

**THE CITY OF ANNA
A MUNICIPAL CORPORATION**

ORDINANCE NO. 2014-04

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA,
CONCERNING PARKING RULES
AND REGULATIONS WITHIN THE CORPORATE LIMITS**

PASSED and APPROVED

OCTOBER 21, 2014

ORDINANCE NO. 2014-04

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA, ILLINOIS
CONCERNING PARKING RULES AND REGULATIONS WITHIN THE CORPORATE
LIMITS.**

THAT WHEREAS there is a need in the City of Anna, Illinois to have specific rules and regulations pertaining to the parking of vehicles within it's corporate limits; and

WHEREAS the corporate authorities for the City of Anna, Illinois deem it proper to establish such rules and regulations, and to provide for their enforcement; and

WHEREAS statutory authority for the establishment and enforcement of such rules and regulations exists pursuant to 65 ILS 5/11-1-1 et seq and 65 ILCS 5/1-2.2-20; and

WHEREAS after due consideration the corporate authorities for the City of Anna find that such rules and regulations are in the best interest of both the City of Anna and it's residents;

NOW THEREFORE BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF ANNA, UNION COUNTY, ILLINOIS, AS FOLLOWS:

Parking Ordinance
2014-04

I. ENFORCEMENT OF PARKING ORDINANCE:

- A. Issue Citations: All police officers and any other officer of the city, who is otherwise authorized to issue citations for violations of this ordinance, shall immediately issue a citation to the owner or operator of vehicle whenever that vehicle is parked in a location or manner prohibited by this ordinance. If the owner or operator of a vehicle parked in violation of this ordinance is not present to accept the citation, the citation shall be placed on the vehicle.
- B. Citation Response Time: If the city's citation is not satisfied within fourteen (14) days, the city will send notice of said citation to the registered owner of the vehicle as shown by the records of the Illinois Secretary of State.
- C. Filed in County Court: License Suspension: If the citation is not satisfied within thirty (30) days, the city may cause a complaint to be filed in Union County Circuit Court. The city, where appropriate, may utilize the procedures established in 625 Illinois Compiled Statutes 5/6-306.5 concerning the suspension of a person's driver's license for outstanding parking tickets.
- D. Authority to Impound or Tow: Nothing in this section shall prevent or limit the city's authority to impound or tow vehicles pursuant to this ordinance or to file a complaint sooner as provided for in this title.
- E. Owner Liability: In any prosecution with regard to a vehicle parked or left in a place in violation of any provision of this ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision hereof, together with proof that the defendant named in the complaint was at that time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this section.

II. PARKING PROHIBITED IN SPECIFIED PLACES:

- A. Enumerated: No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
 - 1. On a sidewalk;
 - 2. In front of a public or private driveway;

3. Within an intersection;
4. Within fifteen feet (15') of a fire hydrant;
5. On a crosswalk;
6. Within twenty feet (20') of a crosswalk at an intersection;
7. Within thirty feet (30') upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
9. Within fifty feet (50') of the nearest rail of a railroad grade crossing;
10. Within twenty feet (20') of the driveway entrance of any fire station and on the side of a street opposite the entrance to any station within seventy five feet (75') of said entrance when properly posted;
11. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
12. On the roadway side of any vehicle parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit parking.

B. Specific Parking Prohibitions:

1. **Parking In Streets And Alleys Not To Obstruct Traffic:** No person shall park a motor vehicle within a street or alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within a street or alley in such a position as to block the driveway entrance to any abutting property.
2. **Parking On Right Of Way Prohibited:** No person shall park a motor vehicle or major recreational equipment on real property situated between the sidewalk and the roadway, or upon any land dedicated for right of way for road or street purposes unless said area is paved, and unless signs indicate that parking is permitted at said locations. Major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup truck campers not mounted on said pickup truck, motorized dwellings exceeding twenty feet (20') in length, tent,

trailers, utility trailers and the like, tents, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

