

**Title 7
MOTOR VEHICLES AND TRAFFIC**

CHAPTER 1

ILLINOIS MOTOR VEHICLE CODE

7-1-1 ADOPTION OF ILLINOIS MOTOR VEHICLE CODE

The village hereby adopts and incorporates by reference Chapter 625 of the Illinois Compiled Statutes in its entirety, unless otherwise noted, and by reference made a part of this chapter with the same force and effect as though set forth verbatim herein. The section numbers used in the Illinois Vehicle Code shall be identical to those section numbers in the Island Lake Vehicle Code and prefixed by reference to Title 7 of this code.

Illinois Vehicle Code Sections of Chapter 625	Chapters of the Village Code, Title 7
5/3-800	Chapter 1 – Adoption of Illinois Vehicle Code
5/4-200	Chapter 2 - Vehicle Licensing
5/15-100	Chapter 3 - Abandoned, Inoperable Vehicles
5/311-100	Chapter 4 - Size, Weight, Load And Permits
5/600-100	Chapter 5 - Boating Regulations
5/700-100	Chapter 6 - Snowmobiles
5/700-100	Chapter 7 - Parking Schedules And Regulations
5/800-100	Chapter 8 - Bicycles

7-1-2 PENALTY

- A. General Penalty. Except for those provisions of this title 7 that identify a specific fine for a violation, any person who violates any provision of this title 7 shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

- B. Penalty for Driving Under the Influence or Driving while License is Revoked or Suspended. A fine in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code shall be imposed against any person who pleads guilty or is found guilty of the charge of driving under the influence and/or driving while license is revoked or suspended.

CHAPTER 2

VEHICLE LICENSING

7-2-1 LICENSE REQUIRED

Any vehicle that is registered to any person residing at an address within the village, as shown upon records of the Illinois Department of Motor Vehicles, the Illinois Secretary of State or any other state agency or local agency or bureau shall be subject to the provisions of this chapter and the owner, lessee, or registrant of such motor vehicle, who resides or uses an address within the village, shall be required to acquire the appropriate license as prescribed by this chapter. It shall be unlawful for any person to operate any such vehicle for a period longer than thirty (30) days, without obtaining a license for such and paying the fee prescribed by this chapter.

7-2-2 APPLICATION

- A. Application for License: Any person requiring a license for any such motor vehicle shall file an application therefor with the village clerk, upon a form provided by her, setting forth:
1. The name and address of the applicant.
 2. The description of the motor vehicle and the state license number thereof.
 3. Such other information as may be prescribed.
 4. Resident driver's license number along with valid village address.
 5. Photocopy of driver's license may be requested.
- B. Payment of License Fee: Such license shall issue upon the payment by the applicant of a license fee, as provided in section [7-2-3](#) of this chapter, to the village clerk, and shall authorize the use of such motor vehicle within the Village until the expiration of such license.

7-2-3 FEES

- A. Fees Enumerated: The license fee for each motor vehicle to be paid annually to the Village Clerk shall be in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.
- B. Time of Payment: All licenses issued hereunder shall be annual licenses and shall expire February 14, following the issuance. Except for motorcycles, which shall be payable by June 1, the license fee for any license year shall be due and payable in advance, on February 15; provided, when such a license is issued for less than one year, then such license fee shall be reduced fifty percent (50%) if payable during the second half of the license year; and provided further that when any owner, lessee, or registrant shall fail to apply for and pay for such license when such fee is due the owner, lessee or registrant shall pay a fee in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code in addition to the license fee.

- C. Senior Citizen Fees: Any resident of the Village (male or female) who has reached the age of sixty five (65) years prior to the final due date for a license fee for an automobile, and providing the automobile has an Illinois title in the applicant's name and is operated by the said applicant, shall pay an annual fee in the amount set forth in the annual fee ordinance schedule contained in section 116-3 of this code. There shall be no reduced fee for a half year license. The applicant shall produce such proof of age as the village clerk may require. There shall be no more than one reduced fee for each senior citizen applicant, regardless of the number of automobiles owned by the applicant.

7-2-4 USE OF FUNDS

The proceeds of all license fees so collected shall be used for the purpose of improving, paving, repairing or maintaining the streets and other public roadways within the Village; provided that the actual cost of the collection of such fees and the distribution thereof may be deducted from the total amount collected.

7-2-5 LICENSE TAG

Upon the issuance of a license, the village clerk shall deliver to the applicant a gummed tag or sticker upon which shall be shown the name of the class to which said motor vehicle belongs and the year for which the said license is issued. It shall be the duty of the applicant to affix such gummed tag or sticker upon the windshield of the motor vehicle, or if there is no windshield, then in a conspicuous place upon said motor vehicle where it can readily be seen. It shall be unlawful for any motor vehicle required to have a license tag to be used upon the streets, avenues or alleys of the Village unless such tag or sticker is attached thereto. It shall not be a defense that said vehicle is otherwise licensed.

7-2-6 SALE OR TRANSFER

Immediately upon the sale or transfer of any motor vehicle which has been licensed provided in this chapter prior to the date of such sale or transfer, the vendor shall remove the license tag or sticker from the motor vehicle so sold or transferred, and the license so issued for such motor vehicle shall cease to apply to said motor vehicle from such date. The purchaser or transferee thereof shall apply to the village clerk for a new license therefor as herein provided. Upon a showing to the village clerk that said tag or sticker had been removed from such sold or transferred motor vehicle, the village clerk may issue a new tag or sticker bearing a new number, which shall apply to and be assigned to any other motor vehicle of the same class owned by said vendor transferor. Except as herein provided, no tag or sticker issued for or assigned to any motor vehicle shall ever be used for or attached to or upon another and different vehicle.

7-2-7 PENALTY

Any person violating any of the provisions of this chapter shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and each day any motor vehicle is used upon the streets, avenues or alleys of the Village without having a license issued therefor as herein provided and without having complied with the provisions of this chapter shall be considered a separate and distinct offense.

CHAPTER 3

ABANDONED, INOPERABLE VEHICLES

7-3-1 PURPOSE

The purpose of this chapter is to regulate the keeping of abandoned, dismantled, junked, discarded and unlicensed vehicles upon privately-owned or public property in the Village. The keeping of such vehicles is determined to be detrimental to public safety, health and welfare and constitutes an attractive nuisance to children and is a peril to their safety. They are also a source of vexation and annoyance. They depreciate the value of neighboring properties. They are a fire hazard and a source of fire and explosion. The preservation of public health and the protection of property and the elimination of public peril compel the village board to regulate this matter.

7-3-2 DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and the words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The masculine gender includes the feminine and neuter.

ABANDONED VEHICLE: Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for five (5) consecutive days or more and is apparently deserted; but in the case of watercraft, any watercraft that has not been moved or used during the previous boating season.

ANTIQUE VEHICLE: Any motor vehicle or other vehicle twenty five (25) years of age or older.

DISCARDED: Presently useless, thrown away, or unclaimed.

DISMANTLED: Vehicles which are stripped or have parts removed.

HIGHWAY: Any street, alley or public dedicated way within this Municipality.

JUNKED: Of little use or value.

PERSON: Any person, firm, partnership, association, corporation, company, or organization of any kind.

PRIVATE PROPERTY: Any real property within the Village which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY: Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

STORAGE: The leaving of a vehicle upon private property for more than one month.

UNLICENSED: Vehicles not bearing current license plates.

VEHICLE: A machine propelled by power, other than human power, designed to travel on the ground, upon the roads by the use of wheels, treads, runners or slides,

or upon water by the use of motor and propeller, to transport persons or property, or to pull machinery, and includes, but is not limited to, all automobiles, trucks, trailers, motorcycles, tractors and all trailers, wagons, motorboats, or other machinery designed to be pulled by such vehicle.

VILLAGE: The Village of Island Lake.

