

## **ORDINANCE NO. 07-02**

### **PARKING RULES**

#### **5-4-1: NO PARKING PLACES:**

At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

- (A) Intersections: In any intersection.
- (B) Crosswalks: In a crosswalk.
- (C) Safety Zones: Between any safety zone.
- (D) Intersections and crosswalks: Within twenty feet (20') of any intersection or crosswalk.
- (E) Usable width of roadway reduced: At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet (18').
- (F) Fire Hydrants: Within fifteen feet (15') of a fire hydrant.
- (G) Driveways: At any place where the vehicle would block the use of a driveway.
- (H) Entrance to Fire Department Station: Within twenty feet (20') 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 feet (75') of such entrance when properly signposted.
- (I) Sidewalks and Parkways: On any sidewalk or parkway.
- (J) Prohibited by signs: At any place where official signs prohibit parking.

Anyone violating this section shall be subject to citation and a fine of one hundred dollars (\$100.00) per violation as set forth and authorized under this document and following of this code, plus the vehicle will be towed at the owner's expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

#### **5-4-2: VEHICLES FOR SALE:**

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale or salvage, or to park any vehicle upon any business street from which vehicle, merchandise is peddled.

Anyone violating this section shall be subject to citation and a fine of fifty dollars (\$50.00) per violation, plus the person committing such violation shall be subject to having his vehicle towed at his expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

#### **5-4-3: ALLEYS:**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') 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.

Anyone violating this section shall be subject to citation and a fine of fifty dollars (\$50.00) per violation, plus the person committing such violation shall be subject to having his vehicle towed at his expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

#### 5-4-4: INOPERABLE AND UNUSED MOTOR VEHICLES:

- (A) Definitions: whenever used in this section, the following terms shall have the meanings as set forth below:

**INOPERABLE MOTOR VEHICLE:** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

**UNUSED MOTOR VEHICLE:** Any motor vehicle which 1) is not currently licensed, registered, or properly displaying registration plates or stickers as required under Chapter 3 of the Illinois vehicle code; 2) is not capable of being driven in normal traffic within the Village at normal speeds within the statutory limits as set forth in the Village; or 3) is in a state of disrepair, damage, or missing parts which poses an open threat of injury or contamination.

1. A person shall fall within that class of persons who shall be deemed to cause, permit or allow a nuisance to exist under this section, if such person:
  - (a) Has an ownership interest in or is in control of the unused or inoperable motor vehicle;
  - (b) Causes the unused or inoperable motor vehicle to be deposited at the site in question;
  - (c) Has an ownership interest in the private real estate upon which the unused or inoperable motor vehicle is located;
  - (d) Has an ownership interest in or operates a business which causes, permits, or allows such a nuisance to exist on the real estate upon which the business is operated or on adjacent real estate which is under the control of the business owner or operator; or
  - (e) Has an ownership interest in real estate upon which a business is being operated and the operator or owner of said business causes, permits or allows such a nuisance to exist on the real estate upon which the business is being operated or on adjacent real estate which is under the control of the person having an ownership interest in real estate upon which said business is being operated.

(B). Regulation: All inoperable or unused motor vehicles or parts of a motor vehicle within the Village, whether on public or private property and in view of the general public, are hereby declared to be a public nuisance and unlawful. However, this section shall not apply to any motor vehicle, or part thereof, which is: 1) kept inside a building when not in use, 2) over twenty-five (25) years of age and operable and having a current plate, 3) on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or 4) rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

(C): Violations:

1. Any person who shall cause, permit, or allow a nuisance to exist or continue as set forth in this section shall be notified in writing that the vehicle or part in question is an inoperable or unused motor vehicle, that he or she is in violation of this section, and that he or she has seven (7) days to abate or dispose of the inoperable or unused motor vehicle

or part thereof. Notification shall be made by certified or registered mail from the Village Clerk or by personal service from a proper law enforcement officer or other person authorized by law to make personal service.