3. Parking For Certain Purposes Prohibited: No person shall park a motor vehicle upon any roadway for the principal purpose of:
 - a. Displaying such vehicle for sale;
 - b. Washing, greasing, repairing, or maintaining such vehicles, except for repairs necessitated by an emergency.
4. Parking More Than Seventy Two Hours Prohibited: No person shall park a motor vehicle on any street for a period of time in excess of seventy two (72) hours.
5. No trailer designed for carrying property and for being drawn by a motor vehicle may be parked on any a street for a period of time in excess of twenty four (24) hours.
6. Parking Of Certain Commercial Vehicles On Residential Streets prohibited: Parking of commercial vehicles in excess of four (4) tons is prohibited on residential streets.
 - a. No person shall park, stop, or stand a commercial vehicle or any combination thereof with weight in excess of four (4) tons on any street at any place other than a street so designated for said parking by the city.
 - b. The operator of a commercial vehicle with a weight in excess of four (4) tons shall not stop such vehicle upon any street in any place except for the purpose of loading or unloading, and except in the case of an emergency.
7. Mobile Homes, Trailers, Vehicles, Semitrailers, Cargo Shipping Containers, and Movable Structures:
 - A. Prohibited: No mobile home, trailer, vehicle, semitrailer, or cargo shipping container, except those as allowed in subsection 7B of this section, or similar movable structure shall be located or used on any property for business or industrial use, or for uses accessory to any principal structure, including storage of any kind, in all zoning districts.
 - B. Exceptions: This subsection shall not apply to licensed and operable vehicles, trailers, or semitrailers parked in off street loading spaces for a maximum of ninety (90) days, construction trailers at active constructions sites, or those portable or modular storage buildings for which building and zoning permits have been issued by the City of Anna. Bona fide truck or equipment terminals or truck or equipment sales or leasing establishments for which a zoning

certificate has been issued in conformance with this title may store those vehicles, trailers, or semitrailers sold, leased, or stored as part of their business operation. This subsection shall not apply to mobile homes used for a residential purposes in conformance with all other provisions of this title.

III. HANDICAPPED PERSONS; PARKING:

A. Designation Of Parking Space For Handicapped Persons:

1. The City Council is hereby authorized to designate parking spaces for physically handicapped persons pursuant to the following conditions:
 - a. The designated parking spaces shall be located where manmade barriers are less substantial than other locations in the City so that physically handicapped persons will have the most accessible parking spaces available.
 - b. The City will, when space allows, construct handicapped parking spaces pursuant to the requirements of the Standard Specifications for Facilities for the Handicapped which is authorized under Illinois Compiled Statutes, a copy of which is on file in the office of the City Clerk.

B. Handicapped Persons; Parking Privileges; Exemptions:

1. A motor vehicle bearing registration plates issued to a handicapped person, pursuant to the applicable sections of the Illinois Vehicle Code, or a motor vehicle registered in another jurisdiction, state, district, territory or foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a handicapped person shall be exempt from any statute or ordinance imposing time limitations on parking, except limitations of one-half (1/2) hour or less on any street or highway zone, or any parking lot or parking place which is owned, leased or owned and leased by a municipality or a municipal parking utility; and shall be recognized by State and local authorities as a valid license plate or parking device and shall receive the same parking privileges as residents of this State; but such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Any motor vehicle bearing registration plates or special decal or device specified in this Section or applicable sections of the Illinois Vehicle Code as evidence that the vehicle is operated by or for a handicapped person or disabled veteran may park, in addition to another lawful place, in any parking place specifically reserved for such vehicles by the posting of an official sign as provided in subsection III A. of this Ordinance. Parking

privileges granted by this Section are strictly limited to the person to whom the special registration plates, special decal or device were issued and to qualified operator acting under his express direction while the disabled person is present.

2. Such parking privileges granted by this Section are also extended to motor vehicles of not-for-profit organizations used for the transportation of handicapped persons when such motor vehicles display the decal or device issued pursuant to the Illinois Vehicle Code.
3. No person shall use any area for the parking of any motor vehicle pursuant to this Section or where an official sign controlling such area expressly prohibits parking at any time or during certain hours.

C. Special Decals For Handicapped Parking: The design, size, color and placement of a handicapped motorist decal or device shall be determined by the administrative rules of the Secretary of State. The decal or device shall be the property of such handicapped individual or organization and may be used by that person or organization to designate and identify a vehicle not owned or displaying a registration plate as provided in the Illinois Vehicle Code to designate when the vehicle is being used to transport said handicapped person or persons, and thus is entitled to enjoy all the privileges that would be afforded a handicapped licensed vehicle. Handicapped decals or devices issued and displayed pursuant to Illinois Vehicle Code or this Section shall be recognized and honored.

