

ORDINANCE NO. 88-1

AN ORDINANCE REVISING REGULATIONS PERTAINING TO THE
PARKING OF VEHICLES ON PUBLIC STREETS

WHEREAS, the primary responsibility to the inhabitants of the Village of Chatham regarding the streets and thoroughfares of the Village of Chatham is the safe and efficient passage of traffic; a secondary responsibility is the maintenance of said public ways, including paved portions, shoulders, and ditches, in good condition; and a final responsibility is the preservation of the aesthetics of the public ways by discouraging regular long term parking or even abandonment of vehicles upon those public streets and thoroughfares;

WHEREAS, the Village has in existence and in force Ordinance No. 75-3 passed and approved May 15, 1975, regulating certain aspects of the parking of vehicles within the Village of Chatham, most of the provisions of which are still appropriate and should be reincorporated and re-adopted herein, but by reason of the substantial growth of the Village since 1975 additional regulations are required.

WHEREAS, many of the streets and thoroughfares of the Village of Chatham are not unusually wide and parking of vehicles on the sides of those streets and thoroughfares, particularly on both sides simultaneously, hinders the efforts of the Village's construction, maintenance, and repair crew throughout the year and in particular makes snow removal extremely difficult;

WHEREAS, the unrestricted parking of vehicles on the sides of streets and thoroughfares has encouraged prolonged parking,

and in some cases even the apparent abandonment of some vehicles within the Village limits, thereby constituting both a private and public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, that:

Section 1. Whenever the following terms are used in this Ordinance, they shall have the meanings ascribed to them set forth in this Section:

Business District. Streets in the Business District consisting of Mulberry Street between Church Street and Arch Street, Chestnut Street between Church Street and the Illinois Central Gulf Railroad tracks, Church Street between Chestnut Street and Walnut Street, and Market Street between Chestnut Street and Walnut Street.

Crosswalk. That portion of a roadway ordinarily included within the prolongation or extension of curb and property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

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

Motor vehicle. Every vehicle which is self-propelled.

Park. To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or property.

Parkway. That portion of a street between the property line and the roadway not used for sidewalks.

Property line. The line marking the boundary between any street and the lots or property abutting thereon.

Roadway. That portion of a street or highway between the regularly established curb lines or, on streets on which curbs have not been constructed, that part of a street improved and intended to be used for vehicular travel.

Street or highway. The entire width between property lines of every way or place whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 2. It shall be unlawful to permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a policeman or traffic-control device:

- (1) In any intersection.

- (2) In a crosswalk.
- (3) Within thirty (30) feet of a traffic signal or sign on the approaching side.
- (4) Within twenty (20) feet of any intersection or crosswalk.
- (5) Within fifteen (15) feet of a fire hydrant.
- (6) At any place where the vehicle would block the use of a driveway.
- (7) On any sidewalk or parkway.
- (8) At any place where official signs prohibit parking.

SECTION 3. It shall be unlawful to park any vehicle at any time in any of the following places except in compliance with the direction of a policeman:

- 1) In any intersection
- 2) In a crosswalk
- 3) On any sidewalk or parkway
- 4) At any place where the vehicle would block the use of a driveway
- 5) Within forty (40) feet of a traffic signal or sign on the approaching side.
- 6) Within thirty (30) feet of any intersection or crosswalk
- 7) Within twenty-five (25) feet of a fire hydrant
- 8) At any place where official signs prohibit parking district, between the hours of 1 a.m. and 10 a.m.

9) On either side of any street in the business district between the hours of 1 a.m. and 5 a.m.

10) Any vehicle at any time on either side of Illinois State Route 4, also known as Main Street, or on Walnut Street, formerly known as County Highway 40

SECTION 4. Either side or both sides, or any portion of either side, of any street may be designated as a restricted parking district by the Village Board, and any such restrictions shall be effective for such time as may be designated by appropriate signs designating the effective time of day of such parking restriction, as well as the duration of time that parking is allowed. Such designation shall be evidenced by signs or legends or notices on or near the curbing of the streets or portions thereof where such restriction is to be effective.

