

## **CHAPTER 51 TRAFFIC**

**LATEST REVISION:** May 10, 2021 (Ordinance 2021-016)

### **SECTIONS:**

- 51.01 DEFINITIONS.**
- 51.02 CERTAIN PROVISIONS OF STATE ACT REGULATING TRAFFIC ADOPTED.**
- 51.02-5 PENALTIES.**
- 51.02-6 CERTAIN PROVISIONS OF CHAPTER 110A - PRACTICE RULES ADOPTED.**
- 51.03 MOTOR VEHICLES PRODUCING 5-BRAKE HORSEPOWER OR LESS.**
- 51.04 SIGNS AND STREET MARKINGS.**
- 51.05 CARELESS DRIVING.**
- 51.05-1 SQUEALING TIRES PROHIBITED.**
- 51.05-5 SPEED RESTRICTIONS.**
- 51.05-6 SCHOOL SPEED RESTRICTIONS.**
- 51.06 DELETED**
- 51.06-5 RIGHT TURN ON RED PROHIBITED.**
- 51.06-6 TURNING MOVEMENTS PROHIBITED.**
- 51.07 ONE-WAY STREETS.**
- 51.08 THROUGH STREETS AND STOP INTERSECTIONS.**
- 51.09 YIELD INTERSECTIONS.**
- 51.10 LIGHTS ON PARKED VEHICLES.**
- 51.11 PARKING VEHICLES FOR SALE.**
- 51.12 STOPPING FOR LOADING OR UNLOADING ONLY.**
- 51.12-5 STOPPING, STANDING OR PARKING IN ALLEYS.**
- 51.12-6 TRAFFIC REGULATIONS FOR THE CITY'S DOWNTOWN ALLEYWAYS.**
- 51.12-7 BLOCKING DRIVEWAY.**
- 51.13 PARKING PROHIBITED.**
- 51.13-5 PARKING PROHIBITED DURING SNOW REMOVAL; REMOVAL OF VEHICLES.**
- 51.14 LIMITED PARKING.**
- 51.15 TOWING AWAY VEHICLES.**
- 51.16 PARKING TRUCKS.**
- 51.17 MUNICIPAL PARKING LOTS AND PARKING STALLS.**
- 51.17-5 PARKING ON PRIVATE PROPERTY.**
- 51.18 NO PARKING ON PARKWAYS.**
- 51.18-5 RESTRICTED PARKING IN FIRE LANES.**
- 51.19 PENALTIES.**
- 51.20 PARADES, PROCESSIONS, RUNS, RIDES WALKS AND MARCHES.**
- 51.21 REGULATING AND PROHIBITING PARKING OF MOTOR VEHICLES DURING SNOW ROUTE ACTIVATION; ESTABLISHING SNOW ROUTES; REQUIRING MOVEMENT OF VEHICLES ON ALL CITY STREETS FOLLOWING SNOW ROUTE ACTIVATION.**
- 51.21-5 PROPERTY OWNER RESPONSIBILITY FOR SNOW AND ICE REMOVAL FROM PUBLIC PROPERTY.**
- 51.22 POWER OF CITY TO PROHIBIT PARKING ON A PART OR ALL OF THE STREETS IN THE CITY OF DEKALB DURING A SNOW EMERGENCY FOR THE PURPOSE OF SNOW REMOVAL.**
- 51.22-5 EMERGENCY VEHICLES.**
- 51.23 PROHIBITION OF HORSES IN CERTAIN CONGESTED AREAS.**
- 51.23-5 HORSE DRIVEN RIDES.**
- 51.24 WEIGHT RESTRICTIONS ON CITY STREETS.**

- 51.25 TRUCKS PROHIBITED ON CERTAIN STREETS.
- 51.26 TRUCK ROUTES.
- 51.27 PROVIDING FOR WRITTEN PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES.
- 51.28 ENGINE BRAKING PROHIBITED.
- 51.29 DRIVER'S LICENSE SUSPENSION.
- 51.30 ORDERS FOR TOWING AND IMPOUNDING OF VEHICLES BY THE CITY.
- 51.31 PROHIBITION ON PARKING UNLAWFUL VEHICLES ON ROADWAYS.
- 51.32 RESIDENT PARKING PERMITS FOR ON-STREET PARKING.
- 51.33 RESIDENT PARKING TAGS FOR ON-STREET PARKING.

## **SCHEDULES**

- A ONE-WAY TRAFFIC.**
- B THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS.**
- C PARKING PROHIBITED.**
- D ALLEYS**
- E LIMITED PARKING.**
- F LIMITED PARKING – CENTRAL BUSINESS DISTRICT.**
- G RESTRICTED PARKING.**
- H DELETED**
- I SNOW EMERGENCY ROUTES.**
- J PROHIBITED LEFT AND RIGHT TURNS.**
- K DELETED**
- L RIGHT TURN ON RED PROHIBITED ON SCHOOL DAYS WHEN CHILDREN ARE PRESENT.**
- M PROHIBITING THE OPERATION OF TRUCKS OR OTHER COMMERCIAL VEHICLES IN EXCESS OF FIVE TONS GROSS WEIGHT.**
- N BUS ROUTE STREETS.**
- O FIRE LANE ZONES.**
- P PEDESTRIAN SAFETY ROUTES.**
- Q SPEED RESTRICTIONS.**
- R SCHOOL SPEED LIMIT 20 MPH WHEN FLASHING.**
- S SCHOOL SPEED LIMIT 20 MPH ON SCHOOL DAYS WHEN CHILDREN ARE PRESENT.**
- T GOLF CART CROSSING INTERCHANGE.**
- U PARKING STALL ON ROADWAYS.**

### **51.01 DEFINITIONS.**

Words and phrases used in this Chapter 51 have the meanings respectively ascribed to them in Illinois Vehicle Code, 625 ILCS 5/1-101 et. seq.

### **51.02 CERTAIN PROVISIONS OF STATE ACT REGULATING TRAFFIC ADOPTED.**

Any portion of Chapter 625 of the Illinois Compiled Statues, in its current form or as hereafter amended, which may lawfully be issued as a local citation.

### **51.02-5 PENALTIES.**

Any person, firm or corporation violating any provision of Chapter 51.02, except 3-707, 12-603 and 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.

Any person, firm or corporation violating 12-603 or 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.

Any person, firm or corporation violating 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. (1992-110)

#### **51.02-6 CERTAIN PROVISIONS OF CHAPTER 110A - PRACTICE RULES ADOPTED.**

The following enumerated Section of Chapter 110A of the Illinois Revised 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 respect, 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.

#### **51.03 MOTOR VEHICLES PRODUCING 5-BRAKE HORSEPOWER OR LESS.**

- a) Licenses Required. No person shall within the City use, cause, or permit its agents to use any motor vehicle which produces 5-brake horsepower or less, to transport persons in the City, unless the operator has a valid driver's or operator's license issued by the State of Illinois.
- b) Operation Regulations. No such motor vehicle shall be operated on the sidewalks of the City and any person operating such a vehicle shall do so in accordance with the traffic regulations of the City and State of Illinois.
- c) Two Wheeled Motor Vehicles. It shall be unlawful for any person to carry any passengers on any two wheeled motor vehicle covered by this Section and no person other than the driver of such a two wheeled vehicle shall be transported thereon.

#### **51.04 SIGNS AND STREET MARKINGS.**

It shall be the duty of the Chief of Police and the Director of Public Works to keep the streets of the City properly marked and to keep erected suitable signs for the enforcement of this Chapter as required by the laws of the State of Illinois.

#### **51.05 CARELESS DRIVING.**

Any person operating a vehicle shall not be guilty of careless driving. Any person who drives any vehicle so as to endanger the safety of his own personal property or the safety of another person's property by a high degree of negligence in the operation of the vehicle is guilty of careless driving.

#### **51.05-1 SQUEALING TIRES PROHIBITED.**

No person shall operate a motor vehicle in a manner such as to emit squealing or screeching noises from its tires in contact with the street, roadway or driveway or any approach to any street or roadway because of rapid acceleration, excessive speed or rapid braking of said vehicle, except that emergency braking under normal traffic driving conditions to stop rapidly to avoid collision with person or property shall be exempt from this prohibition.

Penalty. Any person who shall be convicted of violating this Section 51.05-1 shall be fined not less than Fifty-Dollars (\$50.00), nor more than One-Hundred Fifty Dollars (\$150.00) for each offense.

#### **51.05-5 SPEED RESTRICTIONS.**

- a) It shall be unlawful to drive any motor vehicle on any City street not under the jurisdiction of the State or the County in an urban district within the City at a speed in excess of 30 miles per hour or on an alley at a speed in excess of 15 miles per hour, unless otherwise provided in Section 51.05-5, b).
- b) The City Council has determined, on the basis of traffic investigations, the speed limits shown on streets listed in Schedule Q, shall be the maximum speed limits which motor vehicles may use on those streets, and does hereby so declare.

#### **51.05-6 SCHOOL SPEED RESTRICTIONS.**

It shall be unlawful for any person to operate a motor vehicle in excess of 20 miles per hour:

- a) On streets listed in Schedule R when speed limit sign is flashing; and
- b) On streets listed in Schedule S on school days when children are present.

#### **51.06 DELETED**

#### **51.06-5 RIGHT TURN ON RED PROHIBITED.**

It shall be unlawful for any person operating a motor vehicle to turn right on a red traffic light on school days when children are present at the intersections designated in Schedule L of this Chapter 51.

#### **51.06-6 TURNING MOVEMENTS PROHIBITED.**

Whenever authorized signs are erected pursuant to Schedule "J", "Prohibited Left and Right Turns", I, "No Left Turns", and II, "No Right Turns", indicating that no left or right turn or turn in the opposite direction is permitted, no driver of a vehicle shall disobey the directions of any such sign.

#### **51.07 ONE-WAY STREETS.**

Upon those streets and parts of streets described in Schedule A attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

### **51.08 THROUGH STREETS AND STOP INTERSECTIONS.**

The streets and intersections described in Schedule B attached hereto and made a part hereof are hereby designated through streets and stop intersections and four-way stop intersections as described in such schedule. Where stop signs are erected in accordance with such schedule at the entrance to the through streets and stop intersections the operator of a vehicle approaching a stop sign shall stop as required by law.

### **51.09 YIELD INTERSECTIONS.**

The intersections described in Schedule B are hereby designated as yield intersections as described in such schedule. Where yield signs are erected in accordance with such schedule at the entrance to the yield intersections, the operator of a vehicle approaching a yield sign shall reduce speed and yield the right of way as required by law.

