

CHAPTER 38: PARKING REGULATIONS

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SECTION 38.01 STOPPING, STANDING, OR PARKING PROHIBITED.

- (A) It shall be unlawful for any person to park a truck, truck tractor, or road tractor, whether with or without a trailer, or any other vehicle having more than two (2) axles or a gross weight of more than ten thousand (10,000) pounds on any street, public property, or private property in any area zoned in the Village as residential, including the R-1 residence district, except for such temporary parking as is required to load or unload cargo, make minor repairs, or perform routine cleaning and maintenance. This provision shall not apply to twenty-four (24) hour temporary use vehicles owned or leased by a church or school district when parked on church or school property. (2015-11)

- (B) It shall be unlawful for any person to stop, stand, or park a vehicle except where necessary to avoid conflict with other traffic or in compliance with the law of the directions of a police officer or traffic control device in any of the following places within the Village:
 - (1) On a sidewalk;
 - (2) Blocking any public or private driveway;
 - (3) Blocking any alley or crosswalk;
 - (4) Within fifteen (15) feet of a fire hydrant;
 - (5) Within fifteen (15) feet of an intersection;
 - (6) On the roadway or street side of any vehicle stopped or parked at the edge or curb of a roadway or street (double parked);
 - (7) On a roadway or street other than parallel with the edge of the roadway or street, headed in the direction of lawful traffic movement, except as otherwise designated, and with the right-hand or

left-hand wheels of the vehicle within twelve inches of the curb or edge of the roadway or street, except as otherwise provided by this Code;

- (8) In an area designated by the Village as a no parking area;
 - (9) In an area designated by the Village as a 2-hour parking area for longer than the time designated;
 - (10) Upon a roadway or street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway, street, or alley for free movement of vehicular traffic.
- (C) When signs are erected at the entrances of state or county highways or roads into the Village giving notice thereof, no person shall park a vehicle on such highway or road between the hours of 2:00 a.m. and 6:00 a.m. on any day for longer than thirty (30) minutes except emergency vehicles and physicians on call.
 - (D) It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale.
 - (E) It shall be unlawful to park any vehicle upon any street from which vehicle merchandise is peddled.
 - (F) It shall be unlawful 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 Compiled Statutes.
 - (G) It shall be unlawful for any person to park any vehicle on another person's property without the consent of the other person or the consent of an authorized agent of the other person unless such persons are:
 - (1) Making deliveries of supplies or services to a property at the request of an owner, tenant, or occupant thereof;
 - (2) Fire, police, ambulance, rescue squad, medical, or emergency services and disaster personnel while in the performance of their duties.

SECTION 38.02 LIMITED PARKING.

The President and the Board of Trustees may from time to time designate certain blocks and areas in blocks as limited parking areas. When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time designated within the block or area in a block so specified.

SECTION 38.03 SNOW EMERGENCIES.

Whenever the Village President finds, on the basis of falling snow or on the basis of a forecast by the U.S. Weather Service of an accumulation of two inches (2") or more of snow or both, that weather conditions will make it necessary that parking on designated snow routes be prohibited or restricted for snow plowing and other purposes, the Village President may put into effect a parking prohibition on snow routes by declaring a snow emergency. **Snow Routes** are those streets that are designated by the Village Board as snow routes. The designation of snow routes may be on one or both sides of a street or a portion of a street. Snow routes shall be designated by a sign that contains the words **Snow Route** and **Tow Away Zone**. The signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the Village street. At least one sign shall be posted on each side of each block of a snow route. The snow emergency shall commence on the date and time specified by the Village President and shall not terminate until designated by the Village President. During all such time of a snow emergency any vehicle that is parked on snow routes shall be towed. The owner of the vehicle shall pay for the towing cost as a condition precedent to receiving their vehicle.

SECTION 38.04 STORAGE OF VEHICLES.

(A) Number of vehicles regulated; exceptions.