7-3-3 DECLARATION OF NUISANCE

- A. It is hereby declared and found that dismantled, junked, discarded, abandoned and unlicensed vehicles in and upon any property within the Village limits are a matter affecting the public interest and they constitute a nuisance.
- B. Except as otherwise provided in this chapter, no persons shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is abandoned, wrecked, discarded, dismantled, junked or unlicensed whether attended or not, upon any public or private property within the Village for a period in excess of five (5) days or in the case of motorboats, any motorboat that has not been moved or used for the previous boating season. The presence of an abandoned, wrecked, dismantled, junked or unlicensed vehicle or parts thereof, on private or public property, is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

7-3-4 PROHIBITED ACTS

- A. Violations:
 - 1. It shall be unlawful for any person, either as owner, lessee, occupant or otherwise, to store or deposit, or cause or permit to be stored or deposited, dismantled, junked, discarded, unlicensed and abandoned vehicles in or upon any vacant lot or land or vacant place upon the surface of any lot or land within the Village except on parcels legally exempted from this provision by proper zoning or other permit allowing such.
 - 2. Not more than two (2) unlicensed motor vehicles shall be permitted to be stored outside on any business zoned property and no vehicles shall be allowed to be stored outside if in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless the property is otherwise legally zoned for such.
- B. Unlicensed Vehicles: The storing or keeping of any unlicensed vehicle on any residential or estate zoned property is prohibited except as exempted by section [7-7-2](#) of this title, and except as may be allowed by proper zoning regulations or permit allowing such. Nothing in this chapter shall be construed to prohibit the storage of an unlicensed vehicle in a private garage.
- C. Abandoned Vehicles:
 - 1. No person shall abandon a motor vehicle or other vehicle, or part thereof, on any highway in the Village.
 - 2. No person shall abandon a motor vehicle or other vehicle, or any part thereof, on private or public property in the view of the general

public, anywhere in the Village, except on the property of the owner or bailee of such abandoned vehicle.

3. A motor vehicle or other vehicle, or any part thereof, so abandoned on private property or upon any highway may be authorized for removal by and upon the order of the chief of police, after a waiting period of seven (7) days or more has expired.

7-3-5 REMOVAL AUTHORIZED, RESPONSIBILITY FOR COSTS

- A. **Abandoned on Highways:** When a motor vehicle or other vehicle is left on the highway in the Village ten (10) hours or more, its removal by a towing service may be authorized by the chief of police or other authorized village official.
- B. **Traffic Hazards:** When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway, or its physical appearance has caused the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the chief of police or other authorized village official.
- C. **Responsibility for Costs:** When a vehicle is removed from either public or private property pursuant to this chapter, the owner of the vehicle shall be responsible for all towing and storage costs, and shall pay the same before such vehicle is released to his custody or possession.

7-3-6 NOTIFICATION OF POLICE DEPARTMENT

When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or the custody of a person in the Village not the owner of the vehicle, such person shall immediately notify the police department. Upon receipt of such notification, the chief of police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service shall tow the vehicle and its contents, and maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this chapter.

7-3-7 NOTICE TO REMOVE

Whenever it comes to the attention of the Village police department or village official authorized to enforce provisions of this chapter that a nuisance as defined herein exists in the Village, a notice in writing shall be served upon the owner of such vehicle, or the occupant of the land where the nuisance exists, or the owner of the property or his agent. In the event the last known address of the person cannot be ascertained, notice shall be served upon the person last paying taxes on the subject property. A copy of the notice shall also be placed on the subject vehicle.

7-3-8 SERVICE OF NOTICE

The notice shall be sent by normal mailing with the postage prepaid. The notice shall state the existence of the nuisance and request its removal within ten (10) days of the date of mailing. The owner of the vehicle, occupant of the land or owner of the land shall be responsible for removal of the vehicle.

7-3-9 LOCATING OWNERS

A. Record Searches:

1. Whenever the police department cannot determine the identity of the registered owner or legally entitled person, it will cause the motor vehicle registration records of the state to be searched by a directed communication to the state secretary of state for the purpose of obtaining the required ownership information.
2. It will further cause the stolen motor vehicle files of the State police to be searched by a directed communication to the State police for stolen or wanted information on the vehicle.
3. The information determined from this records search will be used by the Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting that disposition be made, and setting forth information concerning the future sale of the vehicle.

B. Notification of State Police:

1. When the registered owner or other person legally entitled to possession of a motor vehicle or other vehicle cannot be identified from the registration files of the state, or from the registration files of a foreign state, if applicable, the police department shall notify the State police for the purpose of identifying the vehicle's owner or other person legally entitled to possession of the vehicle.
2. The information obtained shall be used in sending notification by certified mail to the owner or legally entitled person advising him where the vehicle is held, requesting that disposition be made, and setting forth the public sale information.

7-3-10 ABATEMENT OF NUISANCE BY VILLAGE

In the event a vehicle is not removed or repaired within ten (10) days of the mailing of notice as specified in section [7-3-8](#), the chief of police of the Village or his duly authorized agent, shall abate such nuisance by causing the vehicle to be towed or transported to a designated storage place or depository as determined by the Village, and the costs of the towing, transportation, and storage shall be charged to the owner of the vehicle or in the absence of any known or ascertainable owner, to the owner of the property upon which the vehicle was stored. Such remedy shall be in addition to any other penalty provisions provided for in this chapter.

7-3-11 NOTICE OF REMOVAL:

Within forty eight (48) hours of removal of such vehicle, the chief of police shall give notice to the registered owner of the vehicle, if known, and also the owner or occupant of the private property from which the vehicle was removed, if known. The notice shall state that said vehicle or vehicles have been impounded and stored for violation of this chapter and give the location where the vehicle or vehicles are stored, and the costs incurred by the Village for the removal.

7-3-12 REDEMPTION OF IMPOUNDED VEHICLES

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the village clerk of the actual and reasonable expense of removal, and any preliminary sale advertising expenses.

7-3-13 DISPOSITION OF VEHICLES

Upon removing the vehicles as provided for in this chapter, the Village shall, after ten (10) days, cause the vehicle to be appraised.

- A. If the vehicle is appraised at seventy five dollars (\$75.00) or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale.
- B. If the vehicle is appraised over seventy five dollars (\$75.00), the chief of police shall give notice of a public sale not less than ten (10) days before the date of the proposed sale.

7-3-14 PUBLIC SALE NOTICE

- A. Contents: The notice of sale shall state:
 - 1. The sale is of abandoned property in the possession of the Village.
 - 2. A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
 - 3. The terms of the sale.
 - 4. The date, time, and place of the sale.
- B. Notice shall be by posting in a prominent place at the Village hall visible to members of the public. No other notice shall be required.

7-3-15 PUBLIC SALE

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the village clerk. Should the sale for any reason be invalid, the Village's liability shall be limited to the return of the purchase price.

7-3-16 LIABILITY OF PARTIES INVOLVED

- A. Liability of the Owner of the Vehicle: If the sale or disposition of the vehicles as hereinabove specified does not produce sufficient funds to pay the expenses incurred by the Village in such removal and sale, the owner of the vehicle shall be liable for any such unrecovered expenses.
- B. Liability of Owner or Occupant of the Property:
 - 1. The owner and/or occupant of any property from which a vehicle was removed by the Village in accordance with this chapter, shall be liable for any unrecovered expenses incurred by the Village in connection with such removal and recovery of said expenses may be enforced against the individuals or by the placing of a lien upon the property in the amount of such expenses.
 - 2. The notice and service requirements for foreclosing the lien shall be the same as those in foreclosure of mortgages.

- C. Liability of Party Towing Vehicles: No police officer, towing service owner, operator or employee shall be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, or any person legally entitled to possession of the motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided in this chapter.

7-3-17 REPORTS ON TOWED VEHICLES

When a motor vehicle or other vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, including if available, the color, year, manufacturer, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The records shall also include the date and hour of tow, location towed to, reason for towing, and the name of the officer in charge, as designated by the chief of police.

7-3-18 PRIMA FACIE PRESUMPTION

The registered owner of a vehicle found in violation of any section of this chapter shall be held prima facie responsible for any such violation.

7-3-19 COMPLIANCE WITH REMOVAL ORDER REQUIRED

When the registered owner or the person entitled to possession of the vehicle can be ascertained, and such person shall fail to remove the vehicle within seven (7) days after being requested to do so by the chief of police under the notice provisions of this chapter, the penalty provided in section [7-3-20](#) of this chapter shall be in addition to the provisions for removal and reclamation of such vehicle provided herein.

7-3-20 VIOLATIONS, PENALTY

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the annual fee ordinance contained in section 1-16-3 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

CHAPTER 4

SIZE, WEIGHT, LOAD AND PERMITS

7-4-1 VEHICLE WEIGHT RESTRICTION

All public streets within the Village shall be limited to vehicular weights not exceeding the gross amount of four (4) tons, except where streets are designated thoroughfares. The four (4) ton load limit shall not apply to emergency vehicles or vehicles that traverse the public streets for direct pickup delivery within the Village. Delivery vehicles shall utilize the shortest route for the direct service to the location within the Village. Temporary load restrictions may be placed on any public street including a thoroughfare street, including the closing of any street where the Village has determined that temporary conditions prevail that may cause damage to public streets. Such temporary restrictions shall not exceed ninety (90) days in any twelve (12) month period. Thoroughfares under this section shall consist of Darrell Road, Burnett Road, State Route 176 and Roberts Road.