### **51.10 LIGHTS ON PARKED VEHICLES.**

Whenever a vehicle is parked or stopped on a street during the times between one-half hour after sunset and one-half hour before sunrise, or at any other time when there is not sufficient light to render clearly discernible any vehicle on the street from a distance of 200 feet, there shall be displayed upon such vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500 feet to the rear, except that such parking light or lights need not be displayed upon any vehicle stopped or parked in accordance with other provisions of this Chapter upon any street designated by the Chief of Police where there is sufficient light to reveal any person within a distance of 200 feet upon such street.

### **51.11 PARKING VEHICLES FOR SALE.**

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale or to park any vehicle upon any business street from which vehicle merchandise is peddled, or to park any vehicle upon any street without state license plates upon it, issued for such vehicle, to the owner of the vehicle, in accordance with the Illinois Revised Statutes.

### **51.12 STOPPING FOR LOADING OR UNLOADING ONLY.**

- a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a curb loading/unloading zone. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- b) The driver of a passenger vehicle may stop temporarily at a place marked as a curb loading/unloading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.
- c) The following areas shall be designated as curb loading/unloading zones:

East Lincoln Highway, North side, from a point 23 feet west of the West right-of-way line of Seventh Street to a point 65 feet west of the West right-of-way line of Seventh Street.

Locust Street, North side, from the West roadway line of Sixth Street 190' east to a point.

Normal Road, East side, from a point 560 feet north of the North right-of-way line of Locust Street to a point 610 feet north of the North right-of-way line of Locust Street.

North Sixth Street, West side, from a point 34 feet north of the North roadway line of Locust Street North 20 feet to a point.

South Seventh Street, East side, from a point 20 feet north of the North right-of-way line of Fairlane Avenue to a point 90 feet north of the North right-of-way line of Fairlane Avenue.

South Ninth Street, West side, from a point 47 feet south of the South right of way line of Grove Street to a point 133 feet south of the South right of way line of Grove Street.

#### **51.12-5 STOPPING, STANDING OR PARKING IN ALLEYS.**

- a) No person shall stop, stand or park any vehicle in an alley for a period of time longer than is necessary for the reasonable expeditious loading or unloading of such vehicle.
- b) No person shall stop, stand or park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- c) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.
- d) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in Palmer Court. In no case shall a stop in Palmer Court, for the purpose of loading and/or delivery of materials, exceed sixty (60) minutes.

#### **51.12-6 TRAFFIC REGULATIONS FOR THE CITY'S DOWNTOWN ALLEYWAYS.**

In addition to the regulations established in 51.12.5 above, the following regulations shall apply as specified:

- a) Upon the East-West alley lying in Blocks 1 and 12 of the original town of DeKalb between First and Third Streets, vehicular traffic shall move eastwardly and said alleys are hereby designated "one-way alleys".
- b) All traffic shall be prohibited from the East-West alley lying in Blocks 1 and 12 of the original town of DeKalb between First and Third Streets except traffic for the purpose of loading or unloading within said alleys.
- c) In the east-west alley of the one and two hundred blocks of downtown, south of Lincoln Highway, between South Third and South First Streets, vehicular traffic shall move westwardly and said alleys are hereby designated "one-way alleys".

### **51.12-7 BLOCKING DRIVEWAY.**

No person shall stop, stand or park any vehicle so as to block a driveway in any residentially zoned area. When portions of the curb adjacent to a private driveway are painted yellow and any portion of a vehicle is within the area so painted, the vehicle shall be deemed to be stopped, standing or parked in violation of this section.

### **51.13 PARKING PROHIBITED.**

When signs are erected in each block giving notice thereof, no person shall park a vehicle at such places and during the times designated in Schedules C and D attached to and made a part hereof.

#### **51.13-5 PARKING PROHIBITED DURING SNOW REMOVAL; REMOVAL OF VEHICLES.**

- a) 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 as designated in Schedule I herein, during or after a snowfall in which there is an accumulation of two (2) inches of snow or more. This prohibition shall remain in effect until such time as the street or alley has been plowed or the snow has been removed therefrom. A City street shall not be deemed to have been plowed until the entire width of the street has been substantially cleared from curb to curb of snow or ice. Whenever the Chief of Police or his/her designee finds a vehicle parked in violation of this subsection, the Chief of Police or his/her designee shall cause the immediate removal of such vehicle to the City's relocation contractor's impound yard. Storage and towing costs shall be paid by the owner or operator of the vehicle, in addition to any other penalties imposed by this Chapter 51.
- b) It shall be unlawful for any person to allow a motor vehicle to remain parked or standing in any public street other than those listed in Schedule I in the City of DeKalb for more than seventy-two (72) hours following snowfall(s) in which there is an accumulation of more than six (6) inches of snow. Whenever the Chief of Police, or his/her designee, finds a vehicle parked in violation of this subsection, and in his/her discretion believes that said vehicle constitutes a hazard to the City's snow removal efforts, or in any other manner creates a nuisance and a hazard to public safety, a notice will be placed upon said vehicle informing the owner of the violation and stating that the vehicle shall be removed immediately or else it will be towed in forty-eight (48) hours. In addition to the written notice, prior to any tow, the Chief of Police, or his designee, will make all reasonable efforts to contact the owner of said vehicle. Any vehicle towed will be removed to the City's relocation contractor's impound yard. Storage and towing costs shall be paid by the owner or operator of the vehicle in addition to any other penalties imposed by this Chapter 51.
- c) Penalties. Any person, firm or corporation violating any provision of this Section shall be punished by a fine of not less than Seventy-Five Dollars (\$75.00) nor more than One-Hundred Fifty Dollars (\$150.00). Any person, firm or corporation failing to pay the penalty provided for violations of 51.13-5 within ten (10) days of the issuance of the ticket, shall be punished by a fine of not less than One-Hundred Dollars (\$100.00), nor more than One-Hundred Seventy Five Dollars (\$175.00).

#### **51.14 LIMITED PARKING.**

- a) When signs are erected in a block giving notice thereof, no person shall park a vehicle for longer than the time designated within the district or upon any streets described in Schedule E and Schedule F, attached to and made a part hereof.
- b) "No Parking" signs may be issued by the Community Development Department prohibiting parking in any non-metered stall within the district or in any non-metered stall upon any of the streets described in Schedule E, attached hereto and made a part hereof, for the purpose of assisting contractors and other persons performing construction work within the district or upon any of the streets described in Schedule E and Schedule F, attached hereto and made a part hereof. A fee of Three Dollars (\$3.00) per day per stall shall be charged for this privilege. Each sign shall entitle the recipient to exclusive parking privileges in a designated stall. Any unauthorized vehicle parked in a "No Parking" area that is properly marked pursuant to this Section may be removed by the Police Department at the owner's expense.
- c) When signs are erected in a block giving notice thereof, no person shall park a vehicle other than a motorcycle upon any of the streets described in Schedule G, attached to and made a part hereof.
- d) When signs are erected in a block giving notice thereof, no person shall park a vehicle other than a taxi cab operated by a company licensed in the City of DeKalb upon any of the streets, during the hours, described in Schedule G, attached to and made a part hereof.
- e) The Director of Public Works and his designees shall be authorized to impose temporary parking restrictions (limited hours, limited types of vehicles, etc.) or parking prohibitions (no parking permitted) within the City, under the provisions of this Section 51.15.
  - 1. Duration of Restrictions: Said temporary restrictions may be imposed for a period of no more than sixty (60) days at a time.
  - 2. Method of Posting / Notice: No such temporary parking restrictions shall be enforced until at least forty-eight (48) hours have passed since the posting of temporary signs in the affected area, indicating the applicable restrictions. Said temporary signs shall be enforceable for the time that they remain posted. In the event of an emergency that requires less notice, the temporary restrictions may be imposed and enforced upon the provision of personal notice to any vehicles parked in the area of the temporary signs at the time of their posting, and the temporary signs shall indicate the time at which the temporary restrictions shall take effect.
  - 3. Enforcement: Once forty-eight (48) hours have passed after the posting of temporary signs, the temporary parking restrictions may be enforced in the same fashion as any other City parking restriction and shall have the effect of City Ordinance. Because such temporary restrictions are intended to be utilized in circumstances where the City determines that parking presents a public safety threat, any vehicle parked in violation of the temporary parking restrictions shall be subject to a minimum fine of One-Hundred Dollars (\$100.00), and shall be subject to immediate towing.
  - 4. Removal or Tampering with Temporary Parking Restriction Signs: It shall be unlawful to move, remove, alter or tamper with any temporary parking restriction signs posted by the City. Any such violation shall be subject to a fine of not less than Five-Hundred Dollars (\$500).



### **51.15 TOWING AWAY VEHICLES.**

The Police Department and all members thereof assigned to traffic duty are hereby authorized to have removed and towed away any vehicle illegally parked, including vehicles parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks an entrance drive, exit drive or driveway in any zoning district, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle, or in any public place where signs have been legally posted either limiting or prohibiting parking, or any vehicle not parked within designated parking spaces on roadways as designated in Schedule U, or any vehicle which has been parked in any public street, public parking lot, or other public place for a period of twenty-four (24) consecutive hours, or any vehicle parked in violation of Section 51.16. Vehicles towed away shall be stored and shall be released to the owner or operator thereof after payment of the applicable towing fees as set forth in the applicable contract for vehicle relocation services entered into by the City of DeKalb and payment of any storage fee, which, in the case of vehicles stored by the City, shall be Ten Dollars (\$10.00) for the first forty-eight (48) hours or portion thereof and Ten Dollars (\$10.00) for each additional twenty-four (24) hours or portion thereof.

### **51.16 PARKING TRUCKS.**

It shall be unlawful to park any vehicle licensed to operate as a truck-tractor or semi-trailer or any truck bearing a Class D license or above as defined in Chapter 625 of the Illinois Compiled Statutes or any truck, except motorized recreational vehicles, that exceeds twenty-five (25) feet in length, as measured from the front of such truck to the rear of such truck, on any street in a residentially zoned district as defined in the Unified Development Ordinance, unless such vehicle or truck is actively involved in loading, unloading, or making a service call in the immediate vicinity of where such vehicle or truck is parked. Farm tractors, implements of husbandry, trailers and other vehicles without motorized power as defined in 625 ILCS 5/1-100 et. seq., are prohibited from parking on public streets except during authorized construction activity or when attached to a motor vehicle and engaged in the appropriate related activity only on a temporary basis. In addition to any fine assessed against a vehicle parked in violation of this Section, such vehicle may be towed, at the owner's expense, if it is parked on the same street for a period of four (4) consecutive hours.