- (1) No person shall store, park, or keep, or permit the storage, parking, or keeping, of more than four vehicles, outside of a garage duly constructed and permitted under the Zoning Code of this Village, upon any property within this Village owned, leased, or controlled in whole or in part, by such person. The following are exceptions to this provision:
 - (a) The owner or operator, and his or her agents, of any licensed automobile dealership, vehicle repair garage or shop, vehicle service station, junk car business, or retail or service establishment or industry where proper parking or drive-in facilities have been provided for customers or employees, as to property duly zoned for such a purpose.
 - (b) The owner or tenant of a multi-family dwelling, apartment house, or condominium authorized under the Zoning Code, or of a unit therein, as to a vehicle or vehicles in proper parking facilities provided as to such multi-family dwelling, apartment house, or condominium.
 - (c) The temporary parking for a period of less than 72 hours of vehicles on property where operators thereof have parked such vehicle on such property for the purpose of visiting with an owner or tenant of such property or their families.
 - (d) The temporary parking for a period of less than 14 days of vehicles on property where the operators or occupants thereof have come from outside the Village for the purpose of visiting with an owner or tenant of such property or the family of such owner or tenant providing that the Village Police Department has been previously advised that this is the purpose of such parking.
- (2) Any person charged with a violation of Subsection (A) shall have the burden of proving that he or she comes within one or more of the foregoing exceptions.
- (3) Where reference is made in this Section to property owned, leased, or controlled, in whole or in part, by a person, this means, under this Section, contiguous real property. That a person might have under his ownership, lease, or control more than one lot does not increase the number of vehicles that can be parked on such person's property where the lots are contiguous.

(B) Registration and license required; exception.

- (1) No person shall store, park, or keep, or permit the storage, parking, or keeping of any vehicle upon any property within this Village owned, leased, or controlled, in whole or in part, by such person, unless such vehicle is currently registered and licensed by the proper State and unless such vehicle has thereon license plates from the proper State, except where such motor vehicle has been recently purchased and proof of application for proper license plates is posted thereon;
- (2) Provided, nevertheless, that this Subsection (B) shall not apply as to a vehicle parked, stored or kept within a garage duly constructed and permitted under the Village Zoning Code.

(C) Inoperable motor vehicles; exception.

- (1) No person shall store, park, or keep, or permit the storage, parking, or keeping of any vehicle that is inoperable and has been inoperable for a period of more than one month upon any property within this Village owned, leased, or controlled, in whole or in part, by such person;
- (2) Provided, nevertheless, that this Subsection shall not apply as to a vehicle parked, stored, or kept within a garage duly constructed and permitted under the Village Zoning Code. Cross Reference: Section 39.02 et seq.

(D) Vehicles parked on vacant lots.

- (1) No person shall store, park, or keep or permit the storage, parking, or keeping of any vehicle on a lot zoned "R" (Residential) that has no improvements constructed thereon unless the record title owner of said property owns an adjoining improved lot.
- (2) Provided, nevertheless, that this Subsection shall not apply to a vehicle parked, stored, or kept within a garage duly constructed and permitted under the Village Zoning Code.
- (3) Provided, nevertheless, that this Subsection shall not apply to a vehicle that is temporarily parked on a lot that has no improvements thereon provided that said temporary parking shall not exceed 24 hours in any given seven day period and shall not exceed seven days in any calendar year.

(E) Parking of vehicles in yards.

- (1) No person shall store, park, or keep or permit the storage, parking, or keeping of a vehicle on a yard that is in a Residential District. A yard is hereby defined to be that portion of a lot that is not paved or otherwise improved for parking and is not covered by a building or structure. The following are exceptions from this provision:
 - (a) The temporary parking of a vehicle in a yard for the purpose of washing, cleaning, or servicing a vehicle provided that said temporary parking shall not exceed six continuous hours.
 - (b) The temporary parking of delivery, pick up, or moving of articles to or from buildings or structures provided that said temporary parking shall not exceed 12 continuous hours.
- (2) Any owner of major recreational equipment or domestic utility trailer may park or store such equipment in a Residential District subject to the following conditions:
 - (a) At no time shall such parked or stored equipment be occupied or used for dining, sleeping, or housekeeping purposes while parked or stored in a residence district except for a period of not to exceed fourteen (14) days in one calendar year, provided, however, that such mobile home, travel trailer, pick-up coach, motor-home or camping trailer may be used only for sleeping purposes during such fourteen (14) day period.
 - (b) If the major recreational vehicle is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the principal structure on the lot.
 - (c) Major recreational equipment or domestic utility trailer must be parked at least five (5) feet from a side or rear lot line.
 - (d) No major recreational equipment or domestic utility trailer may be parked or stored in a corner side yard at any time.