7-4-2 STREET USAGE PERMIT REQUIREMENTS

A. Permit Required: All self-propelled motor vehicles using and being operated upon the streets and public ways of the Village in conjunction with the excavating, grading, moving of real property and the erection of permanent structural improvements thereon shall have a village permit therefor issued pursuant to the provisions of this section; provided, that no such permit shall be required of:

1. A vehicle carrying a gross weight of less than five thousand (5,000) pounds, Operating under a permit or franchise of the Illinois Commerce Commission.
2. Going directly to or from a location in the Village to deliver a cargo (exclusive of dirt fill, gravel or other construction materials).
3. Passing through the Village, but having no destination in this village.
4. Used for firefighting or ice or snow removal.
5. Implements of husbandry used as vehicles and in combination with vehicles used for husbandry.
6. Used by utilities either public or private.

B. Application; Deposit:

1. Contents of Application: Village permits shall be applied for not later than forty eight (48) hours of the expected use of village streets and public ways and the application shall contain information concerning:
 - a. The location of the streets and ways to be used.
 - b. The destination or stopping place of such vehicles.
 - c. The duration of time such use shall continue.

- d. The number and description of the vehicles to be used.
 2. Application: Applications shall be made to the superintendent of public works of the Village at the village hall.
 3. Bond Required: That application shall be without fee, but it shall be accompanied by a deposit of five thousand dollars (\$5,000.00) in U.S. currency, or a negotiable instrument that can readily be converted to cash without time for collection of a forwarding bank, such as a cashier's check or bank draft, or a surety bond in the amount of at least five thousand dollars (\$5,000.00) in such form as is acceptable to the superintendent of public works.
 4. Inspection of Roads and Public Ways: Upon the receipt of an application, the superintendent of public works shall immediately inspect the Village roads and public ways involved in said application for the purpose of discovering the condition of maintenance of such road or way.
 5. Number of Bonds: The permit shall be issued for each vehicle listed in the application, provided that in the event that more than one job site is involved, there may be as many bonds as there are job or construction sites.
 6. Return of Bond: Such bond should not be returned to the applicant until the expiration of the time set forth on the application and then only after an inspection by the superintendent of public works determines that no repairs or restoration are required by the Village which were not required by said street or way prior to its use by the motor vehicle of the applicant, and which repairs are required for damage attributable in part to the vehicle of the applicant.
 7. Repairs or Restorations: In the event repairs or restorations are required, the applicant shall be liable for the full costs thereof and the amount of the bond posted by the applicant shall in no way be deemed to limit the applicant's liability. The applicant shall forthwith deposit with the Village a sum of money equal to the difference between the bond posted and the cost of such repairs or restorations.
 8. Notice of Decision: Within forty eight (48) hours after the lapse of the time set forth in the permit, the superintendent of public works shall inform the applicant of his decision as to said funds.
- C. Route 176 Exempted: Nothing in the regulations of subsections A and B of this section shall be construed to apply to Illinois Route 176, but these regulations shall govern the use of all other village streets or public ways even though the latter mentioned ways are used either before or after the use of Illinois Route 176. These regulations shall not be construed as applying to self propelled camper trailers, campers, limousines or buses.
- D. Penalty: Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the annual fee ordinance contained in section 1-16-3 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

CHAPTER 5

BOATING REGULATIONS

7-5-1 REGISTRATION AND PERMITS

- A. Registration: All vessels and watercraft shall be required to be registered with the village clerk. Two boat stickers will be issued at the time of registration. A current registration sticker shall be affixed to the port side (left) and to the starboard side (right) at the forward most part of the bow (front) of said vessel just below the gunwale (gunnel). On pontoon boats, a current registration sticker is to be affixed on the port and starboard side at the foremost part of the bow at deck level.
- B. Fees: Residents and Nonresidents: The yearly fee for senior citizens age 65 and older, residents of the village and nonresidents, for boat stickers and the penalty for violation of this section shall be in the amounts set forth in the annual fees, fines and penalty ordinance schedule contained in section 1-16-3 of this code.
- C. Special Permits: Any regatta or other boating exhibition must be approved by the village board and the village board is authorized in issuing any such permit to grant reasonable and appropriate variances from the boating regulations set forth in this chapter.

7-5-2 ILLINOIS BOAT REGISTRATION AND SAFETY ACT

This chapter hereby incorporates by reference all applicable provisions of the boat registration and safety act of the state and amendments thereto, and the same shall be enforced as part of this chapter except where this chapter further restricts operations and use of vessels, then this chapter takes precedence.

7-5-3 DEFINITIONS

When used in this chapter, unless the context requires otherwise, the following terms shall have the following meanings:

VESSEL OR WATERCRAFT: Every description of watercraft having a hull, rails, gunnels, designated seating, hull identification number, maximum persons rating, weight rating, or motor limits tag used or capable of being used as a means of transportation on water such as:

MOTORBOAT: Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

NON-POWERED WATERCRAFT: Any canoe, kayak, paddleboat, non-swim type inflatable, collapsible vessel or watercraft, or watercraft not propelled by sail, canvas, or machinery of any sort.

PONTOON BOAT: A flat bottom watercraft on closed, hollow cylinders which provide buoyancy

SAILBOAT: Any watercraft propelled by sail or canvas. For the purpose of this chapter, any watercraft propelled by both sail or canvas and machine or motor shall be deemed a motorboat when being propelled by machine or motor.

ENGINE, TWO-STROKE OR TWO-CYCLE: A type of internal combustion engine which uses a gas and oil mixture and completes a power cycle with two strokes (up and down movements) of the piston during only one crankshaft revolution.

ENGINE FOUR- STROKE: A type of internal combustion engine which does not use a gas and oil mixture and completes a power cycle with four strokes (up and down movements) of the piston during only one crankshaft revolution.

HOUSEBOAT: Any boat, vessel or device meant to accommodate living for extended periods of time and powered by either sails, motor or machine.

ICEBOAT: Any boat, vessel or device meant to travel on the frozen waters of Island Lake on runners, skis or similar devices, powered by sail.

NO-WAKE SPEED: A speed at which there is "white" water created by waves, folding water or enough disturbance near the Watercraft, in its track or path that would create any appreciable waves; however, the Watercraft may always maintain the slowest possible speed necessary for steering and control. In no case shall any No-Wake Speed exceed five (5) miles per hour.

OPERATE: To navigate, propel or otherwise use a motorboat, vessel or device.

PERSON: An individual, partnership, firm, corporation, association or other entity.

POLICE CHIEF: The Chief of Police of the Village of Island Lake, or any acting chief, or commanding officer in his absence.

7-5-4 ENFORCEMENT

The Island Lake Police Department or any special police or water safety patrol authorized by the Village shall for the purpose of this act have full and complete jurisdiction of the lake known as Island Lake for the purpose of enforcement of this chapter.

7-5-5 BOAT OPERATIONS

A. Designated No-Wake Areas: It shall be unlawful for any person to operate any motorboat at any speed greater than "no wake" in the following areas:

1. Area known as lagoon and channel.
2. All of Island Lake north of a line drawn from the northeasterly corner of lot 6 of the first addition of Island Lake, northeasterly to a point of the southwesterly corner of lot 6 in block "P" of Island Lake estates, said area commonly known as the entrance to the island.
3. All that area north of a line drawn from Dorothy Court to the southeasterly corner of lot 11, block 3 of Island Lake estates commonly known as the beaches near Island Drive and that part north of the bridge on Island Drive.
4. All that area north of a line drawn from the public beaches from South Shore Drive northeasterly to the beaches off Briar Court, commonly known as the area bounded by Briar Court, Eastway Drive, Fairfield Drive and South Shore Drive known as the area bounded by Briar Court, Eastway Drive, Fairfield Drive and South Shore Drive.
5. Any area within seventy five feet (75') of the shoreline.