2. If an inoperable or unused motor vehicle has not been removed or brought into compliance with this section within seven (7) days after such notification, the offending person or persons may be cited in any manner as allowed for notification as set forth above for violating this section. Each day after the expiration of the seven (7) day notice period that the motor vehicle or part thereof continues or exists as a nuisance under this section shall be deemed a separate offense. Furthermore, each inoperable or unused motor vehicle shall constitute a separate offense.
3. Also, if an inoperable or unused motor vehicle or any part thereof has not been removed or brought into compliance with this section within seven (7) days after such notification, the Village may, at its option, authorize the removal and impoundment of the inoperable or unused motor vehicle or part thereof. If the owner of an inoperable or unused motor vehicle cannot be found, then the Village shall treat such vehicle as abandoned and the vehicle in question may be towed and disposed of pursuant to the powers granted by Chapter 4 of the Illinois vehicle code as amended from time to time. Nothing in this section shall impose a duty upon the Village to abate a nuisance specified in this section. Any action authorized by this section regarding the removal of an inoperable or unused motor vehicle or part thereof shall be in addition to and without waiver of any other remedy or penalty available to the Village

(D) Penalties: A violation of this section shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Any additional violation of this section committed by the same person within twelve (12) months of the first violation, will result in a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00). Any fine imposed for a violation of this section shall be in addition to any towing and storage charges assessed in order to reclaim the vehicle.

(E) Disposal: An inoperable or unused motor vehicle or part thereof which has been impounded pursuant to the provisions of this section, whether impounded at a public facility or on the property of private towing services, shall be kept in custody for at least a ten (10) day period for the purpose of determining the identity of the registered owner or lien holder and contacting said owner or lien holder, if known, by regular U.S. mail. If, after the expiration of the ten (10) day period, the registered owner or lien holder has not taken action to recover the vehicle or part, the vehicle or part shall be disposed of as an abandoned or junk vehicle pursuant to Chapter 4 of the Illinois vehicle code as amended from time to time. The owner of the vehicle or part which has been removed, impounded, or both will be responsible for all towing and storage charges.

(F) Severability: If any part, paragraph, or provision of this section shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such part, paragraph, or provision shall not affect any of the remaining provisions of this section.

#### 5-4-5: UNLAWFUL PARKING OF SECOND DIVISION MOTOR VEHICLES

It shall be unlawful to park any motor vehicle having commercial license plates and/or which is longer than twenty feet (20') or wider than eighty inches (80") on any street of the Village of Benson, at any time, for any reason other than an immediate emergency, which emergency must be determined and approved by the President or a trustee of the Village of Benson. Any vehicle having recreational vehicle (RV) or recreational trailer (RT) licenses may not be parked on any street in the Village of Benson for a period of over forty-eight (48) hours at any given time.

After the original citation for the violation of this section is issued, each hour thereafter that the vehicle stays in violation shall be an additional violation of this section.

Anyone violating this section shall be subject to citation and a fine of seventy-five dollars (\$75.00) per violation, plus the person committing such violation shall be subject to having his vehicle towed at his expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

#### 5-4-6: PARKING; SNOW:

It shall be unlawful to park any vehicle on any public street in the Village at any time after a snowfall of two inches (2") or more has occurred until after the snow has been removed.

Anyone violating this section shall be subject to citation and a fine of fifty dollars (\$50.00) per violation, plus the person committing such violation shall be subject to having his vehicle towed at his expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

#### 5-4-7: ILLEGALLY PARKED VEHICLES TO BE TOWED AWAY:

The Village of Benson Board and all individual members thereof are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any automobile 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 snow removal equipment, street cleaning equipment or movement of any emergency vehicle.

Anyone violating this section shall be subject to citation and a fine of fifty dollars (\$50.00) per violation, plus the person committing such violation shall be subject to having his vehicle towed at his expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

#### 5-4-8: OFF STREET PARKING AND LOADING:

Off street parking and loading in the Benson residential district shall be provided in accordance with the regulations set forth in this document. Furthermore, not more than one of the following listed vehicles may be parked off the properly designated driveway or off street parking area for a lot in Benson in the side yard or rear yard of a lot: a camper, camping trailer, camping bus, motor home, boat, boat trailer, house trailer, trailer coach, tourist home, tandem trailer or two-wheel trailer of any type used for any purpose such as hauling, storage, living quarters, and/or similar vehicles. A vehicle that is parked off the properly designated driveway or off street parking area under this provision must be unoccupied and shall not project beyond the front of either the structure or the garage on the lot. Furthermore, nothing in this section shall permit vehicles not specifically listed herein to park off the properly designated driveway or off street parking area for the lot.

Anyone violating this section shall be subject to citation and a fine of fifty dollars (\$50.00) per violation, plus the person committing such violation shall be subject to having his vehicle towed at his expense. Said expense will also include storage. No vehicle that has been towed and stored will be released until the entire amount due for said towing and storage has been paid.

This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF  
THE VILLAGE OF BENSON, WOODFORD COUNTY, ILLINOIS this \_\_\_\_\_ day of  
\_\_\_\_\_, 200\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Village Clerk