- (e) If parked to the front of the front building line of the principal structure on the property, major recreational equipment must be on a hard surface.
- (f) If the major recreational equipment is a self-propelled vehicle, not stored on a trailer (such as a motor home), it must be parked on a hard-surface whether it is parked to the front or rear of the front line of the principal structure on the property. Camping trailers, domestic utility trailers, boats on trailers, and other items of major recreational equipment stored on trailers do not need to be on a hard-surface if such major recreational equipment is stored or parked to the rear of the front building line of the principle structure on the property.
- (g) Domestic utility trailers may be parked in a rear yard or side yard in a location not visible from the street. Domestic utility trailers may not be parked in a front yard or corner side yard.

(F) Certain businesses to be exempt; burden of proof.

(1) Exceptions.

- (a) The provisions of Subsections (B) and (C) above shall not apply to the owner or operator, and his or her agents, of any licensed automobile dealership, vehicle repair garage or shop, vehicle service station, or junk car business, as to property duly zoned for such purpose.
- (b) The provisions of Subsections (B) and (C) above shall further not apply to the owner or operator, and his or her agents, service or other business establishment or industry where proper parking or drive-in facilities have been provided for customers or employees, as to property duly zoned for such a purpose, and where the owner or operator, or his or her agents, did not authorize the storage, parking, or keeping of such unlicensed or inoperable vehicle on the property.

- (2) Burden of Proof. Any person charged with a violation of this Section shall have the burden of proving that he or she comes within an exception provided for herein.

SECTION 38.05 AUTHORITY TO TOW AND STORE VEHICLES.

- (A) Any police officer or member of the Police Committee of the Village is hereby authorized to remove and tow away, or have removed and towed away by commercial towing service or by other person or persons, any motor vehicle parked or permitted to remain in any place in violation of the provisions of the Municipal Code. Motor vehicles so towed away shall be stored on any municipal property or in a public garage or parking lot or at a service station and shall be restored to the owner or authorized operator thereof after payment of the expense incurred by removing and storing such motor vehicle. Any motor vehicle not claimed within the time provided by the Illinois Vehicle Code shall be disposed of in the manner provided by the Illinois Vehicle Code.
- (B) To obtain a vehicle, which has been towed and stored pursuant to the provisions hereof, the owner or the person having the right to possession of the vehicle must first obtain a release from the Village Clerk. A release may be obtained by showing proof of ownership or proof of right to possession and paying the expense incurred by removing and storing such motor vehicle. After a person has obtained a release, the release may be taken to the storage facility after all costs of towing and storage have been paid by the owner of the vehicle or the person having the right to possession of the vehicle. If the towing and storage costs are not so paid within a reasonable period of time, the same may be paid by the sale of the vehicle in accordance with existing law.

- (C) Whenever a member of the Police Committee or a police officer has authorized the removal of a vehicle from public or private property and such person knows or is able to ascertain from the registration records of the vehicle the name and address of the owner thereof, such member of the Police Committee or police officer shall, as soon as practical, give or cause to be given notice in writing by first-class mail to the owner or other legally entitled person, if known, of the fact of such removal, the reasons therefor, and the place to which the vehicle has been removed.

SECTION 38.06 TOWING AND STORAGE OF VEHICLES HAVING MORE THAN TEN UNPAID PARKING TICKETS.