- B. Maximum Speed Limits in Undesignated Areas: In parts of Island Lake other than areas designated in subsection A of this section, it shall be unlawful to operate a motorboat or vessel at speeds in excess of ten (10) miles per hour.
- C. Nighttime Limitations: It shall be unlawful for any person to operate any motorboat at any speed greater than "no wake" between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. on any part of Island Lake.
- D. Muffler and Noise Requirements:
 - 1. It shall be unlawful to use a boat propelled by a motor or machine unless same is provided with a serviceable muffler or underwater exhaust capable of adequately muffling the sounds of the exhaust of the engine.
 - 2. The phrase "adequately muffling" shall mean that the motor exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise.
 - 3. No other excessive or unusual noise shall be created through operation of said boats or devices.
- E. Age Requirements: No person under the age of ten (10) years shall operate any motorboat or sailboat.
- F. Restricted Areas:
 - 1. It shall be unlawful to operate any boat or vessel within fifty feet (50') of a bathing area, or within any area restricted by buoys.
 - 2. The village may designate certain areas to be bathing, fishing, swimming or otherwise restricted areas. Further, the village board or the police chief may restrict all boating on the lake when the conditions of weather warrant or when other activities shall have been approved and boating has been suspended for a particular day.
 - 3. If conditions exist whereby the lake becomes too crowded, the police chief may suspend boating on the lake for the remainder of the day.
- G. Littering: No person shall be allowed to cast, throw or deposit bottles, glass, caps, garbage, refuse or debris into the waters of Island Lake or upon its shores
- H. Sailboat Size Limits: No person shall operate any sailboat upon the waters of Island Lake that shall exceed sixteen feet (16') in length.
- I. Iceboats Prohibited: It shall be unlawful to operate any iceboat upon the frozen waters of Island Lake.
- J. Hovercraft Prohibited: It shall be unlawful to operate any hovercraft or similar air driven craft on Island Lake.
- K. Horsepower Limitation: It shall be unlawful to operate a Watercraft powered by a motor in excess of ten (10) horsepower. If the motor on a Watercraft exceeds ten (10) horsepower, the motor must at all times be locked position out of the water. Provided, however, any Watercraft registered with the Village, upon the effective date of this ordinance, with a motor in excess of ten (10) horsepower shall be permitted to operate within the Village but limited to No-Wake Speed. For each offense violators shall be subject to fines and penalties set forth in section 1-16-3 of this code.

- L. Water Skiing and Tubing: No boat operating under these provisions shall be used for water skiing or towing persons on a floatation device or tube.
- M. Reckless Operation: No person shall operate any boat or vessel in a careless, willful, heedless, reckless or wanton manner so as to endanger, harass or annoy persons or endanger property.
- N. Driving While Under the Influence: No person shall operate any boat or vessel or be in actual physical control of any boat or vessel who is under the influence of intoxicating liquor and/or narcotic drug.
- O. Mooring to Village Property Prohibited: No person shall moor or attach any vessel or watercraft to a village pier or other village property, or allow any vessel or watercraft to be placed or to remain on any village property except while loading or unloading such vessel or watercraft.
- P. Houseboats Prohibited: It shall be unlawful to operate or maintain any houseboat upon the waters of Island Lake.
- Q. Exemptions: The following organizations shall be exempt from the horsepower limitations:
 - 1. Island Lake Police Department.
 - 2. Wauconda Fire Department.
 - 3. Illinois Department of Natural Resources.
 - 4. Lake and McHenry County Health Departments.
 - 5. Vendors under contract with the Village to provide a service
- R. Commencing January 1, 2022, no two stroke engines shall be allowed to power any motorboats or other vessels on Island Lake.

7-5-6 PENALTIES

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter. Any person who shall be convicted a second time in a calendar year of a violation of this chapter shall be prohibited from operation of any boat or vessel upon the waters of Island Lake for the remainder of said calendar year.

CHAPTER 6

SNOWMOBILES

7-6-1 SPECIAL PERMITS

Any organized exhibition, meeting, show or other organized activity upon the frozen waters of Island Lake must be approved by the village board of Island Lake.

7-6-2 ILLINOIS SNOWMOBILE AND REGISTRATION SAFETY ACT

This chapter hereby incorporates by reference all applicable provisions of the Illinois Snowmobile and Registration Safety Act of the state and amendments thereto, and the same shall be endorsed as part of this chapter except where this chapter further restricts operations and use of snowmobiles, then this chapter takes precedence.

7-6-3 DEFINITIONS

OPERATE: To control the operation of a snowmobile.

OPERATOR: A person who operates or is in actual control of a snowmobile.

SNOWMOBILE: A self-propelled vehicle designed for travel on snow or ice in a natural terrain powered by a drive belt and steered by skis or runners or similar devices.

7-6-4 ENFORCEMENT

The Island Lake Police Department or any special police or snow safety patrol authorized by the Village shall, for the purpose of this chapter, have full and complete jurisdiction for the purpose of enforcement of this chapter.

7-6-5 OPERATION REQUIREMENTS

7-6-5-1 GENERALLY

A. Muffler and Noise Requirements:

1. It shall be unlawful to use a snowmobile propelled by a motor or machine unless same is provided with a serviceable muffler capable of adequately muffling the sounds of exhaust of the engine.
2. The phrase "adequately muffling" shall mean all the motor exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise.
3. No other excessive or unusual noise created through operation of said devices is allowed.

B. Public and Private Property: It shall be illegal to operate a snowmobile on private property of another without the express permission to do so by the owner or occupant of said property or on public school grounds, park property, playgrounds, and recreational areas without express provision of permission to do so by the proper public authority or individual.

C. Towing: Stiff bar towing of snowmobile trailers shall be legal, but no towing of skiers, skaters, toboggans or other types of towing from snowmobiles shall be allowed.

- D. Reckless Operation: No person shall operate any snowmobile in a careless, willful, heedless, reckless or wanton manner so as to endanger, harass or annoy persons or to endanger property.
- E. Driving While Under the Influence: No person shall operate any snowmobile or be in actual physical control of any snowmobile who is under the influence of intoxicating liquor and/or narcotic drug.
- F. Racing of Snowmobiles: There shall be no racing of snowmobiles within the Village except with the express authority of the village board.

7-5-2 OPERATION ON LAKE

- A. Designated Low Speed Areas: It shall be unlawful for any person to operate any snowmobile or all-terrain vehicle ("ATV") at any speed greater than five (5) miles per hour in the following areas:
 - 1. Area known as lagoon and channel.
 - 2. All that area north of a line drawn from Dorothy Court to the southeasterly corner of Lot 11, Block 3 of Island Lake Estates, commonly known as the beaches, near Island Drive and that part of the bridge on Island Drive.
 - 3. All that area south of a line drawn from the public beaches from South Shore Drive northeasterly to the beaches of Briar Court, commonly known as the area bounded by Briar Court, Eastway Drive, Fairfield Drive and South Shore Drive.
- B. Maximum Speed in Undesignated Areas: In parts of Island Lake other than areas designated in subsection A of this section, it shall be unlawful to operate a snowmobile or ATV at speeds in excess of reasonable or safe speeds and in no event, not in excess of 20 mph.
- C. Hours of Operation on Island Lake: Hours of operation of snowmobiles and ATVs on the frozen waters of Island Lake shall be from 6 a.m.-10 p.m.; provided, however, during the hours of 6 a.m.-10 a.m. and from 5 p.m.-10 p.m., snowmobiles and ATVs shall not be operated at speeds in excess of 5 mph. Operation of snowmobiles and ATVs between the hours of 10 p.m. and 6 a.m. is strictly prohibited.
- D. Age Requirement: An operator of a snowmobile or ATV on the frozen waters of Island Lake must be at least sixteen (16) years of age.
- E. Restricted Areas: It shall be illegal to operate a snowmobile or ATV within one hundred feet (100') of hockey rinks or other areas cleared for any skating, tobogganing or other winter activities ("Winter Activity Sites"). Provided however, snowmobiles or ATVs may be driven closer to or used to clear the ice of snow from Winter Activity Sites at speeds not in excess of 5 mph.
- F. Littering: No person shall be allowed to cast, throw or deposit bottles, glass, caps, garbage, refuse or debris onto Island Lake or upon its shores.
- G. Right of Way: Right Of Way: Snowmobiles and ATVs shall grant right of way to any pedestrian, ice skater and operator of sled or toboggan or other vehicles.
- H. Snowmobiles or ATVs Allowed on Frozen Waters: No motorcycle, trail bike or other motorized vehicle other than a snowmobile or ATV shall be allowed on the frozen waters of Island Lake.
- I. Frozen Waters Requirement: No snowmobile or ATV shall be operated on the frozen waters of Island Lake unless there is a two (2") cover on snow on such.

7-6-5-3 OPERATION ON ROADS

It shall be illegal for snowmobiles or ATVs to be operated on any street or road within the Village.

7-6-6 PENALTIES

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter. Any person who shall be convicted a second time in a calendar year of a violation of this chapter, shall be prohibited from operating any snowmobile on Island Lake for the remainder of said calendar year.