Tow trucks and wreckers, whether used or intended for commercial or private purposes, may not be parked on any street in a residentially zoned district as defined in the Unified Development Ordinance, unless such tow truck or wrecker is actively involved in relocating a vehicle at such location. In addition to any fine assessed against a vehicle parked in violation of this Section, such vehicle may be towed, at the owner's expense, if it is parked on the same street for a period of four (4) consecutive hours.

### **51.17 MUNICIPAL PARKING LOTS AND PARKING STALLS.**

a) Definitions. Terms used in this Section have the following meanings:

*Street:* Every way set apart for public travel except alleyways, bridle paths and foot paths.

*Roadway:* That portion of a street between the regularly established curb lines.

*Sidewalk:* That portion of a street between the curb lines and adjacent property lines.

*Parking Zones:* Portions of streets or parking lots described and established by Council as zones within which the parking of vehicles shall be controlled, regulated, and inspected. The

areas set forth in Schedule E and Schedule F, attached hereto and made a part hereof, are hereby established as parking zones.

*Parking Space/Stall:* An unenclosed area or portion of a designated parking zone specifically marked and sufficient in size to park thereon one vehicle.

Municipal Parking Lots: Areas owned or leased by the City of DeKalb and identified by number and name for the purpose of the parking of vehicles as follows:

Lot 1	Judy King
Lot 2	Elmer Embree
Lot 3	Henry Gurler
Lot 4	Frank Van Buer
Lot 5	Harriet Ellwood
Lot 6	Charles S. Frost
Lot 7	Sophia Haish
Lot 8	Phineas Vaughn
Lot 9	Lucinda Glidden
Lot 10	Russell Huntley
Lot 11	William L. Pond
Lot 12	Robert Ferguson

- b) Marking Spaces. The City Manager shall have lines or markings painted upon the curb or street pavement designating parking stalls as established by the City Council and each vehicle so parked therein shall be parked within the lines or markings.
- c) Each parking zone shall be properly marked with suitable signs for the enforcement and control of this Section by the City Manager setting forth the limitations of parking as set forth in Schedule E and Schedule F.
- d) It shall be unlawful for the operator of any motor vehicle to park such vehicle in such parking zone for a period of time longer than is designated, as provided for in the Schedules made a part hereof in Chapter 51.
- e) It shall be unlawful for any motor vehicle to park in more than one parking space. No vehicle longer than sixteen (16) feet shall park in any space. Any vehicle not parked in a marked space on a roadway listed in Schedule U may be towed in accordance with Section 51.15. Each vehicle shall park within the lines or markings established in 51.17 (b). It shall be unlawful to park any vehicle across any such line or marking or to park said vehicle in such a position that the same shall not be entirely within the area so designated by such lines or markings. It shall be unlawful for more than one motor vehicle to park in each parking stall.
- f) Procedure for Enforcement of Parking Rules and Parking Lot Rules. The Police Department of the City of DeKalb or Civilian Personnel designated by the City Manager shall enforce the Parking Rules and Parking Lot Rules. If a violation of this Section 51.17 occurs, a parking citation shall be written and placed upon the front window of the vehicle. The Police Department shall be authorized to remove and impound a vehicle in violation of this Section 51.17 pursuant to the provisions of Section 51.15 of this Chapter.

- g) Record of Violations. It shall be the duty of the City Manager or anyone he may designate, under the direction of the Council, to keep account of all violations of this Section. He shall keep an account of and report the number of each parking stall which indicates that the vehicle located in a parking area or the parking space is or has been parked in violation of any of the provisions of this Section, the date and hour of such violation, the make and the state license number of such vehicle, and any other facts of knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- h) "No Parking" Signs. No Parking signs may be issued by the Community Development Department prohibiting parking in any stall for the purpose of assisting contractors and other persons performing construction work within the immediate area. The Community Development Director shall determine the number of "No Parking" signs issued and the duration of time that signs may be posted. A fee of Three Dollars (\$3.00) per day per stall shall be charged for this privilege. Each sign shall entitle the recipient to exclusive parking privileges in a designated stall when the sign is properly displayed on a standard barricade or sawhorse located near the center of the stall. Any unauthorized vehicle parked in a "No Parking" area that is properly marked pursuant to this Section, may be removed by the Police Department at the owner's expense.
- i) "Parking Stalls for Persons with Disabilities" in the Municipal Parking Lots of the City of DeKalb, Illinois, shall be marked by a sign clearly indicating the same.
- j) Only motor vehicles bearing official disability license plates or a disability parking decal or device, issued by the State of Illinois or any other state, or a disability parking decal issued by the City of DeKalb or any other municipality, shall be allowed to park in stalls which are designated and marked as parking stalls for persons with disabilities.
- k) Any motor vehicle bearing license plates which are not official disability license plates or does not bear a disability parking decal or device, issued by the State of Illinois, or any other state, or which does not bear a valid disability parking decal issued by the City of DeKalb, or any other municipality, and which is parked in a parking stall designated as a parking stall for persons with disabilities, shall be subject to the fine and penalty as set forth in Section 51.19 of this Chapter 51 of the Municipal Code.

#### **51.17-5 PARKING ON PRIVATE PROPERTY.**

It shall be unlawful to park a motor vehicle on private property without first having obtained the consent of the property owner or his agent.

Persons found violating this provision shall be fined not less than Twenty-Five Dollars (\$25.00) for each offense.

#### **51.18 NO PARKING ON PARKWAYS.**

No person or persons shall park any vehicle upon any parkway or driveway approach on any street that is curbed and guttered. "*Parkway*" shall be defined as all property between the curb and the adjacent property line. "*Driveway approach*" shall be defined as all property between the paved street and the adjacent property line, where the curb is either omitted or depressed. (1970-006)

#### **51.18-5 RESTRICTED PARKING IN FIRE LANES.**

- a) No person shall stop, stand or park any vehicle as to occupy or block any space designated in Schedule O of this Chapter, by an official sign as a fire lane.
- b) No person shall stop, stand or park any vehicle within fifteen (15) feet of a fire hydrant in a public parking lot or public street or park in a space so as to obstruct the primary or main fire lane to or from a building, or otherwise obstruct or hinder other fire and/or safety devices or exits.
- c) It shall be unlawful for the owner, tenant or person in charge of premises adjoining a fire lane, to allow any person to stop, stand or park any vehicle in violation of a) above.
- d) Vehicles attended by a licensed driver may stand in a fire lane to load and unload such vehicles.
- e) The property owner shall be solely responsible for the installation and maintenance of all required signs, posts and markings.

#### **51.19 PENALTIES.**

- a) A penalty of Twenty-Five Dollars (\$25.00) shall be assessed to the owner of a vehicle in violation of the following:
  - Parking in violation of Section 51.11 or Section 51.17 d) or f).
  - Parking within twenty (20) feet of an intersection crosswalk.
  - Parking over twenty-four (24) hours in one location.
  - Parking over twelve (12) inches from a curb.
  - Parking on the wrong side of a street.
  - Parking in violation of Section 51.14, Schedule E "Limited Parking", and Schedule G "Motorcycle Parking". (1985-052, 2003-112)

Any person who fails to pay the requisite penalty as prescribed above within a ten (10) day period shall be assessed a penalty of Seventy-Five Dollars (\$75.00) and may be prosecuted in the name of the City and fined not less than Seventy-Five Dollars (\$75.00) for each violation.

- b) A penalty of Twenty-Five Dollars (\$25.00) for the first violation and Fifty-Dollars (\$50.00) for each and every subsequent violation within one (1) calendar day shall be assessed to the owner of a vehicle in violation of the following:
  - Parking in violation of Section 51.14, Schedule F "Limited Parking – Central Business District."

Any person who fails to pay the requisite penalty as prescribed above within a ten (10) day period shall be assessed a penalty of Seventy-Five Dollars (\$75.00) and may be prosecuted in the name of the City and fined not less than Seventy-Five Dollars (\$75.00) for each violation.

c) A penalty of Twenty-Five Dollars (\$25.00) shall be assessed to the owner of a vehicle in violation of the following:

- Parking within an intersection.
- Parking within fifteen (15) feet of a fire hydrant.
- Blocking a sidewalk or driveway.
- Parking obstructing an alley.
- Double Parking.
- Parking so as to obstruct traffic.
- Parking, stopping, or standing within a fire lane or within 15 feet of a fire hydrant in a parking lot.
- Parking in violation of Section 51.17 n).
- Parking on streets where parking is prohibited in specified hours.
- Parking within thirty (30) feet of a traffic control signal.
- Parking in a posted no-parking zone.
- Parking in violation of any other City parking restriction that does not carry a specified fine.
- Parking a vehicle over or upon a parkway or sidewalk, including driveway approaches located within a parkway or sidewalk.
- Parking in violation of Section 51.16.

Any person who fails to pay the requisite penalty as prescribed above within a ten (10) day period shall be assessed a penalty of Seventy-Five Dollars (\$75.00) and may be prosecuted in the name of the City and fined not less than Seventy-Five Dollars (\$75.00) for each violation.

d) A penalty of Three-Hundred and Fifty Dollars (\$350.00) shall be assessed to the owner of a vehicle in violation of the following:

Parking a vehicle in a parking stall for persons with disabilities that does not have disability license plates or a disability parking decal or device issued by the State of Illinois, or any other state, or a disability parking decal issued by the City of DeKalb, or any other municipality.

Any person who fails to pay the requisite penalty as prescribed above in Paragraph d) within a ten (10) day period shall be assessed a penalty of Three-Hundred Dollars (\$300.00) and may be prosecuted in the name of the City and fined not less than Three-Hundred Dollars (\$300.00) for each violation. All property owners shall update any handicapped parking signs located on their premises by not later than July 1, 2013, to reflect the Three-Hundred and Fifty Dollar (\$350.00) fine assessed above. It shall be unlawful to fail to update the handicapped parking signs or to fail to provide a handicapped parking sign where required by applicable City Code or other law.

The Police Department shall be authorized to remove and impound any vehicle in violation of this Section 51.19 pursuant to the provisions of Section 51.15 of this Chapter and the provisions of Chapter 17.07 of this Municipal Code.