SECTION 5. No vehicle shall be parked for any period of time in excess of the time posted on the officially erected sign or legend or notice effective for the parking space for which it is erected during the effective time thereof.

SECTION 6. It shall be unlawful at any time to park for more than two hours any vehicle weighing more than 8,000 pounds upon either side of those portions of Chestnut, Market and Mulberry Streets, abutting the public square; provided that under special circumstances the village board may issue a special permit for longer parking around the public square by such a vehicle where it is in the public interest.

SECTION 7. No person shall park a motor vehicle on private property without the consent of the owner of the private property.

SECTION 8. Except for those streets in the business district where provision for diagonal or angle parking has been made, no vehicle shall be parked along any street other than parallel with the street or curb and headed in the direction of traffic, with the curb-side wheels of the vehicle within six inches of the edge of the roadway. In no event shall a vehicle be parked headed against the direction of traffic.

SECTION 9. 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 street from which vehicle merchandise is peddled.

SECTION 10. In addition to the general restrictions, limitations, and requirements of this ordinance pertaining to all of the streets and thoroughfares of the Village, the parking of vehicles may be prohibited at all times, or between certain hours, on any street or portion of any street when such parking may impede the free flow of traffic on such street or create a hazardous condition. In such case appropriate signs shall be erected and maintained giving notice of such parking prohibition. No person shall park a vehicle during the time prohibited at places so indicated by official signs.

SECTION 11. No vehicle shall be parked for any period of time in excess of the time posted on the officially erected sign

or legend or notice effective for the parking space for which it is erected during the effective time thereof.

SECTION 12. No abandoned vehicle, no inoperable vehicle, and no vehicle without current valid license plates assigned and properly affixed to said vehicle shall be parked on either side of any street or highway.

SECTION 13. No vehicle shall be parked continuously on either side of any street or highway for more than forty-eight (48) consecutive hours.

SECTION 14. As one means of ascertaining the violation of the foregoing Sections 11, 12, and 13 the Police Department may apply colored markings to the tires of any vehicle for which there is reasonable cause to believe is, or may be, parked in violation of this Ordinance. In each case marking is utilized, the Police officer shall record in writing the time, manner, and method of such marking, and the time and results of each subsequent inspection of any vehicle so marked as may be relied upon to determine and established a violation of this Ordinance.

SECTION 15. Prior to issuance of a citation or complaint for violation of Section 12 or 13, the Police Department shall have discretion to issue a temporary parking permit in consideration for the payment of a fee of Three Dollars (\$3.00) per day and upon good cause presented by the owner or operator of a vehicle which is to be parked in violation of Section 12 because it became temporarily disabled and cannot conveniently be moved until repaired, or in violation of paragraph 13 because the owner or operator of the vehicle will be absent from the

Village for a short period of time (but in excess of 48 hours) and has no place on his/her private property to park the vehicle during such absence from the Village, for which reason the specific vehicle will remain parked on the side of a Village street or highway (other than in the business district or, along Main Street or Walnut Street) in excess of 48 consecutive hours. No such permit shall abrogate a prior violation or excuse the applicable fine therefore, and no such permit shall be initially issued or renewed to extend beyond seven (7) days.

SECTION 16. The Police Department is hereby authorized to remove and tow away or cause to have removed and towed away by any commercial towing service any vehicle unlawfully parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of fire hydrant, obstructs the movement of any emergency vehicle, or any vehicle which has been parked in any public street or any public place in violation of any provision of this Ordinance or any vehicle which has been parked in any public street or other public place for a period of forty-eight (48) consecutive hours. Vehicles towed shall either be removed to the municipal building lot or to the place of business of the commercial towing company, which shall be known as the vehicle pound. In addition to any fine provided herein, the owner of any vehicle so towed shall pay the costs of towing and storage upon retrieval of his or her vehicle.