CHAPTER 7

PARKING SCHEDULES AND REGULATIONS

7-7-1 STREET CLEANING, SNOW REMOVAL

- A. Prohibited: It shall be unlawful to park any vehicle on any public street or portion thereof in the Village at any time when such street is under excavation or construction or being cleaned or snow removed therefrom.
1. No person shall park any vehicle on any public street when one inch (1") or more of snow has accumulated on said street or when streets are in an iced or glazed condition requiring sanding.
 2. Signs may be posted by the chief of police or other official authorized by the Village, indicating prohibited parking areas due to construction, excavation or other maintenance work.
- B. Towing Cars Away: The police department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked.
1. Illegally parked vehicles shall include, but not be limited to, vehicles parked in any place creating or constituting a traffic hazard, vehicles blocking the use of fire hydrants, vehicles obstructing or which may obstruct the movement of any emergency vehicles, vehicles which have been parked on any public street or other public place for a period of twenty four (24) consecutive hours, vehicles not properly moved for street cleaning, snow removal or maintenance work.
 2. Vehicles towed away as herein specified shall be stored on any village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicles. In the event the owner or operator of a vehicle towed and/or stored by the Village as herein provided fails to pay all towing and storage expenses, in addition to the other remedies and penalties herein provided, the Village shall have a civil claim for all sums due and owing.

7-7-2 PARKING AND STORAGE OF VEHICLES IN CERTAIN DISTRICTS

- A. Rules and Definitions: The language set forth in the text of this section shall be interpreted in accordance with the following rules of construction. The singular number includes the plural and the plural the singular; the present tense includes the past and future tenses, and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the masculine gender includes the feminine and neuter. Whenever a word or term defined hereinafter appears in the text of this section, its meaning shall be construed as set forth in the definition thereof. Synonyms, in common usage of certain words or terms, are shown parenthetically. The following words and terms, wherever they occur in this section, shall be interpreted as herein defined:

DISCARDED: Presently useless, thrown away or unclaimed.

DISMANTLED: Vehicles which are stripped or have parts removed.

FIRST DIVISION VEHICLES: Vehicles which are designed for carrying not more than ten (10) persons.

JUNKED: Of little use or value.

SECOND DIVISION VEHICLES: Vehicles which are designed for pulling or carrying freight and those vehicles which are designed for carrying more than ten (10) persons.

UNLICENSED: Dismantled, junked or discarded vehicles not bearing current license plates.

VEHICLE: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

B. Prohibitions:

1. **Parking, Storing or Depositing Vehicles:** It shall be unlawful for any person either as owner, lessee, occupant or otherwise, to park, store, deposit or permit to be stored or deposited the following on any land zoned E, R, or OS, whether indoors or outdoors within the Village:
 - a. Trucks having more than two (2) axles.
 - b. Trucks having a gross vehicle weight in excess of twelve thousand (12,000) pounds.
 - c. Semitrailers.
 - d. Construction equipment, excavating equipment, farm machinery and landscape equipment not used exclusively for the maintenance of the subject property.
2. **Violation:** The parking or standing of any vehicles described in this section other than for purposes of loading or unloading merchandise or passengers is prohibited.
3. **Exceptions:**
 - a. **Recreational Vehicles:** The keeping of not more than one recreational vehicle exposed on property shall be allowed. Recreational vehicles shall include those items classified as such under the Illinois vehicle code. Recreational vehicles and all trailers must be properly licensed and in working condition.
 - b. **Construction and Excavation Equipment:** The keeping of construction and excavation equipment on sites where work is in process shall be allowed as long as there is a current valid building permit for such work. The keeping of semitrailers and other storage trailers on construction sites shall be permitted where there is a valid building permit and the keeping of such is necessary for the protection of materials being used in the construction work being performed.
 - c. **Farm Equipment:** Farm machinery on lands that qualify as nonconforming agricultural uses shall be permitted.

7-7-3**PROHIBITED PARKING AREAS**

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:
1. Stop, Stand or Park A Vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within twenty feet (20') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. At any place where official signs prohibit stopping;
 - i. On any controlled access highway;
 - j. In the area between roadways of a divided highway, including crossovers;
 - k. On private property in any estate or residentially zoned district except in an enclosed garage or paved parking area; "paved parking area" shall mean an area paved with concrete, asphalt or crushed stone which is at least six inches (6") in depth. Properties which do not permit the above due to special configuration of the lot shall apply to the architectural commission for review and to make recommendation.
 2. Momentary Parking: Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
 - a. In front of a public or private driveway;
 - b. Within twenty feet (20') of a crosswalk at an intersection;
 - c. Within thirty feet (30') upon approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - d. At any place where official signs prohibit standing; and
 - e. Within posted bus stop or loading zone.
 3. Life Safety Violations: Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
 - a. Within fifteen feet (15') of a fire hydrant;
 - b. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station

within seventy five feet (75') of such entrance (when properly signposted).

4. Route 176: Stop, stand or park any vehicle on Illinois Route 176 within the Village limits.
5. Parking at the Curb:
 - a. No vehicle shall be parked with the left side of such next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street or village parking lot other than parallel with the curb or curb line and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line, except that upon those streets or village parking lots that have been marked at the angle to the curb or curb line indicated by such marks, with the front wheels against the curb or curb line.
6. Vehicles for Sale: It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale.
7. All Night Parking:
 - a. No person shall park any vehicle between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. on any streets in the Village.
 - b. Exceptions to the prohibition on all night parking may be granted by the chief of police or his or her designee when a vehicle owner has exigent circumstances to park on the street for a period of time not to exceed fourteen (14) days in a calendar year. Such permission is automatically rescinded if snowfall exceeds two inches (2") in a single occurrence requiring that all village streets be kept clear for snow removal operations.
8. Parking Any Time on the Following Streets:

Bassler Drive
Brier Court from Eastway Drive west to Brier Beach
Brierhill Drive north for one hundred feet (100') from Brier Court
Dorothy Court west from Island Drive
Eastway Drive from State Road (Route 176) to Burnett Road
Eastway Drive west side of street on unpaved easement to a point of fifty feet (50') north of Hill Court
Greenleaf Avenue east side of street between River Oaks Lane and Carriage Hill Road
Highland Drive from Hillside Drive to Charles Court
Hillside Drive from Highland Drive to Hyacinth Terrace
Newport Court east side of street from State Road (Route 176) to driveway at 545 Newport Court (entrance to Cotton Creek School)
Park Drive south from Fern Drive to Park Beach
South Shore Drive north side of street fronting South Shore Beach
9. Fire Lanes: The stopping, standing or parking of an unattended motor vehicle in a fire lane is strictly prohibited. The following streets and roads are hereby designated as fire lanes in accordance with the most current edition of the BOCA national fire prevention code as previously adopted by the village:

Brittany Lane
Canterbury Lane
East Princeton Circle

East Saratoga Circle
Harvard Court
Independence Boulevard
Madison Court
Nantucket Village Townhomes
Nantucket Way
North Constitution Avenue
Pleasant Place
South Constitution Avenue
West Princeton Circle
West Saratoga Circle
Westridge townhomes
Yale Lane

10. School Entrance: No parking on either side of the street within thirty feet (30') of the driveway entrance to the Cotton Creek School located at 545 Newport Court.
11. Special Restrictions for Trailers and Recreational Vehicles: No trailer of any kind or any recreational vehicle shall be parked on village property or easements unless board approval is granted except in designated parking areas in parks and the village hall.

7-7-4 PENALTIES

- A. Any person violating any part of this chapter shall be fined in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.
- B. The registered owner of a vehicle found in violation of any section of this chapter shall be held prima facie responsible for any violation.
- C. The placing of a violation under the windshield wiper of the offending vehicle, or personally handing a ticket to the operator of the vehicle, shall be considered adequate service of the violation.

7-7-5 UNAUTHORIZED USE OF PARKING PLACES RESERVED FOR PERSONS WITH A DISABILITY

- A. Within Island Lake village limits it shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with a disability, as defined by 625 ILCS 5/1-159.1 pursuant to 625 ILCS 5/3-616 or 5/11-1301.2 or to a disabled veteran pursuant to 5/3-609, in any place, including any private or public off street parking facility, specifically reserved, by the posting of an official sign as designated by 625 ILCS 5/11-301.1.
- B. Any person found guilty of violating the provisions of this section shall be fined in the amount set forth in the annual fee ordinance schedule contained in section 116-3 of this code in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this section.

CHAPTER 8

BICYCLES

7-8-1 EQUIPMENT

- A. All bicycles shall have front and rear reflectors and when used at night shall be equipped with a light in front emitting a white light and a red reflector on the rear and a red light visible from the rear of said bicycle; the lights shall be used when operating bicycles at night.
- B. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

7-8-2 APPLICABILITY

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public way within the Village.

7-8-3 SIGNS

The chief of police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place, no person shall disobey the same.

7-8-4 VIOLATIONS, PENALTIES

- A. **Violations A Misdemeanor:** It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter and shall subject a violator to fines in accordance with the general penalty provisions contained in section 1-4-1 of this code, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.
- B. **Parental Responsibility:** The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

CHAPTER 9

STOP INTERSECTIONS

7-9-1 DUTY OF DRIVER AT STOP INTERSECTIONS; MAINTENANCE OF SIGNS

- A. The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected and designated by this chapter at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be obeyed.

