition in effect pursuant to this chapter no longer exist, he or she may declare the prohibition terminated, in whole or in part, in a manner prescribed by this chapter, effective immediately upon announcement. (Ord. 79-3 § 5)

Section 10.16.060 Stalled vehicle on snow emergency routes.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this chapter, on any part of a snow emergency route on which there is a covering of snow, sleet or ice or which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route into the first cross street which is not a snow emergency route. No person shall abandon or leave his or her vehicle in the roadway of a snow emergency route, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay. (Ord. 79-3 § 6)

Section 10.16.070 Provisions temporarily effective to take precedence.

Any provision of this chapter which becomes effective by declaration of the Director or upon the occurrence of certain weather conditions, shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a Police Officer. (Ord. 79-3 § 7)

Section 10.16.080 Signs to mark snow emergency routes.

On each street designated by this chapter as a snow emergency route, the Director shall post special signs at intervals recommended by the state of Illinois Department of Transportation and containing the following wording:

Snow Route. No parking during Snow Emergency. Tow Away Zone

These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway. (Ord. 79-56 § 1)

Section 10.16.090 Removal, impounding, and return of vehicles.

A. Members of the Olney Police Department are authorized to remove or have removed a vehicle from a street to the nearest place of safety (including another place on a street) or to a garage designated or maintained by the Police Department, or other area otherwise maintained by this City, when:

1. The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect;

2. The vehicle is stalled on a part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this chapter;

3. The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or is about to interfere with snow removal operations.

B. Whenever any officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reason therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever any officer removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as herein before provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, and time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.

D. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he or she shall present to a member of the Police Department evidence of his or her identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, not to exceed twenty-five dollars (\$25.00), and shall pay any cost incurred for storage. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of the Illinois Revised Statutes.

E. It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this section. The records shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved. (Ord. 79-3 § 9)

Section 10.16.100 Citation.

Whenever any motor vehicle without a driver is found parked or left in any violation of any provision of this chapter, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on the form provided by the City, for the driver to answer to the charge against him or her within ten days during the hours and at a place specified in the citation. Failure to comply with traffic citations attached to vehicles as provided herein shall subject the violator to the normal due processes of law as provided for in the state of Illinois. (Ord. 79-3 § 10)

Section 10.16.110 Snow emergency routes designated.

The streets or portions of streets within the City designated on the map of the City of Olney attached to the ordinance codified in this chapter are further designated as snow emergency routes. (Ord. 79-3 § 11)

Section 10.16.120 Violation--Penalty.

Every person convicted of a violation of any provision of this chapter shall be punished by a fine of five dollars (\$5.00) to be enforced by a slap-on ticket. (Ord. 79-3 § 12)

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- ⁱ (2014-20, Amended, 06/23/2014, Amount of fine throughout code amended from \$60 to \$75)
 - ⁱⁱ (2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)
 - ⁱⁱⁱ (2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)
 - ^{iv} (2010-32, Added, 07/26/2010, Added Section 10.04.070 - Sound Amplification Systems)
 - ^v 2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75
 - ^{vi} 2010-43, Added, 09/27/2010, Add Section 10.04.080 to Chapter 10.04