D. Unauthorized Use of Parking Places Reserved For Handicapped Persons:

1. It shall be unlawful to park any motor vehicle which is not bearing registration plates or decals issued to a "handicapped person" as defined by the Illinois vehicle code as evidence that the vehicle is operated by or for a handicapped person or disabled veteran, in any parking place, including any private or public off street parking facility, specifically reserved, by the posting of an official sign as designated under this section, for motor vehicles bearing such registration plates. Any motor vehicle bearing a handicapped license plate or handicapped parking decal or device containing the international symbol of access issued to handicapped persons by any local authority, state, district, territory or foreign country shall be recognized by state and local authorities as a valid plate or device and receive the same parking privileges as residents of this city.
2. Any person owning or operating any public or private off street parking facility may, after notifying the police department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plate or a special decal or device as required under this section.

3. Violation of the provisions of this section shall result in a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this section.

IV.: PARALLEL PARKING: ANGLE PARKING: ONE-WAY ROADWAYS:

Every vehicle stopped or parked upon a roadway shall be so stopped or parked with the right hand wheels of such vehicle parallel with and within twelve inches (12") of the right hand curb, or if there is no curb, with and within twelve inches (12") of the edge of the roadway, except:

- A. On streets marked for angle parking vehicles shall park at the angle indicated by such marks, and
- B. A vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right hand wheels within twelve inches (12") of the right hand curb or edge of the roadway, of its left hand wheels within twelve inches (12") of the left hand curb or edge of the roadway.

V.: DESIGNATION OF LOADING ZONES:

- A. Posting Signs: The City Council will determine the location of passenger and freight curb loading zones, and to place and maintain appropriate signs indicating the same, and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be changed or discontinued. Such loading zones may be established on the request of any person, provided that person meets the conditions set forth herein:
 1. Commercial:
 - a. The property owned or leased by the applicant must be inaccessible except from the abutting street which must run in front of the property.
 - b. The property must be used for commercial or business purposes.
 - c. A business or commercial operation for which the property is used, must be of a nature which requires frequent loading and unloading at the location.
 2. Noncommercial: That the property in questions has a frequent need to load or unload people and such a designated area is necessary to provide a safe environment for this purpose.

B. Zone Designation Revocation: The designation of a loading zone may be revoked upon occurrence of any of the following events:

1. Failure of the property to meet the standards set forth in this section;
2. Failure to pay the amount of establishing and maintaining the zone by May 1;
3. Violation of any of the other provisions of this section.

C. Use of Zones; Time Limit:

1. 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 freight curb loading zone during hours which the provisions of this section are applicable. In no case shall the stop for loading and unloading materials exceed thirty (30) minutes.
2. The driver of a passenger vehicle may stop temporarily at a place marked as a loading 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 is about to enter such zone.

VI.: PARKING OF MOTORCYCLES:

It shall be lawful to permit the parking of up to four (4) motorcycles in a single marked parking space upon the streets of the city, regardless of whether or not said marked parking space shall provide for diagonal or parallel parking, provided, however, that each motorcycle shall be parked within a marked stall within said marked parking space, and provided further, that said motorcycles shall in all instances be parked with the rear wheel thereof toward the street curb.

VII.: PENALTY FOR ILLEGAL PARKING:

- A. Any person who violates any provision of sections I. through IX. of this Ordinance shall be subject to a fine in an amount not less than fifteen dollars (\$15.00) nor more than two hundred fifty dollars (\$250.00), except that any person who violates subsection III. D of this Ordinance shall be subject to a fine of two hundred fifty dollars (\$250.00). Said fines shall be in addition to any costs or charges connected with the removal, storage and impoundment of any vehicle in accordance with section VIII of this Ordinance. Persons who violate section X. of this Ordinance shall be subject to a maximum fine of not more than forty dollars (\$40.00).