- B. Stop signs shall be maintained at the appropriate approaches to such intersections. The driver of every vehicle approaching the stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk, shall stop at a clearly marked line, or if none, then at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting highway, before entering the intersection, except when directed to proceed by a police officer.

7-9-2 STOP INTERSECTIONS DESIGNATED

The following intersections are designated as stop intersections and traffic shall stop as indicated below:

Traffic On The Street Listed Below Shall	Street Listed Below
Arbor Drive	Eastway Drive
Arbor Drive	Greenleaf Avenue
Ascot Court	Portsmouth Drive
Bassler Drive	State Route 176
Briar Road	Eastway Drive
Briar Road	Greenleaf Avenue
Briarhill Court	Eastway Drive
Burnett Road	Eastway Drive
Burnett Road	Midway Drive
Burnett Road	Poplar Drive
Burnett Road	Spruce Terrace
Burr Oak Lane	Carriage Hill Road
Canterbury Lane	Westridge Drive
Cardinal Court	Kingston Drive
Cardinal Way	Kingston Drive
Carriage Hill Road - eastbound	Westridge Drive
Carriage Hill Road - westbound	Greenleaf Avenue
Carriage Hill Road - westbound	Westridge Drive
Cedar Terrace	Burnett Road

Channel Drive	Eastway Drive
Circle Drive	Hyacinth Terrace
Clover Road	Eastway Drive
Clover Road	Greenleaf Avenue
Concord Drive	Plymouth Lane
Concord Drive	Revere Lane
Concord Drive	Westminster Lane
Cottonwood Court - northbound	Long Acre Lane
Country Trail Court	Westridge Drive
Countryside Court - southbound	Carriage Hill Road
Dartmouth Drive	Newport Drive
Dartmouth Drive, south	Newport Drive
David Court	Hyacinth Terrace
Debden Lane	Hale Lane
Debden Lane	Newport Drive
Dorothy Court	Marion Court
Debra Drive - eastbound	Lynette Lane
Debra Drive - northbound	Newbury Drive
Debra Drive - westbound	Lynette Lane
Eastway Drive - northbound	Juniper Road
Eastway Drive - southbound	Juniper Road
Eastway Drive	Forest Drive
Eastway Drive	Northern Terrace
Eastway Drive	State Route 176
Eastway Drive - northbound	Burnett Road
Elm Avenue - southbound	Fern Drive
Ethel Terrace - southbound	Fern Court
Fairfield Drive	Eastway Drive
Fairfield Drive	Greenleaf Avenue
Fairfield Drive	Woodlawn Drive
Fen View Circle	Dowell Road
Fen View Circle	Fen View Circle
Fern Drive	Eastway Drive
Forest Drive	Eastway Drive
Foxridge Drive	Walnut Glen Boulevard
Fox Trail - westbound	Burr Oak Drive
Greenleaf Avenue	Carriage Hill Drive
Greenleaf Avenue	Honeysuckle Drive
Greenleaf Avenue	Juniper Road
Greenleaf Avenue	River Oaks Lane
Greenleaf Avenue	Rose Avenue
Hale Lane	Lexington Lane
Hale Lane	Revere Lane

Hale Lane	State Route 176
Hale Lane - southbound	Debden Drive
Hale Lane - southbound	Wembley Drive
Harvest Court - southbound	Carriage Hill Road
Harvest Court - southbound	Harvest Court traffic
Hickory Terrace - westbound	Spruce Terrace
Highland Drive	Hazel Court
Highland Drive	Hillside Drive
Highland Drive	Marion Court
Hillside Drive	Hyacinth Terrace
Hillside Drive	Walnut Court
Honeysuckle Drive	Eastway Drive
Honeysuckle Drive	Greenleaf Avenue
Hyacinth Terrace - northbound	Hickory Terrace
Ilene Drive - northbound	Burnett Road
Ilene Drive - southbound	Newbury Lane
Independence Boulevard	Westridge Drive
Island Drive	Lakeview Drive
Ivy Road	Eastway Drive
Ivy Road	Greenleaf Avenue
Janet Drive	State Route 176
Jordan Lane	Dowell Road
Juniper Road	Eastway Drive
Juniper Road	Greenleaf Avenue
Kelly Road - southbound	Porten Road
Kettle Court - westbound	Fox Trail
Kingston Drive	Burnett Road
Kingston Drive	Cardinal Way
Knightsbridge Drive	Hale Lane
Knightsbridge Drive	Newport Drive
Lakeview Drive	Island Drive
Lakeview Drive	State Route 176
Lauren Lane - southbound	Newbury Lane
Lauren Lane - westbound	Newbury Lane
Lexington Lane	Hale Lane
Lexington Lane	Oxford Court
Lexington Lane	Waterford Way
Linden Drive - eastbound	Hale Lane
Linden Drive, North - westbound	Southport Drive
Longacre Court - westbound	Westridge Drive
Longacre Lane - eastbound	Westridge Drive
Longacre Lane - northbound	River Oaks Lane
Lynette Lane - eastbound	Debra Drive

Lynette Lane - southbound	Debra Drive
Mallard Point	Cardinal Way
Mayfair Drive	Foxridge Drive
Max Court - eastbound	Ilene Drive
Max Court - southbound	Newbury Drive
Midway Drive	Burnett Road
Midway Drive	Northern Terrace
Midway Drive - southbound	Fern Drive
Nantucket Way	Waterford Way
Newbury Drive	Burnett Road
Newport Court	Newport Drive
Newport Drive	Portsmouth Drive
Newport Drive	Waterford Way
Newport Drive - southbound and northbound	Debden Drive
Northern Terrace	Eastway Drive
Northern Terrace	Midway Drive
Northern Terrace	Poplar Drive
Nottingham Court	Newport Drive
Oak Terrace	Burnett Road
Olympia Lane	Debden Drive
Olympia Lane	Wembley Drive
Oxford Court	Lexington Lane
Park Drive - southbound	Fern Drive
Pine Terrace	Burnett Road
Plymouth Lane	Concord Drive
Plymouth Lane	Portsmouth Drive
Plymouth Lane	Salem Court
Plymouth Lane	Waterford Way
Poplar Drive	Burnett Road
Poplar Drive	Fern Drive
Poplar Drive	Northern Terrace
Portsmouth Drive	Hale Lane
Portsmouth Drive	Newport Drive
Portsmouth Drive	Plymouth Lane
Portsmouth Drive	Wimbledon Drive
Raccoon Cove	Burnett Road
Ralph Court	Hyacinth Terrace
Red Oak Court	Spruce Terrace
Revere Lane	Concord Drive
Revere Lane	Hale Lane
Richard Court - eastbound	Hyacinth Terrace
Ridge Avenue	Honeysuckle Drive
River Oaks Lane	Greenleaf Avenue

River Oaks Lane - eastbound	Westridge Drive
Rose Avenue	Eastway Drive
Rose Avenue	Greenleaf Avenue
Salem Court	Plymouth Lane
Silver Leaf Drive	Walnut Glen Boulevard
South Shore Drive	Fairfield Drive
Southampton Drive - southbound	Porten Road
Southampton Drive - westbound	Vista Drive
Southampton Drive - westbound	Windsor Lane
Southern Terrace	Eastway Drive
Southern Terrace	Midway Drive
Southern Terrace	Woodlawn Drive
Southport Drive	Hale Lane
Spruce Terrace	Burnett Road
Stratford Court	Hale Lane
Sycamore Lane	Walnut Glen Boulevard
Tallgrass Court	Walnut Glen Boulevard
Victoria Drive	Hale Lane
Victoria Drive	Newport Drive
Vista Drive - southbound	Southampton Drive
Vista Drive – westbound	Kelly Road
Walnut Glen Boulevard	Dowell Road
Waterford Way	Lexington Lane
Waterford Way	Newport Drive
Waters Edge Drive - northbound	Shooting Star Drive
Wembley Drive	Hale Lane
Wembley Drive	Newport Drive
Westminster Lane	Lexington Lane
Westridge Drive	State Route 176
Westridge Drive - northbound	Carriage Hill Road
Westridge Drive - northbound	River Oaks Lane
Westridge Drive - southbound	River Oaks Lane
Wimbledon Drive	Portsmouth Drive
Windsor Lane - eastbound	Southampton Drive
Windsor Lane - westbound	Vista Drive
Wishing Well Lane - northbound	Honeysuckle Drive
Wishing Well Lane - southbound	Carriage Hill Road
Wood Creek Drive - eastbound	Westridge Drive
Wood Creek Drive - westbound	Westridge Drive
Woodbine Avenue	Greenleaf Avenue
Woodland Circle, North	Forest Drive
Woodlawn Drive	Fairfield Drive
Woodlawn Drive	Southern Terrace