1. Citation issued to occupied vehicle: In the case of any citation issued to a vehicle which is occupied or claimed by a driver at the time of issuance of the citation, the citation shall be issued and prosecuted in the name of the driver or person claiming responsibility.
2. Citation issued to unoccupied vehicle: In the case of any citation issued to a vehicle which is unoccupied and unclaimed by a driver at the time of issuance, the citation shall be issued to the registered owner of the vehicle.
  - (a) In all such cases, there shall be a rebuttable presumption that the registered owner of the vehicle is the party responsible and liable for the vehicle's parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities.
  - (b) For any parking citation issued to the owner of an unoccupied vehicle, the City may accept payment for such citation from any party or person.
  - (c) For any parking citation issued to an unoccupied vehicle, the only party that shall be authorized or entitled to contest the parking citation and/or to request an Administrative Hearing on such citation is the registered owner to whom such vehicle is registered.
    - i. In the event that the registered owner contests such a citation on the basis that a driver or person other than the registered owner was operating the vehicle and/or parked the vehicle unlawfully, the registered owner shall nonetheless be liable for the parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities unless:
      - A. The registered owner produces a police report and other documentation acceptable to the party reviewing the citation, demonstrating that at the time the citation was issued, the vehicle had been reported stolen; or
      - B. The registered owner produces documentary or testimonial evidence demonstrating that at the time the citation was issued, an individual, discrete, expressly named person identified by the registered owner had actual custody of the vehicle and had personally parked the vehicle and incurred the parking citation.
    - ii. It shall not be a defense to a citation issued to the registered owner of an unoccupied vehicle that such vehicle was leased, rented, loaned or otherwise utilized by a third party, in the absence of proof that the vehicle was under such person's actual direct operation at the time that the citation was issued, as required under this subsection, above.

## **51.20 PARADES, PROCESSIONS, RUNS, RIDES, WALKS AND MARCHES.**

- a) No person, group of persons, firm, partnership, association, corporation, company or organization of any kind shall use the public streets and sidewalks of the City of DeKalb for parades, processions, runs, rides, walks or marches, pedestrian or vehicular, or a combination thereof, in conflict with any of the traffic ordinances, laws or regulations of the City, whereby

normal pedestrian or vehicular traffic may be impeded, hindered or obstructed, except upon the submission to the City Manager of a completed permit application supplied by the City of DeKalb not less than 48 hours nor more than 30 days before the parade, procession, run, ride, walk or march. The permit application shall include, at a minimum, the following information:

1. The name, address and telephone number of the person, group of persons, firm, partnership, association, corporation, company or organization planning such a parade, procession, run, ride walk or march, responsible for its conduct.
2. The commencement time of the parade, procession, run, ride, walk or march; the composition of the parade, procession, run, ride, walk or march; the specific route to be traveled; the starting point and their termination point.
3. The approximate number of persons, animals and vehicles expected to participate in such parade, procession, run, ride, walk or march, together with a description of the type of animals and vehicles involved.
4. The person, group of persons, firm, partnership, association, corporation, company or organization planning such a parade, procession, run, ride, walk or march, responsible for its conduct shall attach to the permit application a copy of a certificate of insurance for the parade, procession, run, ride, walk or march, which names the City of DeKalb as an additional insured.
5. This Section shall not apply to the following:
  - (a) Funeral processions proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment.
  - (b) A governmental agency acting within the scope of its functions.

Upon receipt of a permit application above described, the City Manager or his designated agent shall furnish to the person, group of persons, firm, partnership, association, corporation, company or organization making such notification a written acknowledgment of receipt of said permit application.

In the event the permit application shows that the parade, procession, run, ride, walk or march will unreasonably interfere with the rights of others to use the streets and sidewalks with respect to time, route or composition, the City Manager shall direct that the plan for the parade, procession, run, ride, walk or march shall be appropriately adjusted, with the provision that such change in plan shall be delivered to the person or group notifying the City Manager at least 24 hours prior to the proposed beginning time of the parade, procession, run, ride, walk or march.

In the event that the City Manager receives application for more than one parade, procession, run, ride, walk or march to be held on the same date, the City Manager may route each of the said parades, processions, runs, rides, walks or marches so that they will not conflict with each other. The first application should have priority over the later applications.

- b) It shall be unlawful to participate in any manner in a parade, procession, run, ride, walk or march on the public streets or sidewalks as described herein prior to compliance with the provisions of this Section.
- c) It shall be unlawful to participate in any manner in any parade, procession, run, ride, walk or march between the hours of 11:00 p.m. and 6:30 a.m.
- d) Penalties. Any person violating any provisions of this Section shall, upon conviction, be fined not less than \$25.00 or more than \$75.00.

**51.21 REGULATING AND PROHIBITING PARKING OF MOTOR VEHICLES DURING SNOW ROUTE ACTIVATION; ESTABLISHING SNOW ROUTES; REQUIRING MOVEMENT OF VEHICLES ON ALL CITY STREETS FOLLOWING SNOW ROUTE ACTIVATION.**

- a) Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter 51.21.:

*Snow Routes* or *Snow Emergency Routes* are those streets marked as such in accordance with this Chapter 51.21, set out in Schedule I.

*Director* shall mean the Director of Public Works or his/her designee.

- b) Parking on Snow Routes.
  1. Whenever the Director, on the basis of falling snow, sleet, or freezing rain, which may accumulate to two (2") inches or more, or on the basis of a forecast of snow, sleet, or freezing rain, which may accumulate to two (2") inches or more, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on certain city streets be prohibited or restricted for snow plowing and other purposes, the Director shall put into effect a parking prohibition on parts of, or all Snow Routes as necessary by declaring it in a manner prescribed by this Chapter 51.21.
  2. A parking prohibition shall automatically go into effect on any part of any Snow Route on which there has been an accumulation of snow and ice of two (2") inches or more for one (1) hour or more between 6:00 a.m. and 11:00 p.m. of any day.
  3. Once in effect, a prohibition under this Section shall remain in effect until terminated by announcement of the Director in accordance with this Chapter 51.21. ***The one-time snowplowing of a Snow Route does not render the Snow Route inactive; Snow Routes shall remain active, with parking prohibited, until they are deactivated by the Director.*** 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. 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.
- c) Stalled Vehicle on Snow Emergency Route. Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Chapter 51.21. on any 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, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such Snow Route, into the first cross street which is not a Snow Route. No person shall abandon or leave his vehicle in the roadway of a Snow



Route (regardless of whether he indicated, by raising the hood or otherwise, that the vehicle is stalled), 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. Such person shall also notify the DeKalb Police Department stating his or her name, place of vehicle location, and the vehicle's license plate number.

d) Declaration of the Director.

1. The Director shall cause declaration made by him pursuant to this Chapter 51.21. to be publicly announced by all reasonably available means, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Such information may also be distributed via the City's website and any emergency notification systems available for such purpose, when possible and practical to do so. Each announcement shall describe the action taken by the Director, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition declared by the Director shall not go into effect until at least one (1) hour after it has been announced between 6:00 a.m. and 11:00 p.m. in accordance with this Section.
2. 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.

e) Termination of Parking Prohibition by the Director. Whenever the Director shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this Chapter 51.21 no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this Chapter 51.21 effective immediately upon announcement.

f) Provisions Temporarily Effective to Take Precedence. Any provision of this Chapter 51.21. 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.

g) Signs to Mark Snow Routes. On each street designated by this Chapter 51.21. as a Snow Route, the Director shall post special signs at intervals not exceeding seven hundred fifty (750) feet with wording designed to reasonably inform the public of applicable regulations. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

h) Parking on All City Streets After Snow Route Activation. Any time the Director Activates the Snow Routes, within 48 hours after the deactivation of the Snow Routes, **any vehicle parked on any public street within the City, or parked in any City parking lot**, shall be moved from its parking space to another lawful parking location within the City that has already been snowplowed, such that the portion of the street upon which the vehicle had been parked can be snowplowed from curb to curb. For the period starting at 48 hours after deactivation of the Snow Routes and ending at 96 hours after deactivation of the Snow Routes, it shall be unlawful to park on any public street or any City parking lot in a parking spot that has not been cleared of snow. The presence of a car in an unsnowplowed location on a public street or in a City parking lot within the period of time that is 48-96 hours after deactivation of the Snow Routes shall be unlawful.

- i) Removal, Impounding, and Return of Vehicles.
  - 1. Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street or Municipal Parking lot, when:
    - (a) The vehicle is parked on a part of a Snow Emergency Route on a Municipal Parking lot in which a parking prohibition is in effect.
    - (b) 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 51.21.
    - (c) The vehicle is parked on any public street within the City, or parked in any City Parking lot, in a parking space or location that has not yet been snowplowed, during the period that is 48-96 hours after deactivation of the Snow Routes.
    - (d) The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.
  - 2. Any vehicle towed under this Section 51.21 shall be responsible for the costs of towing and storage and shall receive notice of the towing/relocation and shall otherwise be processed in accordance with applicable City Codes.
  - 3. No person shall recover any vehicle removed in accordance with this Section 51.21 except after the payment of all towing costs, storage costs, and parking fines.
  - 4. It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this Section. The record 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.
- j) Snow Routes Designated. The streets or portions of streets within the City set forth on Schedule I are hereby designated as Snow Routes.
- k) Other Towing Authorized. Any vehicle that presents a public safety hazard or that blocks or threatens to block access to any City street by snowplowing vehicles or emergency responders shall be authorized to be ticketed and towed immediately, at any time during, before or after activation of Snow Routes.
- l) Penalties. Any person, firm or corporation violating any provision of this Section shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Seventy-five Dollars (\$75.00). Any person, firm or corporation which fails to pay the penalty provided for violations of 51.21 shall be punished by a fine of not less than Seventy-five Dollars (\$75.00).