- B. Any person may settle any claim the city may have against that person for a violation of this ordinance by making payment in accordance with the following schedule to the City of Anna:

SETTLEMENT SCHEDULE

| Illegal Parking Violations | If Paid Within 15 Business Days of Violation | If Paid On or After 15 Business Days But Prior to Filing of Complaint |
|--|--|---|
| Sections I through VIII, except subsection III. D. | \$15.00 | \$30.00 |
| Subsection III D. | \$250.00 | \$250.00 |
| Section X | \$40.00 | \$40.00 |

VIII.: TOWING AND IMPOUNDING OF VEHICLES FOR PARKING VIOLATIONS:

- A. Circumstances Precipitating Towing And Impounding: In addition to any authority granted under state law, the City Council of the City of Anna, through his designee, is hereby authorized to remove our cause to be removed and to impound or cause to be impounded, by an agent authorized to tow vehicles by written contract with the city, any vehicle under the following circumstances:
1. Parking Violation Causing Hazard: Any vehicle which is parked upon a public place in violation of any of the provisions of section II through IV of this Ordinance and is determined to be a hazard to vehicular or pedestrian traffic.
 2. Unattended Vehicle: Any vehicle which is left unattended upon or under any public bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
 3. Unattended Vehicle Causing Hazard /Obstruction: Any vehicle which is left unattended upon a public street and is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
 4. Disabled Vehicle: Any vehicle upon a public street which is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury or otherwise incapacitated to such an extent as to be unable to provide for its custody or removal.

5. Law Enforcement Authority: Any vehicle found on any public street or highway which may be removed or impounded by any law enforcement official in accordance with state law.
6. Regulating Parking Areas By Contract: Any vehicle which is parked in violation of any of the provisions of this ordinance upon any property over which the city has been empowered to regulate parking and traffic by contract pursuant to 625 Illinois Compiled Statutes 5/11-209.
7. Three Or More Violations: Any vehicle which is in violation of any provision of this title and has no less than three (3) outstanding parking tickets which are not pending in city court.
8. Handicap Violation: Any vehicle which is parked in violation of subsection III D of this ordinance (handicap violation).
9. Public Safety Hazard: Any vehicle which is parked upon public or private property which is determined to be interfering with or causing a hazard to public safety.
10. Street Maintenance: Any vehicle which is parked upon public property, including city owned property, which removal of such is necessary to perform street maintenance, repair and/or construction.
11. Inoperable Or Unlicensed Vehicle: For purposes of this subsection A11, “inoperable motor vehicle” shall mean any motor vehicle from which the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power and “unlicensed vehicle” shall mean any vehicle not bearing a current license plate.
 - a. Any inoperable or unlicensed vehicle parked on private property, removed in accordance with City of Anna Ordinance 2003-08.
 - b. Any inoperable or unlicensed vehicle parked on public property, including city owned property, for a period of time greater than twelve (12) hours.

12. Public Health, Safety Or Welfare: Any vehicle which is parked upon public property, including city owned property, which removal of such is deemed necessary to promote the public health, safety and/or welfare.
 13. Parked More Than Seventy Two Hours: Any vehicle which is parked upon public property, including city owned property in excess of seventy two (72) hours.
- B. Public or Private Owner Or Operator Authority: Any person or local authority owning or operating any private or public parking facility may, after notifying the police department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plates, decal or device as required under this title. The owner or operator of the vehicle shall be responsible for any costs or charges connected with the impoundment, removal and storage of any motor vehicle of section III of this Ordinance.
- C. Conditions For Release: A vehicle removed or impounded by the city as set forth herein shall be released to the person entitled to possession thereof when the costs connected with such removal, impoundment, and if applicable, storage has been paid in full or a bond posted with the city or the clerk of the circuit court, and all outstanding parking tickets, for which the time period to contest has expired, have been paid in full.
- D. Immobilization Device: In lieu of towing and/or impounding any vehicle pursuant to subsection A of this section, a police officer or city parking attendant may attach an immobilization device commonly known as the "denver boot" to immobilize the vehicle. Any vehicle immobilized by the city through the use of such immobilization device shall be released to the person entitled to possession thereof when one of the following conditions has been met:
1. After a cash bond in an amount equal to the minimum fine or fines and an immobilization device removal fee to be set by the city council for the removal of the immobilization device has been posted with the city or the clerk of the circuit court; or
 2. After settlement by the parking violator of all claims which the city had against such violator in accordance with the schedule in section VII of this ordinance and by paying an immobilization device removal fee to be set by the city council for the removal of the immobilization device.
- E. Authority to Move Vehicle: No person shall move or cause to be moved any vehicle which has an immobilization device attached thereto except as authorized by a police officer.