Woodlawn Drive	State Route 176
Yale Lane	Waterford Way
York Lane	Hale Lane

7-9-3

PENALTY

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

CHAPTER 10

SPILLAGE AND SNOW REMOVAL VIOLATIONS

7-10-1 PUTTING GLASS, FOREIGN MATERIALS, SNOW, ETC., ON HIGHWAYS OR SIDEWALKS PROHIBITED

- A. No person shall throw or deposit upon any highway, street, road, road right of way or sidewalk any glass, bottles, nails, tacks, wire, cans, mud, clay or any substance likely to injure or damage any person, animal or vehicle upon such highway or sidewalk.
- B. Any person who drops, or permits to be dropped or thrown, upon any highway or sidewalk any destructive, dangerous, hazardous or injurious material shall immediately remove the same or cause it to be removed.
- C. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.
- D. No person shall shovel, plow or otherwise place snow or cause or permit the shoveling, plowing or placing of snow, from a private driveway, parking lot, or other private property upon any highway or sidewalk so as to hinder, obstruct, impede or otherwise interfere in any way with the movement of traffic upon such highway or sidewalk.

If said snow is not immediately moved or removed by the owner, occupant or agent so placing it on the highway or sidewalk after being advised by an authorized official or police officer to immediately do so, then the Village may charge the same with any expenses which may be incurred by the Village in the removal thereof. Such expenses shall be collected by the Village in addition to a penalty as set forth in section [7-10-2](#) of this chapter.

7-10-2 PENALTY

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

CHAPTER 11

SPEED LIMITS

7-11-1 SPEED LIMITS

On the basis of engineering or traffic investigations conducted by the Village, it has been determined that speed limits shall be altered on certain streets. It shall be unlawful for any person to drive a vehicle upon all new streets in the Village at a speed greater than twenty (20) miles per hour except for those streets specifically identified below:

Street	Description	Speed Limit (mph)
Burnett Road	From 609 East to Darrell Road in both directions	35
Burnett Road	From 609 East to River Road in both directions	25
Dowell Road	All areas and segments within Village limits in both directions	35
Porten Road	From village limits, west to Wayside Drive in both directions	30
Porten Road	From Wayside Drive to Vista Drive in both directions	25
Williams Park Road	From State Route 176 to Village limits in both directions	35

7-11-2 PENALTY

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

CHAPTER 12

TRAFFIC REGULATIONS: GENERAL

7-12-1 LEFT TURNS PROHIBITED

- A. Illinois Route 176 and the easternmost entrance to the Island Lake Shopping Center, left turns are prohibited from said entrance to westbound Illinois Route 176 and from westbound Illinois Route 176 into said entrance.
- B. The intersection of Auburn Drive and Illinois Route 176, left turns are prohibited from Auburn Drive to westbound Illinois Route 176 from six o'clock (6:00) A.M. to eight o'clock (8:00) A.M. and from four o'clock (4:00) P.M. to six o'clock (6:00) P.M. daily.
- C. The intersection of Illinois Route 176 and the southeasterly entrance to Newbury Village commercial unit 1, parcel AA, left turns from said parcel to eastbound Illinois Route 176 are prohibited.
- D. The intersection of Illinois Route 176 and the center entrance to the Westridge Commercial Center (the entrance just west of Westridge Drive), left turns are prohibited from said entrance to eastbound Illinois Route 176 and from eastbound Illinois Route 176 to said entrance.

7-12-2 ONE-WAY STREETS

Upon the erection of appropriate signage therefor, vehicular travel shall be permitted on the following streets in the direction specified, and prohibited in the opposite direction:

- A. Cedar Terrace (from Burnett Road to Hickory Terrace): Southbound traffic permitted, northbound traffic prohibited.
- B. Hickory Terrace (from Cedar Terrace to Spruce Terrace): Eastbound traffic permitted, westbound traffic prohibited.

7-12-3 USE OF VEHICLES ON ROADWAYS, SIDEWALKS, AND PUBLIC AREAS

- A. It shall be unlawful to operate any motor vehicle (electric or internal combustion powered) on the streets of Island Lake, unless the foregoing has been registered and licensed for use on public streets by the state of Illinois. Said vehicles must also bear current Village of Island Lake vehicle sticker as per sections [7-2-1](#) through [7-2-3](#) of this title.
- B. It shall be unlawful to operate any motor vehicle (internal combustion powered) on any sidewalk or unpaved public area within the Village limits, exclusive of [chapter 6](#) of this title for snowmobiles and [chapter 5](#) of this title for boats. Electric powered vehicles less than three hundred (300) pounds are permitted on sidewalks with a five (5) mile per hour speed limit.

7-12-4 VEHICLE RELATED SPECIAL EVENTS PERMIT

The village may issue a temporary permit upon good cause shown to persons or groups for the purpose of special events involving motorized vehicles (electric or internal combustion), which exempt those persons or groups from the preceding regulations.

7-12-5 TRAFFIC ENFORCEMENT ON PRIVATE PROPERTIES

Pursuant to 625 Illinois Compiled Statutes 5/11-209.1 and all other applicable authority, the Village of Island Lake hereby grants the request to enforce the provisions of the Illinois vehicle code on all private streets and roads within the following properties:

Nantucket Village
Southport Village
Westridge Townhome Development

7-12-6 DRIVING WITHOUT VALID SAFETY STICKER

A fine in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code shall be imposed against any person who pleads guilty or is found guilty after a trial for the offense of operating a vehicle without a certificate of safety attached, as that charge is defined in the Illinois motor vehicle code, 625 ILCS 5/13-111, and that any person charged with a violation of this section must appear in court.

7-12-7 DRIVING WHILE DISTRACTED

- A. Electronic Communication Devices: It shall be unlawful to operate a motor vehicle on a roadway while using an electronic communication device as defined by section 12-610.2 of the Illinois vehicle code, to compose, send, or read an electronic message, except for those activities expressly exempt under section 12-610.2(d) of the Illinois vehicle code.
- B. Wireless Telephones:
1. It shall be unlawful for a person under the age of 19 who holds an instruction permit or a graduated license to drive a vehicle on a roadway while using a wireless phone, as defined by section 12-610.1 of the Illinois vehicle code, except as expressly exempt under section 12610.1(c) of the Illinois vehicle code.
 2. It shall be unlawful for a person, regardless of age, to use a wireless telephone, as defined by section 12-610.1 of the Illinois vehicle code, at any time while operating a motor vehicle on a roadway in a school speed zone established under section 11-605 of the Illinois vehicle code, or on a highway in a construction or maintenance speed zone established under section 11-605.1 of the Illinois vehicle code, except as expressly exempt under section 12-610.1(e) of the Illinois vehicle code.

7-12-8 PENALTIES

Any person violating any part of this chapter shall be fined in the amount set forth in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day that the offense occurs shall be deemed a separate and distinct offense for the purpose of this chapter.

CHAPTER 13

SEIZURE and IMPOUNDMENT OF MOTOR VEHICLES:

7-13-1 DEFINITIONS

For the purposes of this Chapter, and the interpretation and enforcement hereof, the following terms, phrases, words, and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The words shall and will are mandatory and may is permissive. Words not defined shall be given their common and ordinary meaning.

ADMINISTRATIVE LAW JUDGE: A licensed attorney, who is not an officer or employee of the Village, designated by the Mayor as provided in Title 1, Chapter 16 of the Village Code.

OWNER OF RECORD: The record titleholder to a motor vehicle as registered with the Illinois Secretary of State or any other applicable governmental agency.

7-13-2 PUBLIC NUISANCE DECLARED

A motor vehicle, operated with the permission, express or implied, of the owner of record, shall be declared a public nuisance and subject to seizure and impoundment under this Section where such motor vehicle is used in the commission of any of the violations set forth in 7-13-2 or when the commission of any of the violations set forth in 7-13-2 makes impoundment of the motor vehicle reasonably necessary as a community care taking function so that the motor vehicle does not jeopardize public safety and the efficient movement of vehicular traffic. It shall not be necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one of the violations provided in 11-2087-7 of the Illinois Vehicle Code, 625 ILCS 5/11-208.7 as may be amended from time to time.

1. 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 1961; or
2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11501 of this Code; or
3. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or
4. 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
5. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961; or

6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this 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; or
7. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or
8. Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or
9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
10. Operation or use of a motor vehicle by a person against whom a warrant has 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 this Code; or
11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961; or
12. Any violation of a similar Village ordinance as those set forth in this Section; or
13. Any other circumstances under which the vehicle may be towed pursuant to this Ordinance, the Police Department Operating Procedures or the Police Department's Administrative Procedures.