**51.21-5 PROPERTY OWNER RESPONSIBILITY FOR SNOW AND ICE REMOVAL FROM PUBLIC PROPERTY.**

- a) Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter 51.21-5:

*Pedestrian Safety Routes* are those sidewalks which:

1. Serve as principal walkways for school children;
  2. Serve the city's commercial zoning districts;
  3. Serve private health care facilities, defined as any establishment providing individual care or treatment for injuries, diseases or either temporary or permanent mental, emotional or physical disabilities.
- b) Designation of Pedestrian Safety Routes. All sidewalks described in Schedule P of this Chapter 51 shall be considered Pedestrian Safety Routes.
- c) Snow and Ice Removal from Pedestrian Safety Routes. If the owner, agent or occupant of a lot whose front yard or corner side yard abuts a public sidewalk designated in Schedule P of this Chapter 51, fails to effectively remove ice and snow from that sidewalk within forty-eight (48) hours of the onset of a snow event exceeding two (2) inches of snow, sleet or freezing rain, that owner, agent or occupant will be liable for fine penalties and the cost of the summary abatement of snow and ice from the public sidewalk areas adjacent to his property.
1. The Director of Building and Community Services or designee shall authorize the summary removal of the ice and snow through any available public agency or by contract with private persons and the cost of such abatement shall be charged against the real estate in question and shall be a lien upon such real estate. Alternatively, the City reserves the right to commence a civil action to recover the costs of such abatement.
- d) Snow and Ice Removal from Public Sidewalks in General.
1. All public sidewalk areas shall be kept free of ice and snow by the owner, agent or occupant of any lot that abuts sidewalk areas.
  2. It shall be unlawful for the owner, agent or occupant of any lot abutting a public sidewalk to fail to remove ice and snow from public sidewalk areas within forty-eight (48) hours of the onset of any snow event.
  3. The City Council may authorize the Director of Building and Community Services or designee to issue property maintenance fines to their property owners, agents or occupants, for the willful disregard of their responsibility to maintain public sidewalk areas free of ice and snow. A record of such fines, including the name of the property owners and property locations, shall be kept on file by the Director of Building and Community Services and included in the monthly code enforcement report to the City Council. The Director's prerogative to issue fines for the failure to maintain sidewalks free of ice and snow, shall expire on April 1 of each calendar year.

**51.22 POWER OF CITY TO PROHIBIT PARKING ON A PART OR ALL OF THE STREETS IN THE CITY OF DEKALB DURING A SNOW EMERGENCY FOR THE PURPOSE OF SNOW REMOVAL.**

- a) When any of the following conditions exist as determined by the City Manager, there exists within the City of DeKalb a "state of emergency":

1. Falling snow, sleet or freezing rain which may accumulate to six inches (6") or more or a forecast of snow, sleet or freezing rain which may accumulate to six inches (6") or more; or
  2. The existence of four inches (4") or more of snow, sleet or freezing rain upon the streets and alleys of the City of DeKalb; or
  3. The existence within a thirty (30) day period of an existing accumulation of snow, sleet or freezing rain within the City of DeKalb of twelve inches (12") or more, which accumulation restricts the curb to curb removal from streets of snow, sleet or freezing rain; or
  4. A forecast of snow, sleet or freezing rain which may accumulate to four inches (4") or more while there exist accumulations of snow, sleet or freezing rain within the City of DeKalb in excess of ten inches (10"); or
  5. Other similar extreme weather conditions that, in the determination of the City Manager, require the declaration of a state of emergency necessitating a parking prohibition.
- b) Whenever the City Manager shall determine that a "state of emergency" exists necessitating parking prohibition during snow removal, the City Manager shall issue a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a "state of emergency" exists. The City Manager shall cause declaration made by him/her pursuant to this Chapter 51.22 to be publicly announced by all reasonably available means, and he/she may cause such declaration to be further announced in newspapers of general circulation when feasible. Such information may also be distributed via the City's website and any emergency notification systems available for such purpose, when possible and practical to do so. Each announcement shall describe the action taken by the City Manager, including the time it became or will become effective and any related information available.
- c) After declaring a "state of emergency", the City Manager may declare the "state of emergency" at an end by issuing and publicizing a written statement to that effect. The State of Emergency may also be terminated by the City Council, at a public meeting thereof.
- d) Within the time prescribed by the City Manager, but not less than one (1) hour after the issuance of the declaration of a "state of emergency", there shall exist parking prohibitions in the corporate limits of the City of DeKalb as prescribed by the City Manager, which shall be in effect until the "state of emergency" is ended as prescribed in Subsection (c) above. Said parking prohibitions may prohibit parking on all or specified City streets and parking lots, for a specified period of time or based on conditions as outlined by the City Manager. Said declarations and restrictions shall have the full force of an ordinance of the City Council of the City of DeKalb.
- e) Any provision of this Chapter 51.22 which becomes effective by declaration of the City Manager, while in effect shall take precedence over other conflicting provisions of law normally in effect, including Chapter 51.21 if there be a conflict between said Chapter 51.21 and this Chapter 51.22, and 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.
- f) Members of the Police Department are hereby authorized to remove or have removed a vehicle from any street or Municipal Parking lot where parking is prohibited by declaration of the City

Manager. The procedure therefor shall be the same as prescribed in Section 51.21, and the fine or sanction shall be the same as provided in Section 51.21.

- g) Any vehicle that presents a public safety hazard or that blocks or threatens to block access to any City street by snowplowing vehicles or emergency responders shall be authorized to be ticketed and towed immediately, at any time during, before or after declaration of a Snow Emergency.

#### **51.22-5 EMERGENCY VEHICLES.**

In accordance with Chapter 951/2, Paragraph 1-105, of the Illinois Revised Statutes, Public Works Department equipment and vehicles owned and operated by City of DeKalb personnel are hereby designated to be authorized emergency vehicles in the City of DeKalb, Illinois, for the following purposes of emergency or disaster situations resulting from natural and domestic conditions: snow storms; wind storms; rain storms; fire; explosion; and, chemical spills. (1981-100)

#### **51.23 PROHIBITION OF HORSES IN CERTAIN CONGESTED AREAS.**

No person shall ride or drive or permit to be ridden or driven any horse or horses or any other animal of the genus Equus within the central business district bounded by the following streets: Seventh Street; Franklin Street; First Street; and Oak Street. Nor shall any such animals be permitted on East Lincoln Highway, West Lincoln Highway, North First Street, South Fourth Street or Sycamore Road. This Chapter 51.23 shall not include these animals from being within the area mentioned as part of an approved parade, procession and/or march as provided for in Chapter 51.20 and 51.23-5.

#### **51.23-5 HORSE DRIVEN RIDES.**

Any person, firm, organization or corporation, providing horse driven rides, including but not limited to, carriage rides and hayrack rides, including but not limited to, carriage rides and hayrack rides, shall submit an application for a permit to the City Manager. The City Manager, upon receiving such application, may approve the request subject to certain conditions which may include, but is not limited to, routing, hours, insurance, sanitary considerations and care of the animals. (1991-109, 1991-114)

#### **51.24 WEIGHT RESTRICTIONS ON CITY STREET.**

- a) That whenever any street or highway under the jurisdiction of the City of DeKalb within the corporate limits of the City of DeKalb (excepting therefrom East and West Lincoln Highway, Sycamore Road and North and South Fourth Street) or without the corporate limits of the City of DeKalb, by reason of deterioration, rain, snow or other climate or weather condition, will be seriously damaged or destroyed by vehicles weighing in excess of 8,000 pounds gross weight per axle, the Director of Public Works for the City shall make such finding and sign under oath a statement finding such standards have been met, setting forth facts to substantiate such findings, describing the nature of the condition and declaring that the street or highway is closed to vehicles in excess of the weight limitation above mentioned. Such finding and statement shall be filed with the City Clerk.
- b) The Director of Public Works shall, upon filing the finding and statement as provided for in a) above, erect or cause to be erected and maintained, signs designating the provision of a) above at each end of that portion of the street or highway affected thereby.

- c) The authority herein granted in this Chapter 51, Section 51.24, may commence on the 16<sup>th</sup> day of February and may terminate the 15<sup>th</sup> day of May of each and every year hereinafter, including the year of passage and approval. The Director of Public Works or his/her designee is authorized to implement seasonal weight restrictions in advance of February 16<sup>th</sup> of each year or waive, temporarily suspend, extend or terminate seasonal weight restrictions as weather conditions dictate.
- d) It shall be unlawful for any person, firm or corporation to drive or to cause to be driven or move or cause to be moved any vehicle in excess of 8,000 lbs. gross weight per axle when such finding and statement has been properly made and when the requirements of b) hereof are met.
- e) In addition to the seasonal prohibition contained in a) above, it shall be unlawful at any time for any person, firm or corporation to permit the operation of trucks or other commercial vehicles in excess of five (5) tons gross weight to enter upon or operate upon any of the following residential streets within the jurisdiction of the City of DeKalb, except to cross said streets at an intersection of said street or streets with a street not designated in Schedule M of this Chapter 51.

Provided that prohibited trucks or commercial vehicles may enter upon or operate upon said streets for the limited purpose of servicing residents upon said streets but shall enter and leave said street from the closest and most direct route from and to a non-prohibited street. Servicing means delivering or picking up material or goods to and from the residents upon said streets. The Director of Public Works shall place on such streets appropriate signs designating this prohibition.

Providing further that this Section 51.24 shall not apply to governmental vehicles in the performance of governmental functions, public utility vehicles in the performance of utility activities, buses using streets described in Schedule N attached hereto and made a part hereof, and vehicles of private contractors, performing government contracts upon the above enumerated streets or servicing residents along said streets.

- f) In addition to the seasonal prohibition contained in Section (a) above, it shall be unlawful at any time for any person, firm or corporation to permit the operation of trucks or other commercial vehicles in excess of twelve (12) tons gross weight to enter upon or operate upon any of the following streets within the jurisdiction of the City of DeKalb, except to cross said streets at an intersection of said street or streets with a street not hereinafter listed.
- g) Any person, firm or corporation convicted of violating this Chapter 51.24. shall be fined for the first offense not less than Seventy Five (\$75.00) nor more than One Hundred Dollars (\$100.00), and for the second and successive offenses by the same person, firm or corporation within a period of one (1) year of the first violation, not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). The foregoing in no way limits the civil liability of a violation for actual damage done to any street or highway.

#### **51.25 TRUCKS PROHIBITED ON CERTAIN STREETS.**

- a) In accordance with 625 ILCS 5/15-316(c), it shall be unlawful to operate any truck that meets any of the following characteristics:
  - 1. Weight in excess of 10,000 pounds and/or pulling a trailer with a weight in excess of 10,000 pounds;

2. With an Illinois truck license plate in category F (permitting registered weights of 12,001-16,000 pounds) or any license plate category permitting a greater weight;
3. Pulling a trailer with an Illinois truck license plate in category TE (permitting registered weights of 10,001-14,000 pounds) or any license plate category permitting a greater weight;
4. With an out of state, agricultural, or other form of license plate permitting operation with a registered weight in excess of 12,000 pounds; or,
5. Pulling a trailer with an out of state, agricultural, or other form of license plate permitting operation with a registered weight in excess of 10,000 pounds;

Except for the purpose of servicing persons or businesses within the corporate limits of the City of DeKalb or within 1/4 mile of the corporate limits of the City of DeKalb, upon any of the following streets, except to cross said streets at an intersection of said street or streets with a street not hereinafter listed:

- Fairview Drive between 1<sup>st</sup> Street and 4<sup>th</sup> Street.