- F. Removal Of Immobilization Device: No person shall remove or cause to have removed from any vehicle an immobilization device placed thereon by a police officer.
- G. Violation; Penalty: Any person who is found to have violated subsection E or F of this section shall be fined in an amount of not less than one hundred dollars (\$100.00) and no more than seven hundred fifty dollars (\$750.00).

IX: TIME PARKING:

- A. Two Hour Parking: The city council is hereby authorized to establish certain areas within the city presently being used for parking purposes to be utilized for two (2) hour parking purposes. Said area shall be clearly designated by appropriate signs.
- B. Obedience To Signs: It shall be unlawful for any person to park in violation of said signs or to allow their vehicle to remain in said parking zone for a period of time in excess of the time limit indicated on said signs.
- C. Violators To Be Cited: The city council is hereby authorized and empowered to enforce said subsection, and to authorize the issuance of citations by city police or code enforcement officers.
- D. Towing Provisions Apply: The provisions of section VIII of this ordinance concerning the towing of vehicles shall also apply to vehicles parking in violation of the provisions of this section, if all the provisions contained in section VIII of this ordinance have been met.

X. PARKING OF VEHICLE WITH EXPIRED REGISTRATION:

- A. No person may stop, park, or leave standing upon a public street, highway, or roadway a vehicle or trailer upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under section 3-414 or 3-414.1 of the Illinois vehicle code.
- B. Parking And Storage Of Certain Vehicles: Automotive vehicles, trucks or trailers of any kind or type without current license shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

XI. TOWING AND IMPOUNDING VEHICLES INVOLVED IN A CRIME:

- A. Definitions: For the purpose of this section, the following words and phrases shall have the following meanings ascribed to them respectively:

ADMINISTRATIVE HEARING OFFICER: Officer who is an attorney licensed to practice law in this state for a minimum of three (3) years.

BUSINESS DAY: Any day in which the offices of city hall are open to the public for a minimum of eight (8) hours.

CONTROLLED SUBSTANCES: Any substance as defined and included in the schedules of article II of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570/201 et seq., and cannabis as defined in the Cannabis Control Act, 720 Illinois Compiled Statutes 550/1 et seq.

DRIVING A VEHICLE BY PERSON SUBJECT TO WARRANT: Operation or use of a motor vehicle by a person against whom a warrant had been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code.

DRIVING ON A SUSPENDED OR REVOKED LICENSE, PERMIT, OR PRIVILEGE TO OPERATE A MOTOR VEHICLE: Any offenses as defined in section 5/6-303 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

DRIVING ON AN EXPIRED LICENSE: Operation or use of a motor vehicle with an expired license, in violation of section 5/6-101 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/6-101, if the period of expiration is greater than one year.

DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS AND/OR INTOXICATING COMPOUNDS: Any offenses as defined in section 5/11-501 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/11-501.

DRIVING WITHOUT A LICENSE OR PERMIT: Operation or use of a motor vehicle without ever having been issued a license or permit, in violation of section 6-101 of the Illinois Vehicle Code, or operating a motor vehicle without ever having been issued a license or permit due to a person's age.

DRUG PARAPHENALIA: Any equipment, products and materials as defined in 720 Illinois Compiled Statutes 600/2.

FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER: Any offenses as defined in section 5/11-204 or 11-204.1 of the Illinois vehicle code, 625 Illinois Compiled Statutes 5/11-204 and 204.1.

LEAVING THE SCENE OF A PERSONAL INJURY OR PROPERTY DAMAGE ACCIDENT: Any offenses as defined in sections 5/11-401, 5/11-402, and 5/11-403 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/11-401, 402 and 403.

LEVEL 1 ADMINISTRATION FEE: Two hundred fifty dollars (\$250.00).