SECTION 17. In all cases of parking violations, the registered owner of the vehicle at the time of the violation, as

well as the vehicle itself and the actual operator thereof, shall be presumed to be a violator.

SECTION 18. A vehicle parked or occupying any portion of any street or thoroughfare in violation of the terms of this Ordinance is hereby declared to be a nuisance which shall be abated by any police officer by impounding such vehicle, either by placing a traffic violation notice or citation thereon which shall indicate the nature of the violation, or by placing such notice thereon and removing and conveying such vehicle to a vehicle pound. A vehicle pound is declared to be any suitable place designated by the Police Department as a vehicle pound.

SECTION 19. Every police officer issuing a traffic violation notice or citation shall, by appropriate mark or symbol, identify himself or herself on such notice as the officer issuing the same, and shall retain and cause to be filed in the office of the Chatham Police Department a duplicate of such traffic violation notice. The traffic violation notice or citation itself shall be left with the owner or operator of the vehicle if known, or placed in or affixed to the vehicle if the owner or operator is not present.

SECTION 20. The owner or authorized operator of any impounded vehicle may have the vehicle removed from impoundment by paying the penalties imposed by this Ordinance for such violation as an impounding fee plus all costs and expenses that have been incurred for the towage and storage of such vehicle, plus all impounding fees, towage and storage charges which have

theretofore accrued against such vehicle during the time of his or her ownership thereof.

SECTION 21. The owner or driver of any vehicle issued a traffic notice or citation for violating any of the provisions of this Ordinance may avoid prosecution for such violation by paying within seven (7) days of the time of the issuance of such notice or citation at the Village Hall to the Chief of Police or his designee the sum of fifteen dollars (\$15.00) in addition to any towage, storage, or impounding fees or charges, if any, and by surrendering to said chief of police, police officer, or designated person the traffic violation notice or citation delivered to him or her or placed upon such vehicle, after indicating thereon his or her name, street address, and place of residence. If such owner or driver fails to pay the designated amount within seven (7) days of such violation, he or she may thereafter avoid prosecution of the violation only by paying the sum of thirty dollars (\$30.00).

SECTION 22. The chief of police, any police officer, or other city employer designated by the chief of police who shall receive the payment of any sum of money by a violator charged with violating any provision of this Ordinance shall issue to such person a receipt therefore, on an official receipt form of the Village of Chatham, bearing the signature of the person receiving the fine on behalf of the Village, and the date of its payment. A duplicate receipt, together with the money paid to such officer or other designated person, shall be delivered to

the Village treasurer who shall credit the funds to the appropriate fund of the Village.

SECTION 23. The owner or driver of any vehicle charged with violating any term of this Ordinance who shall fail to pay the provided hereinabove to avoid prosecution for his offense when a traffic violation or citation has been issued, shall be prosecuted for violating this Ordinance, and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for a single offense.

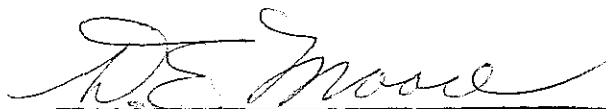
Ordinance No. 75-3 "an Ordinance Revising the Regulations Pertaining to the Parking of Vehicles" passed and approved May 15, 1975 is hereby repealed, as of the effective date of this Ordinance No. 88-1, thereafter said Ordinance No. 75-3 to be of no force or effect.

This Ordinance shall be published in a newspaper serving the Village of Chatham within 30 days after its passage, and shall also be published in pamphlet form. This Ordinance shall take effect 10 days after its newspaper publication.

PASSED 1/26/88

APPROVED 1/26/88

PUBLISHED 2/4/88



President, Board of Trustees,
Village of Chatham, Illinois

ATTEST:

Barbara Bicklau
Village Clerk