Penalties. Violation of this subsection a) shall constitute an ordinance violation, which may be charged as:

(1) a direct violation of this section;

(2) as disobeying a traffic control device; or

(3) as operating an overweight motor vehicle. Any such violation shall carry a minimum fine of not less than \$250.00. The Department of Public Works is and shall be authorized to post appropriate signs prohibiting such traffic and indicating the minimum fine.

b) In accordance with 625 ILCS 5/15-316(c), it shall be unlawful to operate any truck weighing 24,000 pounds or more, except for the purpose of servicing residents or businesses within the corporate limits of the City of DeKalb or within 1/4 mile of the corporate limits of the City of DeKalb, upon any of the following streets, except to cross said streets at an intersection of said street or streets with a street not hereinafter listed:

- Bethany Road from Sangamon Road to Resource Parkway.
- North First Street from Dresser Road to Hillcrest Drive.
- North First Street from Dresser Road to Rich/Coltonville Road.
- South First Street from Taylor Street to Fairview Drive.
- Seventh Street from Sycamore Road to Pleasant Street and from Grove Street to Charter Street.

c) In accordance with 625 ILCS 5/15-316(c), it shall be unlawful to operate any truck weighing 30,000 pounds or more, except for the purpose of servicing residents or businesses within the corporate limits of the City of DeKalb or within 1/4 mile of the corporate limits of the City of

DeKalb, upon any of the following streets, except to cross said streets at an intersection of said street or streets with a street not hereinafter listed:

- Gurler Road from State Route 23 to South First Street within the City of DeKalb limits.

Penalties. Violation of this subsection c) shall constitute an ordinance violation, which may be charged as:

- (1) a direct violation of this section;
  - (2) as disobeying a traffic control device; or
  - (3) as operating an overweight motor vehicle. Any such violation shall carry a minimum fine of not less than \$250.00. The Department of Public Works is and shall be authorized to post appropriate signs prohibiting such traffic and indicating the minimum fine.
- d) In accordance with 625 ILCS 5/15-316 (c), it shall be unlawful to operate any truck weighing 42,000 pounds (21 tons) or more, except for the purpose of servicing residents or businesses within the corporate limits of the City of DeKalb or within 1/4 mile of the corporate limits of the City of DeKalb, except to cross said streets at an intersection of said street or streets with a street not hereinafter listed:
- South Malta Road from Annie Glidden Road to the westernmost corporate limits of the City of DeKalb.
- e) For purposes of this section, "servicing" means delivering or picking up material or goods to and from residents or businesses on said streets, provided that vehicles shall enter or leave said streets from the closest and most direct route from and to a non-prohibited street.
- f) This Section shall not apply to governmental vehicles in the performance of governmental functions, public utility vehicles in the performance of utility activities, buses duly authorized by the City of DeKalb to use any streets otherwise prohibited, and private construction vehicles performing work under a government contract upon any of the above enumerated streets or serving residents along said streets. The Director of Public Works shall place appropriate signs on the above streets designating the prohibition contained in this section.

## **51.26 TRUCK ROUTES.**

Chapter 625, Section 5/15-111, of the Illinois Compiled Statutes, gives the City authority to allow certain limitations on the size and weight of trucks or other commercial vehicles with respect to highways under their jurisdiction. It is deemed to be in the public interest for the benefit of the people of the City of DeKalb that the City Council designate portions of the City Highway System as Truck Routes.

- a) Size and weight restrictions for Truck Routes as posted within the City of DeKalb, on roads under LOCAL jurisdiction, shall conform to the Illinois Vehicle Code, Chapter 625, Illinois Compiled Statutes as follows:
- Width: 625 ILCS 5/15-102
  - Height: 625 ILCS 5/15-103



- Length: 625 ILCS 5/15-107
- Weight: 625 ILCS 5/15-111

b) The following streets in the City of DeKalb are hereby designated Class II Truck Routes as adopted and defined by the Illinois Vehicle Code, Chapter 625 Illinois Compiled Statutes, Sections 5/15-102, 5/15-103, 5/15-107, 5/15-111:

<b>City Street</b>	<b>From</b>	<b>To</b>
Annie Glidden Road	Rt. 38	South to Fairview Drive (All sections within corporate boundaries)
Barber Greene Road	Rt. 23	Peace Road (All sections within corporate boundaries)
Bethany Road	Rt. 23	East to corporate boundary
Challenger Drive	Peace Road	West Terminus
Corporate Drive	Harvestore Drive	1,650' South to a point
County Farm Road	Peace Road	Barber Greene Road
Dietz Avenue	Pleasant Street	South Terminus
East Dresser Road	Rt. 23	Fourteenth Street
Enterprise Avenue	Pleasant Street	North Terminus
Fairview Drive	Annie Glidden Road	South First Street (All sections within corporate boundaries)
Fairview Drive	Rt. 23	Peace Road (All sections within corporate boundaries)
South Fifth Street	Grove Street	Rt. 38
North First Street	Gurler Street	East Locust Street
South First Street	Fairview Drive	Harvestore Drive (All sections within corporate boundaries)
Fourteenth Street	Market Street	to a point 280' North of Pleasant Street
Grove Street	South Seventh Street	South Fifth Street

Harvestore Drive	South First Street	Rt. 23
Industrial Drive	Rt. 38	South Terminus
East Locust Street	North First Street	North Seventh Street
East Locust Street	North Tenth Street	East Terminus
Macom Drive	Fairview Drive	Peace Road
Oak Street	North Seventh Street	East Terminus
Wirsing Parkway	Peace Road	West Terminus
Oakwood Avenue	Rt. 23	South 426' to a point
Peace Road	I-88	to corporate limits (including all sections within corporate boundaries)
Pleasant Street	Fourteenth Street	Enterprise Avenue
North Seventh Street	Grove Street	Rt. 23
South Seventh Street	Fairview Drive	to a point 340 feet North of Charter Street
Simmonds Avenue	Rt. 38	South Terminus
Spooner Court	Macom Drive	North Terminus
State Street	Fourteenth Street	East Terminus
East Taylor Street	Rt. 23	East Terminus
North Tenth Street	Rt. 38	Pleasant Street
Thirteenth Street	Rt. 23	150' South to a point
Wagner Court	Harvestore Drive	North Terminus
Wurlitzer Drive	State Street	South Terminus

The Director of Public Works shall have placed on such streets, appropriate signs designating the Class II Truck Routes.

The City Council of the City of DeKalb authorizes the prosecution of the owner or driver or both of any vehicle operated in violation of this Ordinance in the manner provided by Chapter 625 ILCS, Section 5/15-112 of the Illinois Vehicle Code, and penalties may be assessed as provided in Chapter 625 ILCS, Section 5/15-113 of the Illinois Vehicle Code.

- c) The following streets in the City of DeKalb are hereby designated as Class II truck routes, 7:00 a.m. to 6:00 p.m. as adopted and defined by Chapter 625 ILCS, Sections 5/15-102, 5/15-103, 5/15-107, 5/15-111 of the Illinois Vehicle Code:

<b>City Street</b>	<b>From</b>	<b>To</b>
Oakwood Avenue	420' South of the South Right of Way Line of Rt. 23	Fourteenth Street
Fourteenth Street	Oakwood Avenue	East Dresser Road

The Director of Public Works shall have placed on such streets, appropriate signs designating the Class II Truck Routes, 7:00 a.m. to 6:00 p.m. only.

The City Council of the City of DeKalb authorizes the prosecution of the owner or driver or both of any vehicle operated in violation of this Ordinance in the manner provided by Chapter 625 ILCS, Section 5/15-112 of the Illinois Vehicle Code, and penalties may be assessed as provided in Chapter 625 ILCS, Section 5/15-113 of the Illinois Vehicle Code.

- d) The following streets in the City of DeKalb are hereby designated Class III Truck Routes as adopted and defined by Chapter 625 ILCS, Sections 5/15-102, 5/15-103, 5/15-107, 5/15-111 of the Illinois Vehicle Code:

<b>City Street</b>	<b>From</b>	<b>To</b>
East Taylor Street	Rt. 23	Lacas Street
Lacas Street	East Taylor	Rt. 23
Dodge Avenue	Rt. 38	370' North to a point
North Eighth Street	Rt. 38	East Locust Street
North Ninth Street	Rt. 38	East Locust Street
East Locust Street	North Seventh Street	North Tenth Street
Oak Street	Rt. 23	North Seventh Street
Pleasant Street	North Seventh Street	Fourteenth Street
Gurler Street	South First Street	Leonard Avenue
Leonard Avenue	Gurler Street	West Garden Street
West Garden Street	Leonard Avenue	260' East to a point

The Director of Public Works shall have placed on such streets, appropriate signs designating the Class III Truck Routes.

The City Council of the City of DeKalb authorizes the prosecution of the owner or driver or both of any vehicle operated in violation of this Ordinance in the manner provided by Chapter 625 Illinois Revised Statutes, Section 5/15-112 of the Illinois Vehicle Code, and penalties may be assessed as provided in Chapter 625 ILCS, Section 5/15-113 of the Illinois Vehicle Code.

#### **51.27 PROVIDING FOR WRITTEN PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES.**

Vehicles exceeding weight, width or height limitations imposed by the City of DeKalb shall be permitted to use City streets for specific moves EXACTLY as stated by the route indicated on a written permit obtained from the Director of Public Works or his designee.

Permits shall be issued pursuant to Chapter 625 ILCS, Section 5/15-301 of the Illinois Vehicle Code. Fees for such permits are charged based on the City of DeKalb Municipal Code, Chapter 9, "Establishment of Fees." All permits shall be kept in the vehicle whenever such vehicle is operated on said streets, and in accordance with any and all directions given from the permitting office. In issuing such permits, the Director of Public Works or his designee shall be permitted to direct and prescribe the route over streets any vehicle shall be permitted to travel. (2009-077)

Violations of permits issued or of violations of Sections 5/15-102, 5/15-103, 5/15-107, 5/15-111, shall be subject to penalties as prescribed by Chapter 625 ILCS, Sections 5/15-113, 5/15-113.1, 5/15-113.2, 5/15-113.3 of the Illinois Vehicle Code.