7-13-3 SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES

- A. Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Chapter, the police officer shall cause the motor vehicle to be removed or towed to a facility authorized by the Village. When the motor vehicle is removed or towed, the police officer shall notify any person identifying himself or herself as the owner of record of the motor vehicle or any person who is found to be in control of the motor vehicle at the time of the alleged violation(s), if there is such a person, of the fact of the seizure as provided in this Section. Said motor vehicle shall be impounded pending the completion of the hearing provided for in this Section, unless the owner of record of the motor vehicle posts with the Village a cash bond as set forth in this Section 7-13-3.
- B. A police officer who has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Section shall first ascertain whether the seizure and impoundment is necessary and reasonable under the circumstances. If in the judgment of the police officer then present, a person authorized by the owner of record or the operator of the motor vehicle is present and capable to legally provide for the immediate removal of the motor vehicle, and said motor vehicle is not required to be held as evidence in regard to the violation, the police officer may allow that individual to promptly remove the motor vehicle without it being subject to seizure and impoundment if seizure and impoundment of the motor vehicle is discretionary pursuant to Section 7-13-2 or seizure and impoundment of the motor vehicle is contemplated pursuant to Section 7-13-2.

- C. Posting Bond: If a bond the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code is posted with the Village, the impounded motor vehicle shall be released to the owner of record, upon the payment by the owner of record of the towing and storage costs to the applicable towing company. If an administrative fee is imposed pursuant to Section 7-13-4, the bond will be applied to said fee; provided, in the event that a violation of this Section is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this Section shall be held by the Village until a hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision.
- D. Preliminary Hearing: Where the owner of a motor vehicle seized under the provisions of this Section makes a request in writing and files with the chief of police or his/her designee, for a preliminary hearing within 24 hours after the seizure of the motor vehicle, the chief of police or his/her designee must conduct a preliminary hearing within 24 hours after the request for a preliminary hearing is received by the Village; provided that if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday. For purposes of this section, the following shall apply:
1. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing.
 2. The formal rules of evidence shall not apply at the preliminary hearing, and hearsay testimony shall be allowed, if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
 3. If, after the conclusion of the hearing, the chief of police or his/her designee determines that there is probable cause to believe that the motor vehicle was used as provided in Section 7-13-2, the chief of police or his/his designee shall order the continued impoundment of the motor vehicle, unless the owner of record posts a cash bond with the Village the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code, and pays the towing and storage costs to the applicable towing company, as set forth in Section 7-13-2.
 4. If the chief of police or his/her designee determines that there is not probable cause to believe that the motor vehicle was used as provided in Section 7-13-2, the motor vehicle shall be returned to the owner of record of the motor vehicle without any fees or other costs, but the owner of record shall be responsible to pay any towing or storage charges to the applicable towing company.

7-13-4

PLEA HEARING/EVIDENTIARY HEARING

- A. Notice of hearing. Within 10 days after a motor vehicle is impounded pursuant to this Chapter, the Village shall notify the owner of record of the date, time and location of a plea hearing that shall be conducted, pursuant to this Section. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. Notice by certified mail need not be given when the owner of the motor vehicle has been personally served with notice, in written form, of the time, date and location of the plea hearing. The plea hearing shall be conducted by a hearing officer designated by the Village Board. The owner of record may appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, or if the owner of record fails to appear, the cause shall be disposed of at that time, with an order or a default order in favor of the Village which order or default order shall require the payment to the Village of the administrative fee in the amount

set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code and the payment of towing and storage costs to the applicable towing company, and the continued impoundment of the motor vehicle until the owner of record pays to the Village the administrative fee pays the and towing and storage costs to the applicable towing company. If the owner of record has previously posted the bond authorized by Section 7-13-3 and paid the applicable towing and storage costs to the towing company for the release of the vehicle, then no further fees o costs shall be due. If the owner of record pleads not guilty, an evidentiary hearing shall be scheduled and held not later than 45 days after the motor vehicle was impounded, unless continued by the hearing officer. All interested persons shall be given a reasonable opportunity to be heard at the evidentiary hearing. At any time prior to the evidentiary hearing date, the hearing officer may, at the request of either the Village or the owner of record, direct witnesses to appear and give testimony at the evidentiary hearing. The formal rules of evidence shall not apply at the evidentiary hearing, and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

- B. Decision. If, after the evidentiary hearing, the hearing officer determines, by a preponderance of the evidence, that the motor vehicle was used in connection with a violation set forth in Section 7-13-2, the hearing officer shall enter an order finding the owner of the motor vehicle civilly liable to the Village for an administrative fee the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code, and require the motor vehicle to continue to be impounded until the owner of record pays the administrative fee to the Village, and also pays the applicable towing and storage costs to the applicable towing company. If the owner of record fails to appear at the evidentiary hearing, the hearing officer shall enter a default order in favor of the Village, which order shall require the payment to the Village of the administrative fee and the payment of the towing and storage costs to the applicable towing company, and the continued impoundment of the motor vehicle until the owner of record pays the Village the administrative fee and pays the towing and storage costs to the applicable towing company. If the owner of record has previously posted the bond authorized by Section 7-13-3 and paid the applicable towing and storage costs to the towing company for the release of the vehicle, then no further fees o costs shall be due. The administrative fee shall be a debt due to the Village and the Village may seek to obtain a judgment on the debt and enforce such judgment as provided by law.

If after a hearing the hearing officer finds no such violation occurred, the hearing officer shall order the immediate return of the motor vehicle to the owner of record without any fee or other costs, of, if a cash bond has previously been posted, the cash bond shall be returned. However, the Village shall not be responsible for the payment of towing or storage fees.

At the evidentiary hearing, the citation setting forth the violation shall be prima facie evidence that the violation was committed as provided in the citation, and the burden of proof shall be upon the owner of record to prove that the violation was not committed.

7-13-5 DISPOSITION OF IMPOUNDED MOTOR VEHICLE

If the administrative fee and other applicable fees are not paid within 30 days after an administrative fee is imposed against an owner of record who defaults by failing to appear at the hearing provided in Section 7-13-4, or who admits guilt at the plea hearing, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed motor vehicles pursuant to the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq. as may be amended. In all other cases, if the administrative fee and applicable towing and storage costs to the applicable tow companying are not paid within 30 days after

the expiration of time by which administrative review of the hearing officer's determination may be sought pursuant to Section 7-13-4, or within 30 days after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed motor vehicles pursuant to the Illinois Vehicle Code, 625 ILCS 5/1-100, et seq., as may be amended.

7-13-4 GENERAL REGULATIONS

Costs for towing and storage of a motor vehicles pursuant to this Section shall be those approved by the chief of police for all towing companies authorized to tow for the police department.

This Section is in addition to and shall not replace or otherwise abrogate any existing State or Federal laws or any ordinance that relates to the seizure or impoundment of motor vehicles, and any fee provided for in this Section shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges.

This Section shall not apply:

(1) if the motor vehicle used in the violation was stolen at the time of the violation and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered;

(2) if the motor vehicle is operated as a common carrier as defined by applicable law and the violation occurs without the knowledge of the person in control of the motor vehicle; or

(3) if the motor vehicle is subject to successful forfeiture proceedings under 725 ILCS 1501, et seq., as amended (Drug Asset Forfeiture Procedure Act); 725 ILCS 5/31-1, et seq., as amended (Seizure and Forfeiture of Vessels, Vehicles and Aircrafts), or other State or Federal forfeiture laws.

All fees collected by the Village pursuant to this Section shall only be deposited and used for Village traffic safety and enforcement expenditures.

7-13-8 ADMINISTRATIVE REVIEW

Administrative Review: Any owner of record, lien holder or other person with a legal interest in the motor vehicle, shall have the right to appeal the decision of the hearing officer to the Circuit Court of the 19th or 22nd Judicial Circuits, Lake and McHenry County, Illinois, pursuant to the Administrative Review Act, 735 ILCS 5/3-101, et seq., as may be amended. The hearing in administrative review shall be limited to the record of the hearing before the hearing officer. Any person seeking administrative review of a final decision shall be required to reimburse the Village for the costs of preparing and certifying the record of proceedings. The failure of the person seeking administrative review to reimburse the Village shall be grounds for the dismissal of a complaint for administrative review which is brought pursuant to 735 ILCS 5/3-101. In the event the reviewing court reverses the findings, decision or order of the hearing officer, the Village shall reimburse the respondent for the costs for preparing and certifying the record of proceedings.