LEVEL 2 ADMINISTRATION FEE: One hundred twenty five dollars (\$125.00).

MISDEMEANOR: Any misdemeanor offense as defined by Illinois statute.

MOTOR VEHICLE: Every vehicle which is self-propelled, including, but not limited to, automobiles, trucks, vans, motorcycles, and motor scooters.

OWNER OF RECORD/INTERESTED PERSON: The recorded title holder(s) or lienholder(s) of the motor vehicle as registered with the Secretary of State, State of Illinois, or is not registered in Illinois, the particular state where the motor vehicle is registered.

PRELIMINARY HEARING OFFICER: The chief of police, assistant chief of police or a police sergeant.

THEFT OFFENSE: Any offense in violation of Article 16 of the Criminal code, Chapter 720 of the Illinois Compiled Statutes.

TRAFFIC VIOLATION: Any offense as defined by the Illinois Vehicle Code.

WEAPONS OFFENSE: Any of the following offenses contained within Article 24 of Chapter 720 of the Illinois Compiled Statutes: 720 Illinois Compiled Statutes 5/24-1, 24-1.1, 24-1.2, 24-1.25, 24-1.5, 24-1.6, 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.6, and 24-3A.

- B. Motor Vehicle Impoundment: Pursuant to Article II, Chapter 11 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/11-208.7, the city of Anna (the "city") shall follow the procedures set forth when impounding vehicles (with the exception of those vehicles impounded pursuant to section VII of this ordinance and imposing reasonable administrative fees, payable to and collected by the city, related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fees imposed herein by the city shall be uniform for all similarly situated vehicles and are in addition to any other penalties or fees that may be assessed by a court of law for the underlying violations, or by a person, firm, or entity that tows and stores the impounded vehicle.

C. Violations Authorizing Impoundment (Excepting Impoundment Under Section VIII of This Chapter):

1. Any motor vehicle, operated with the express or implied permission of the owner of record/interested person, that is used in connection with the following violations shall be subject to seizure and impoundment by the city, and the owner of record of said motor vehicle or its agent, shall be liable to the city for a level 1 administrative fee, as provided for in this section, in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as hereinafter provided:
 - a. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to section 36-1 of the Criminal code of Illinois; or
 - b. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of section 11-501 of the Illinois Vehicle Code; or
 - c. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of a felony offense in the cannabis control act; or
 - d. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
 - e. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of section 24-1 (unlawful use of a weapons), 24-1.5 (reckless discharge of a firearm), or 24-3.1 (unlawful possession of firearms and firearm ammunition) of the Criminal Code of Illinois; or
 - f. Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to section 6-303 of the Illinois Vehicle Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing, fleeing or attempting to elude a police officer, or leaving the scene of a personal injury or property damage accident; or

- g. Operation or use of a motor vehicle while soliciting, or attempting to solicit cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances act; or
 - h. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony offense in violation of article 16 (theft offenses) of the Criminal Code of Illinois; or
 - i. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other felony offenses in violation of the criminal or vehicle codes of Illinois.
2. Any motor vehicle, operated with the express or implied permission of the owner of record/interest person that is used in connection with the following violations, including arrest warrants, but not including those violations listed in subsection C1 of this section, shall be subject to seizure and impoundment by the city, and the owner of record or its agent, shall be liable to the city for a level 2 administrative fee, as provided for in this section, in addition to any fees for the towing and storage of the vehicle and any other criminal penalties assessed by a court of law for the underlying offense as hereinafter provided:
- a. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor violation of the cannabis control act; or
 - b. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a misdemeanor offense in violation of article 16 (theft offenses) of the Criminal Code of Illinois; or
 - c. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor offense in violation of the criminal or vehicle codes of Illinois; or
 - d. Operation or use of a motor vehicle with an expired driver's license, in violation of section 6-101 of the Illinois Vehicle Code if the period of expiration is greater than one year.

D. Seizure and Impoundment:

- 1. Whenever a police officer has reason to believe that a motor vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the motor vehicle to a facility controlled or approved by the city.

This section shall not apply if the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within twenty four (24) hours after the theft was discovered or reasonably should have been discovered.