#### **51.28 ENGINE BRAKING PROHIBITED.**

- a) No person shall operate or cause to be operated any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in a loud, unusual or explosive noise from such vehicle, within the City of DeKalb, Illinois at locations listed in subsection b) of this Section.
- b) Engine Braking Prohibited Locations:
  - South First Street from Harvestore Drive to Fairview Drive.
  - Fairview Drive from Annie Glidden Road to South First Street.
  - South Annie Glidden Road from a point 1,000' south of the south right of way line of Taylor Street to a point 2,800' south of the south right of way line of Taylor Street.
- c) It shall be an affirmative defense that the person who operated or caused to be used or operated such mechanical exhaust device in circumstances where it was necessary to avoid injury or an accident within City limits.
- d) Penalty. Any person violating this Section 51.28 shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each offense.

#### **51.29 DRIVER'S LICENSE SUSPENSION.**

- a) Once a final judgment has been rendered for ten (10) or more violations of local standing, parking, or compliance regulations against the owner of a registered vehicle, the City of DeKalb

may send a notice to the Illinois Secretary of State requesting that the violator's driver's license be suspended.

- b) Prior to issuance of the report to the Secretary of State, a notice of impending driver's license suspension shall be sent to the violator by first class United States mail, postage prepaid, to the address recorded with the Secretary of State. The notice shall specify:
1. Failure to pay the fine or penalty imposed by final judgment will result in the City notifying the Secretary of State that the violator's driver's license is eligible for suspension;
  2. To avoid issuance of the report to the Secretary of State, payment must be made within forty-five (45) days of the date of the notice;
  3. The violator may also challenge the accuracy of the report to be mailed to the Secretary of State. This challenge must be in written form and must supply adequate proof of the basis for the challenge. The written form and the proof must be received by the City of DeKalb, Legal Division, 200 South 4<sup>th</sup> Street, DeKalb, Illinois 60115, within thirty-five (35) days of the date of the notice of impending driver's license suspension. Grounds for challenging the report are limited to:
    - (a) The person not having been the owner or lessee of the vehicle or vehicles receiving ten (10) or more parking violation notices on the date or dates such notices were issued; and
    - (b) The person having already paid the fine for the ten (10) or more violations indicated on the certified report.

The Legal Division will review the challenge within three (3) working days of the receipt of the challenge. The Legal Division will notify the violator of its decision on the challenge. If such challenge is rejected, the violator must still pay the fine or penalty within the 45-day period following the notice date.

- c) If full payment is not received upon the expiration of the 45-day period, the City shall send to the Secretary of State a certified report asking that the violator's driver's license be suspended. The certified report to the Secretary of State shall state:
1. The violator has failed to satisfy fines or penalties imposed by final judgments for 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures;
  2. The name, last known address and driver's license number of the person who failed to pay the fine, and the registration number of any vehicle known to be registered to such person in Illinois;
  3. The City of DeKalb is the municipality making such report; and
  4. A statement that the City of DeKalb sent a notice of impending driver's license suspension as set forth in Section 51.29, b) above to the person named in the report at the address sent to the Secretary of State, the date which such notice was sent, and the address to which such notice was sent.

- d) The City of DeKalb shall notify the Secretary of State whenever a person named in the certified report has paid the previously reported fine or penalty or whenever the City of DeKalb determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

### **51.30 ORDERS FOR TOWING AND IMPOUNDING OF VEHICLES BY CITY.**

- a) The provisions of this Section 51.30 shall authorize the towing and impounding of vehicles, within the City of DeKalb. This Section shall not impair the authority provided under any other applicable City Ordinance or Regulation, but rather shall be read to provide additional authority to authorized City employees, to have vehicles towed and impounded.
- b) Towing and Impounding Authorized: City of DeKalb Police Officers, Code Enforcement Officers and their authorized designees shall be authorized to have a vehicle towed and impounded as authorized under any other applicable City Ordinance or Regulation, and also under the following conditions:
  - 1. A vehicle is involved in a traffic stop or is otherwise stopped during or as a component of the investigation of a potential traffic or criminal violation, which investigation results in the arrest of the driver of the vehicle.
  - 2. A vehicle is illegally parked upon or is illegally trespassing upon property owned by the City of DeKalb, other than a roadway or public right of way.
  - 3. A vehicle is reasonably believed to have been the scene of a crime or is reasonably believed to have or contain evidence of a crime or other unlawful activity.
  - 4. A vehicle is subject to being seized or towed under any applicable federal, state or local ordinance, statute, code or regulation.
  - 5. A vehicle is subject to being towed and impounded based upon the accrual of a sufficient number of parking tickets, and issuance of appropriate notices, under applicable City Ordinance.
  - 6. A vehicle is parked in a location that presents an immediate and unwarranted threat to public health, welfare or safety, including but not limited to:
    - (a) Vehicles parked in front of fire hydrants, fire doors, fire lanes, or other similar locations.
    - (b) Vehicles parked in a location so as to block ingress or egress from any City Fire Department, Police Department or Public Works Department building or parking lot.
    - (c) Vehicles parked in a location so as to block ingress or egress from any runway access drive or emergency access drive at DeKalb Taylor Municipal Airport.
    - (d) Vehicles parked in a location so as to block ingress or egress from any hospital, urgent care center or other emergency medical facility.
    - (e) Vehicles parked within a roadway (other than within a designated parking zone).
    - (f) Vehicles on or in dangerously close proximity to railroad tracks.

- (g) Vehicles that are on or in close proximity to a public right of way, that have become immobilized due to mechanical difficulty, weather conditions, or for any other cause.
- (h) Vehicles in such other location that is determined, by the City agent or employee ordering the towing, to be unsafe or unlawful, in their absolute and sole discretion.
7. A vehicle is illegally parked on private property for which the City has a valid traffic enforcement agreement that permits towing without property owner notification or consent or is illegally parked on private property and the property owner consents to the tow.
8. Vehicles that are hazardous in the determination of a City of DeKalb police officer. The City Council of the City of DeKalb has formally determined that there are certain characteristics which are among the types of concerns that create traffic hazards and impede traffic on streets within the City of DeKalb. A vehicle with one or more of these characteristics is thus deemed to be a hazardous vehicle subject to immediate towing. The characteristics that create a hazardous vehicle include, but are not limited to:
- vehicles with broken windows;
  - vehicles with obvious safety hazards;
  - vehicles that are leaking any fuel or fluids onto the roadway;
  - vehicles missing any equipment required by law for legal operation on the roadway; vehicles without properly displayed license plates and valid registration;
  - vehicles with missing or flat tires; and
  - vehicles that are clearly inoperable or incapable of being moved under their own power. (2013-023)
- c) Towing Not Required: In the event that a vehicle is eligible to be towed under 51.30(b), above, and the City officer or agent involved determines that the vehicle does not require towing (e.g. a vehicle involved in a traffic stop resulting in the driver being arrested, where the vehicle is either lawfully parked or capable of being lawfully driven by another, properly licensed occupant in the vehicle), the City officer or agent may elect to not have the vehicle towed or impounded.
- d) Warrant or Other Authority: In the event a City of DeKalb Police Officer believes that a vehicle contains evidence of a crime or other unlawful activity but the officer lacks legal authority to seize the vehicle and have it towed, the Officer shall be authorized to promptly seek and secure a search warrant or other similar authority to authorize the seizure, towing and/or search of the vehicle.
- e) Towing and Impoundment: Any City agent or employee authorized to order the towing of a vehicle under this Section may utilize a towing contractor who maintains a towing agreement with the City of DeKalb. Any vehicle towed or impounded under this Section shall be retained by the party towing the vehicle until: i) all outstanding fines, penalties, fees, interest, or other charges whatsoever have been paid to the City and the party towing the vehicle, in full; b) the vehicle is ordered to be released from impound by the City of DeKalb Administrative Hearing Officer; c) the vehicle is ordered to be released from impound by a Court having jurisdiction over the matter; or, d) the vehicle is ordered to be released from impound by the City Manager,

Assistant City Manager, Police Chief, or their designee.

- f) Towing Agreement: The City Manager, Assistant City Manager and/or Police Chief shall be authorized to enter into one or more towing agreements with properly licensed and equipped private towing companies, to provide for the towing of vehicles in accordance with this Section or any other applicable code, ordinance, statute or regulation (as also contemplated by Municipal Code Section 17.07(h)). Such agreements shall be entered into on terms and conditions acceptable to the City Manager, Assistant City Manager and/or Police Chief. Any party that provides towing services to the City under such an agreement shall comply with the Agreement in full, and shall be responsible to the City for any costs or expenses incurred, or fines and penalties lost, as a result of the improper release of a vehicle from impoundment.
- g) Towing Policy: The City hereby approves the creation of an official Towing Policy for the City of DeKalb. The Chief of Police is and shall be authorized to approve changes, amendments or modifications to the Towing Policy from time to time, without requiring approval of the City Council or amendment of this Ordinance, and shall maintain a current copy of the Towing Policy at the Police Department office, for public inspection. Use of a “Denver Boot” or other vehicle immobilization device and use of towing and impoundment of vehicles is and shall be authorized in accordance with the requirements of the then-current Towing Policy. The City presently maintains a system for Administrative adjudication of violations of traffic regulations regarding the stopping, standing or parking of vehicles, and pursuant to the City’s authority, the City approves the Towing Policy’s provisions on booting/immobilizing/towing/ impounding of vehicles, and delegates to the Police Chief the authority to modify or amend that Towing Policy, including but not limited to the number of citations required to trigger booting/immobilization/towing/impound of vehicles.
- h) Presumption of Ownership: In the case of any parking citation or handicapped parking violation issued by or on behalf of the City, regardless of whether such citation is issued in the form of a mail-in citation, or whether such citation is prosecuted through the City’s Administrative Hearings or through the Circuit Court, the provisions of this subsection (h) shall apply. As the City’s parking citations are civil in nature, the City exercises its home rule authority to determine the liability of owners for the parking of vehicles registered in their name, within the Corporate Limits of the City of DeKalb.
  - 1. Citation issued to occupied vehicle: In the case of any citation issued to a vehicle which is occupied or claimed by a driver at the time of issuance of the citation, the citation shall be issued and prosecuted in the name of the driver or person claiming responsibility.
  - 2. Citation issued to unoccupied vehicle: In the case of any citation issued to a vehicle which is unoccupied and unclaimed by a driver at the time of issuance, the citation shall be issued to the registered owner of the vehicle.
    - (a) In all such cases, there shall be a rebuttable presumption that the registered owner of the vehicle is the party responsible and liable for the vehicle’s parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities.
    - (b) For any parking citation issued to the owner of an unoccupied vehicle, the City may accept payment for such citation from any party or person.