- (A) Notice of Violations – Whenever it is determined that any motor vehicle has been involved in the issuance of ten (10) or more unpaid parking tickets as a result of parking violations identified on the tickets and such condition has existed for a period of forty (40) days after the issuance of the tenth unpaid ticket, any such vehicle shall be deemed to be a public nuisance. The Village Clerk, the Village President, or the Chief of Police shall cause to be personally served upon the owner of record of said motor vehicle a notice describing the violations stating that said vehicle will be subject to being picked up, towed, stored, and possibly sold at a later date by an authorized agent of the Village, all at the expense of the owner, whenever it is found on any public street, public parking lot, or other public right-of-way, if said unpaid tickets are not paid or otherwise disposed of with the Village by the owner or the owner's agent within ten (10) days after the date of the service of said notice. The notice may be served by any member of the Danvers Police Department or in any manner provided by law for the personal service of summons in civil cases.
- (B) Meeting with Owner – The vehicle owner may request a review of the unpaid tickets by the Police Committee by submitting in writing a request for review stating the reason and circumstances for said review, which meeting shall be scheduled at the Village Hall as soon as possible, at a time mutually convenient for the parties, but not more than thirty (30) days from the date of service of the above described notice. The Police Committee shall have the authority to make binding agreements relating to the amounts due, if any, and may agree to any payment terms which are determined to be in the best interests of the Village.
- (C) Impoundment – If the vehicle owner:
- (1) Fails to give written notice requesting a meeting with the Police Committee; or
 - (2) Does not appear at such meeting and does not ask, in writing, for a short delay of the meeting date because of unanticipated personal problems; or
 - (3) Cannot agree with the Police Committee on the amount due or arrange an acceptable method of payment; or
 - (4) Having so agreed on a method of payment, fails to make any payment when due; or
 - (5) Has not instituted legal action to have his responsibilities and rights with respect to said tickets judicially determined, then the Police Committee shall make a written finding of such facts. Thereafter, whenever such vehicle is found parked or unattended on a public right-of-way in the Village, it shall be subject to being immediately towed and stored. Danvers Police officers shall have the power and are hereby authorized to remove or have the vehicle removed by either private or government equipment to a Village or private storage facility as may be deemed advisable. The towing and storage of the vehicle shall not be delayed or prohibited by the fact that a friend, relative, lessee, agent, or employee of the owner may have been operating the vehicle just prior to the impoundment.
- (D) Notice to Owner – Whenever a vehicle has been towed or stored, a notice of such removal and the

location of storage shall be served on the registered owner of the vehicle if his name and address are known or can be ascertained with reasonable diligence. The notice shall state that if a release of the vehicle is not promptly obtained, it shall be treated as an abandoned vehicle and sold as such under 625 ILCS. The notice may be served by any member of the Danvers Police Department or by certified mail.

- (E) Release of Vehicle – Impounded vehicles will be released to their lawful owners or their agents upon a showing of adequate evidence of a right to possession and the payment by certified check to the Village of all accrued fines, penalties, incurred costs, towing, storage, and related charges. The person to whom the vehicle is released must sign a receipt for the vehicle and thereon state the capacity under which he is obtaining possession of the vehicle.
- (F) Funds from Sale – The funds from the sale of any vehicle hereunder shall first be applied to the payment of all accrued fines, incurred costs, towing, storage, and related charges, and the remainder shall be disposed of as provided by law.
- (G) Rules and Regulations – The Village Board of Trustees is hereby authorized to adopt by resolution, such rules and regulations as are necessary to carry out the provisions of this Chapter.

SECTION 38.07 RESPONSIBILITY OF OWNER.

The fact that a vehicle is registered in a person's name shall be prima facie proof that such person was responsible for any violation of any parking regulation of this Chapter involving such vehicle.

SECTION 38.08 CITATION ON ILLEGALLY PARKED VEHICLE.

Whenever a motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this Chapter or by State law, the officer finding such vehicle shall take its registration number and take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation on a form provided by the Village, for the driver to answer to the charge against him within fifteen (15) days during the hours and at a place specified in the citation.

SECTION 38.09 FAILURE OF VIOLATOR TO APPEAR.

If a violator of the restrictions on stopping, or parking under the traffic law or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within the period of fifteen (15) days, the Village Clerk or other designated official shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing such owner of the violation and warning such owner that in the event such letter is disregarded for a period of an additional ten (10) days, an ordinance violation proceeding will be initiated against him.

SECTION 38.10 PRESUMPTION.

In any ordinance violation proceeding brought pursuant to this Chapter, proof that the particular vehicle described in such proceedings was parked in violation of any of the provisions of this Chapter, together with the proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

SECTION 38.99 PENALTY.

Violation of this Chapter shall be subject to the general penalty provision, Section 1.06, of this Municipal Code. Each day a violation occurs shall constitute a separate offense.