2. The city shall notify, or make a reasonable attempt to notify, the owner of record/interested person or any person who is found to be in control of the motor vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the motor vehicles owner's right to an administrative hearing to be conducted under this section.
3. The city shall also provide a notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner of record/interested person of the vehicle posts with the city a bond equal to the administrative fee as provided by this section and pays for all towing and storage charges. Whenever the owner of record/interested person of a vehicle seized pursuant to this section requests, in writing, hand delivered to the police department, a preliminary hearing on the probable cause within twelve (12) hours after the seizure, a preliminary hearing officer shall conduct such preliminary hearing within seventy two (72) hours after the seizure, excluding Saturdays, Sundays and holidays. The owner of record/interested person at the time of the alleged offense shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the preliminary hearing officer determines that there is probable cause to believe that the vehicle was used in the commission of any crime described as a level 1 or level 2 administrative fee offense, the preliminary hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of record/interested person posts with the city a cash bond in the amount of the level 1 or level 2 administrative fee offense, plus fees for towing and storing the vehicle. If the preliminary hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

E. Administrative Hearing:

1. Within ten (10) days after a motor vehicle is seized and impounded pursuant to this section, the city shall notify by personal service or by first class mail, to the owner of record/interested person, along with a Summons commending that person to appear at a hearing before the administrative hearing officer, along with the date, time and location of the hearing, to challenge whether a violation of this section had occurred. The owner of record/interested person shall also be notified of the continued impoundment of the vehicle as provided in this section unless the owner of record/interested person posts with the city a cash bond in the amount of the level 1 or level 2 administrative fee offense, plus fees for towing and storing the vehicle. The hearing date must be scheduled and convened not less than 30 nor more than 40 days after the violation is reported. The owner of

record/interested person and any other interested person(s) shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible.

2. If, after the hearing, the administrative hearing officer determines by a preponderance of the evidence that the motor vehicle was used in violation of this section, then the administrative hearing officer shall enter an order finding the owner of record of the motor vehicle liable to the city for the applicable administrative fee.
3. If, after the hearing, the administrative hearing officer does not determine by a preponderance of the evidence that the motor vehicle was used in such a violation, the administrative hearing officer shall enter an order finding for the owner and for the return of the motor vehicle, or the administrative fees if already paid.
4. If owner of record fails to appear at the hearing, the owner of record/interested person shall be deemed to have waived his or her right to a hearing. If the owner of record/interested person pays such administrative fee and the motor vehicle is returned to the owner of record/interested person, no default order need be entered if the owner of record/interested person was informed of his or her right to a hearing, in which case an order of liability shall be deemed to have been made when the city receives the written waiver.
5. If a bond in the amount equal to the applicable administrative fee is posted with the police department, the impoundment motor vehicle shall be released to the owner of record/interested person. The owner of record/interested person shall still be liable to the towing agent for any applicable towing fees.
6. If an administrative fee is imposed for a violation of this section, the bond will be forfeited to the city; however if a violation of this section is not proven by preponderance of the evidence, the bond will be returned to the person posting the bond. All bond money posted pursuant to this section shall be held by the city until the administrative hearing officer issues a decision, or, if there is a judicial review, until the court of jurisdiction issues its orders.
7. All decisions of the administrative hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law.

F. Disposition of Impounded Motor Vehicle:

1. An administrative fee imposed pursuant to this section shall constitute a debt due and owing the city.
2. A motor vehicle impounded pursuant to this section shall remain impounded until:
 - a. The administrative fee is paid the city and all applicable towing fees are paid to the towing agent, in which case the owner of record/interested person shall be given possession of the motor vehicle;
 - b. A bond in an amount equal to the applicable administrative fee is posted with the police department and all applicable towing fees are paid to the towing agent, at which time the motor vehicle will be released to the owner of record/interested person; or
 - c. Any motor vehicle that is not reclaimed or retrieved from the facility controlled or approved by the city within thirty five (35) days after the administrative hearing officer issues a written decision shall be deemed abandoned and may be disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Vehicle Code
 - d. The administrative fee imposed by the city for impounded vehicle shall be in addition to any fees charged for the towing and storage, or both, of an impounded vehicle. The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. The towing and/or storage company shall be entitled to receive a fee from the owner of record/interested person entitled to possession of any such vehicle prior to the release of the vehicle. The fee shall be to cover the cost of removing said vehicle and, in addition, any fees for the cost of storage of the vehicle for each day or fraction thereof that said vehicle remained at their storage facility in compliance with their practices. Fees for a "standard" tow shall not exceed \$100.00. Storage fees after the first 24 hours shall not exceed \$25.00.
 - e. It shall be the duty of the towing or storage company in possession of the vehicle to obtain documentation issued by the police department confirming compliance with the foregoing requirements and to retain photocopies of that documentation in their files for a period of not less than twelve (12) months following release of said vehicle. The foregoing information shall be made available to the authorities of the city for inspection and copying, upon their request, by the towing or storage company. The towing or storage company is prohibited from releasing any vehicle they may tow within the city until and unless they obtain the documentation as noted above.