- (c) For any parking citation issued to an unoccupied vehicle, the only party that shall be authorized or entitled to contest the parking citation and/or to request an Administrative Hearing on such citation is the registered owner to whom such vehicle is registered.
  - i. In the event that the registered owner contests such a citation on the basis that a driver or person *other than the registered owner* was operating the vehicle and/or parked the vehicle unlawfully, the registered owner shall nonetheless be liable for the parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities unless:
    - A. The registered owner produces a police report and other documentation acceptable to the party reviewing the citation, demonstrating that at the time the citation was issued, the vehicle had been reported stolen; or
    - B. The registered owner produces documentary or testimonial evidence demonstrating that at the time the citation was issued, an individual, discrete, expressly named person identified by the registered owner had actual custody of the vehicle and had personally parked the vehicle and incurred the parking citation.
  - ii. It shall not be a defense to a citation issued to the registered owner of an unoccupied vehicle that such vehicle was leased, rented, loaned or otherwise utilized by a third party, in the absence of proof that the vehicle was under such person's *actual direct operation at the time that the citation was issued*, as required under subsection (h)(2)(i)B., above.

### **51.31 PROHIBITION ON PARKING UNLAWFUL VEHICLES ON ROADWAYS.**

- a) It shall be unlawful to park any vehicle on any public roadway, parking lot, or other public property within the City of DeKalb where such vehicle is unlawful to operate on a public street by virtue of any vehicle condition, equipment violation, registration or licensure violation, or the failure to insure such vehicle.
- b) Violation of this Section 51.31 shall be punishable by a fine of not less than Seventy-Five Dollars (\$75.00) nor more than One Hundred Fifty Dollars (\$150.00). Any person, firm or corporation failing to pay the penalty provided in this section 51.31(b) shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Hundred Seventy-Five Dollars (\$175.00). Each calendar day that an unlawful vehicle shall remain on public property shall constitute a separate violation, punishable separately by fine, and separately ticketable.

### **51.32 RESIDENT PARKING PERMITS FOR ON-STREET PARKING.**

- a) **Parking Prohibited:** It shall be unlawful to park in any area designed in Schedule C and Schedule F of Chapter 51 of the City Code as a Resident Parking Only area in violation of the times specified within such regulations (and related signage), unless the parked vehicle has a then-valid Resident Parking Permit issued for the location at which the vehicle is parked, in accordance with these provisions. Any vehicle parked in violation of these provisions shall be subject to immediate tow. No City-issued resident parking permit shall be required for off-street parking on private property.

- b) Issuance: Resident Parking Permits shall be issued by the City of DeKalb.
1. Resident Parking Permits shall have no cost.
  2. Central Business District Resident Parking Permits shall have no cost.
    - (a) All such vehicles shall be moved within twenty-four (24) hours of a snow event of two inches of snow or greater to permit proper clearing of the parking lot.
  3. Application shall be made on a form provided by the City Manager, or designee, which shall specify:
    - (a) The vehicle year/make/model/license plate;
    - (b) The name, address, phone number and driver's license number of the registered owner of the vehicle and the primary driver of the vehicle. Where there is more than one driver of the vehicle at the premises, all such drivers shall be identified with the information prescribed above;
    - (c) The local address at which the vehicle is parked (supported by documentation acceptable to the City, such as a current written lease specifying a specific location and apartment number), which address must be the address of the primary driver of the vehicle;
    - (d) Proof of current automobile insurance meeting or exceeding minimum state law requirements for motor vehicles;
    - (e) A copy of a current, valid driver's license for the primary driver of the vehicle;
    - (f) A copy of the current registration for the vehicle; and
    - (g) Such other information as the application shall require.
  4. Renewal shall require completion of a renewal application and payment of the fee.
  5. No more than one permit per primary driver residing at the address in question shall be issued.
  6. Permits shall not be available for commercial or business use.
- c) Display: Any vehicle parked in an area where a permit is required shall be required to display the parking permit issued to that specific vehicle in a clear and unobstructed fashion. Parking permits are only valid for the vehicle to which they are issued. Parking permits that are not displayed or that are obstructed shall not be considered valid permits and vehicles shall be subject to ticketing and tow.
- d) Other Violations: Unobstructed display of a parking permit shall constitute authorization to park within the specified restricted area authorized on the permit for the vehicle listed on the permit, subject to all other parking restrictions. Display of a permit shall not excuse any other parking violation, such as parking within a no-parking zone, parking in a fire hydrant zone, parking of an inoperable motor vehicle or any other unlawful condition. Such other violations shall be cause for immediate tow. Issuance of a permit is not a guarantee that parking will be available

within the authorized area.

- e) **Parking Area:** Parking permits shall be issued for specific geographic areas based upon the address of the primary driver of the vehicle and shall only be valid for parking within the specific geographic area authorized, and on the street listed on the parking permit application. A parking permit used on any other street or in any other area shall be invalid.
- f) **Transferal:** Parking permits shall be valid for the vehicle and driver for which they are issued only, and shall not be assigned, transferred, or otherwise transferrable.
- g) **Suspension and Revocation:** Parking permits issued hereunder may be suspended or revoked for any of the following violations:
  - 1. The violation of any terms of this Ordinance, including but not limited to, use of a parking permit in a vehicle to which the permit is not issued;
  - 2. The use of the vehicle, at any location in the City of DeKalb, in an offense for which vehicle seizure and impoundment is permitted under Section 35.07 of the City Code;
  - 3. The accrual of four or more parking citations to the vehicle at any location in the City of DeKalb;
  - 4. The expiration or suspension of the registration or insurance of the vehicle or the license of the driver or owner; or
  - 5. The occurrence of any condition which renders the vehicle inoperable as defined in City Code.

The Chief of Police or designee may authorize the suspension of a parking permit upon the issuance of written notice of the same for not more than 60 days. Any notice due hereunder shall be sent to the addresses of the owner and of the primary driver as indicated on the permit application. Within three days of the date of dispatch of such notice, the primary driver shall surrender the physical permit to the City of DeKalb Police Department. If the Chief of Police seeks revocation of the permit, the City shall offer the permit holder the ability to request or waive the conduct of an Administrative Hearing pursuant to Chapter 17 of the City Code. If a hearing is not waived, and if the result of the hearing is the imposition of a revocation, the owner of the vehicle and primary driver of the vehicle shall be jointly and severally liable for the costs of hearing, and for any fines imposed by the Administrative Hearing Officer.

- h) **Guest Permits:** Any resident within the above-described area, except Central Business District residents, may apply for and obtain a guest parking permit from the City of DeKalb Police Department. Guest parking permits shall have no cost, and shall require the completion of a guest parking permit application identifying the guest vehicle and current license plate of the guest vehicle, as well as the dates and duration of the permit requested, which shall not exceed three days.
- i) **Temporary Parking Areas:** The Chief of Police or his designee shall be authorized to establish temporary areas within no-parking or resident-only parking zones for use as authorized parking areas on terms and conditions acceptable to the Chief of Police or his designee. Such areas shall have signage, if necessary, based upon the circumstances of the temporary approval.
- j) **Contractor Services:** Where a commercial contractor or business is providing services to a

resident within a restricted resident-only parking area, the contractor or business shall be permitted to park within a resident parking zone without obtaining a guest pass or resident parking permit, provided that: 1) the contractor or business is operating a vehicle clearly marked as a contractor/business vehicle; 2) the contractor is present at all times and actually engaged in the course of commerce when the vehicle is so parked; and, 3) the contractor is parked immediately in front of or adjacent to the residential premises being served.

### **51.33 RESIDENT PARKING TAGS FOR ON-STREET PARKING.**

- a) **Parking Prohibited:** It shall be unlawful to park in any area designated in Schedule C of Chapter 51 of the City Code as a No Parking at Any Time Except for Vehicles Displaying Resident Parking Tag zone in violation of the times specified within such regulations and related signage, unless the parked vehicle has a then-valid Resident Parking Tag issued for the zone in which the vehicle is parked, in accordance with these provisions. Any vehicle parked in violation of these provisions shall be subject to immediate tow. No City-issued resident parking tag shall be required for off-street parking.
- b) **Issuance:** Resident Parking Tags shall be issued by the City of DeKalb
  - 1. Resident Parking Tags shall have no cost.
  - 2. Resident Parking Tags shall be transmitted by the City to individual qualifying properties on an annual basis via U.S. Mail or other appropriate delivery.
  - 3. Each qualifying individual property shall be issued two (2) passes per street address.
- c) **Applicability:** Qualifying addresses and vehicles.
  - 1. Each domicile with a unique numbered address having frontage upon a street (both section and side) within the limits of an effected zone.
  - 2. Multiple zones may be created across the City by administrative procedure of the office of the City Manager.
  - 3. Tags shall be valid for a 12-month period and will be identifiable by color and year denoted for each zone.
  - 4. Tags are transferable at resident's discretion between any vehicle legally licensed and registered.
  - 5. Displaying a tag does not supersede other adopted parking regulations, such as snow route designations or City-wide parking period restrictions.
- d) **Guest Permits:** The temporary guest tag is limited to 36 hours and must be displayed in the vehicle at all times. Each address shall be issued twelve (12) temporary guest tags at the initial issuance cycle of each year. Additional tags may be requested from, and issued at the discretion of, Public Works; in order to prevent proliferation and abuse.
- e) **Temporary Parking Areas:** The Chief of Police or their designee shall be authorized to establish temporary areas with no-parking or resident-only parking zones. Such areas shall have signage, if necessary, based on the circumstances of the temporary approval.

- f) Contractor Services: Where a commercial contractor or business is providing services to a resident within a restricted resident-only parking area, the contractor or business shall be permitted to park within a resident parking zone without obtaining a tag, provided that: 1) the contractor or business is operating a vehicle clearly marked as a contractor/business vehicle; 2) the contractor/business is present at all times and engaged in the course of commerce when the vehicle is parked; and, 3) the contractor is parked immediately in front of or adjacent to the property being served.