- f. The administrative fees established by this section are to be paid by the owner of record/interested person, or the agents of the owner or record/interested person, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident. Vehicles towed by the police department for any reason other than those listed above shall be released to the owner of record/interested person with no administrative fee charged by the city. The person purporting to be the owner of record/interested person, or the agents of the owner or records/interested person, must present proof of ownership, current proof of insurance and possess a valid driver's license prior to release.
- g. Upon verifiable proof that the vehicle used in the violation was stolen at the time it was impounded, or if the vehicle was operating as a common carrier including, but not limited to, taxicabs or buses and the violation occurred without the knowledge of the person in control of the vehicle, the administrative fee shall be waived by the city.
- h. Unless stayed by a court of competent jurisdiction, any administrative fee imposed under this section which remain unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. This section incorporates sections 4/201 through 4/214.1 of the Illinois Vehicle Code to the extent they are consistent. Where a provision of this section differs from sections 4/201 through 4/214.1 of the Illinois Vehicle Code, the provisions of this section shall be controlling. Enforcement and administration of this section shall be consistent with the policies and procedures of section 4/201 through 4/215 of the Illinois Vehicle Code to the extent that said policies and procedures do not directly conflict with the provisions of this section.

G. All fees collected under this section shall be placed in the general fund.

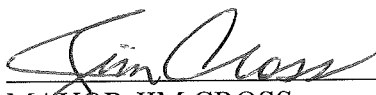
XIII. EFFECTIVE DATE:

This Ordinance shall be in immediate effect upon passage and adoption by the Anna City Council (corporate authorities).

XIII. RECITALS INCORPORATED BY REFERENCE:

The recitals contained above in the Preamble of this Ordinance are incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the CORPORATE AUTHORITIES of the CITY of ANNA, ILLINOIS.

PASSED AND ADOPTED: October 21, 2014.


MAYOR JIM CROSS

RECORD OF VOTE:

| | <u>YEA</u> | <u>NAY</u> |
|---------------------|------------|------------|
| MAYOR CROSS | <u>✓</u> | _____ |
| COMMISSIONER BIGLER | <u>✓</u> | _____ |
| COMMISSIONER ISOM | <u>✓</u> | _____ |
| COMMISSIONER KAMP | <u>✓</u> | _____ |
| COMMISSIONER WEBB | <u>✓</u> | _____ |

ATTEST: _____, CHRIS JONES, CITY CLERK.

FILED FOR RECORD ON OCTOBER 21, 2014.


CHRIS JONES, CITY CLERK

[CORPORATE SEAL]

CERTIFICATE AND MEMORANDUM
OF PASSAGE AND PUBLICATION OF ORDINANCE

STATE OF ILLINOIS)
)SS.
COUNTY OF UNION)

I, Chris Jones, City Clerk, of the City of Anna, a Municipal Corporation, located in Union County, Illinois, hereby certify that the foregoing Ordinance constitutes a full, true, and complete copy of Ordinance No. 2014-04, as passed and adopted by the City Council of the City of Anna, Illinois, on October 21, 2014.

I further certify that the Ordinance was printed in pamphlet form, made available to the public, and therefore became effective October 21, 2014.

Given under my hand and seal of the Municipal Corporation on October 21, 2014.



CHRIS JONES, CITY CLERK

[CORPORATE SEAL]