

CHAPTER 34

TRAFFIC AND PARKING

1. **DEFINITIONS.** Except as otherwise defined herein, the words and phrases used in this Chapter shall, for the purpose hereof, have the meanings respectively ascribed to them in the Illinois Vehicle Code. As used in this Chapter the following words mean:
 - A. Alley: A public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.
 - B. Bus Stop: The space in the roadway adjacent to the curb reserved for the exclusive use of city passenger motor buses. (Amended, Ordinance 2012-57, August 6, 2012)
 - C. Central Business District: Defined in the City's Zoning Ordinance as district B-4, and is generally bounded by Wood Street, Jackson Street, Cerro Gordo Street and Church Street. The exact boundaries of the Central Business District are shown on the Zoning District Map which is reviewed and approved annually by the City Council, and is kept on file with the City Clerk. (Amended, Ordinance 2012-57, August 6, 2012)
 - D. Commercial Vehicle: A motor vehicle used by a person, corporation or other organization primarily for business, industry and commerce which has been properly identified by displaying the trade name or logo of the business in such a manner as to be clearly legible and visible from both sides of the vehicle at a distance of 25 feet when the vehicle is not in motion. (Amended, Ordinance 2014-31, July 7, 2014)

- E. Downtown Area: Beginning at a point where the west line of South Church Street intersects the south line of West Decatur Street, thence North along the west line of South and North Church Streets to the north line of West Cerro Gordo Street, thence east along the north line of West and East Cerro Gordo Streets to the east line of North Jackson Street, thence south along the east line of North and South Jackson Streets and the east line of South Jackson Street extended south to the south line of East Decatur thence west along the south line of East and West Decatur to the point of beginning. (Amended, Ordinance 2012-57, August 6, 2012)
- F. Downtown Resident: A natural person over the age of sixteen (16) years whose domicile is wholly located within the Downtown Area of the City of Decatur. (Amended, Ordinance 2012-57, August 6, 2012)
- G. Parking Payment Device: A mechanical or electronic device owned and maintained by the City wherein coins, currency, credit cards, debit cards or other approved methods of depositing money for payment of parking fees and shall include parking meters, or multi-space parking fare terminals. Parking payment devices shall be so constructed as to show, upon the insertion of the proper United States coins, currency, credit cards, debit cards or other approved methods of paying of parking fees, the maximum period of time for which a vehicle may be lawfully parked. (Amended, Ordinance 2012-57, August 6, 2012)
- H. Parkway: That portion of a street or highway lying between the edge of the roadway and the adjacent property line, except any sidewalk lying therein.

(Amended, Ordinance 2012-57, August 6, 2012) (Amended, Ordinance 2014-31, July 7, 2014)

- I. Pay to Park Zone: An area designated by the City Council or City Manager where a vehicle may be temporarily parked and allowed to remain for the period of time indicated on the Parking Payment Device.
- J. Property Line: The line marking the boundary between any street and the lots abutting thereon.
- K. Public Buildings: Buildings used by the municipality, the County, park district, school district, or other municipal corporation, the State of Illinois, or the United States Government.
- L. Public Infrastructure: All publicly owned physical improvements made on public property, except buildings, generally used for transportation storm drainage, sanitary sewer drainage, water distribution, traffic control and lighting.
(Amended, Ordinance 2014-31, July 7, 2014)
- M. Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder.
- N. Safety Zone: The area or space officially marked within a roadway prohibiting parking. (Amended, Ordinance 2014-31, July 7, 2014)
- O. Street: The entire width between boundary lines of every publicly maintained way when any part thereof is opened to the use of the public for purposes of vehicular travel. (Amended, Ordinance 2014-31, July 7, 2014)

P. U-Turn: The turning of any vehicle to the left within the boundaries of any street or intersection thereof for the purposes of proceeding in the direction opposite to which it was moving before turning.

2. **TRAFFIC AND PARKING COMMISSION.** There is hereby created a Traffic and Parking Commission consisting of nine members of which five such members shall be citizen members to serve without compensation and the remaining members shall be employees or officers of the City, one from the Public Works Department, one from the Fire Department, one from the Police Department, and one from the Economic and Community Development Department. The five citizen members shall serve for a term of three years, and shall be appointed by the Mayor with the approval of the City Council. The other four members, being representatives of the departments and divisions of the City aforesaid, shall be designated by the City Manager by appointment in writing communicated to said Commission, which appointment shall designate the respective representative and an alternate for each such representative. Each citizen member of the Commission shall have one vote and each City representative shall have one vote, cast either by the representative or alternate, in conducting the business of said Commission. (Amended, Ordinance No. 2017-07, February 6, 2017)
3. **OFFICERS.** The Commission shall select a Chairman from the citizen members to preside, and a Vice-Chairman to act in the absence of the Chairman. The Public Works Director, or designee, shall be Secretary of the Commission.
4. **MEETINGS.** The Commission shall hold regular meetings at such time and place as it may determine. Special meetings as may be desirable or necessary shall be called by the Chairman.

5. **BY-LAWS.** The Commission may adopt such rules and by-laws for the conduct of its business as it may deem necessary or desirable.
6. **DUTIES.** The Commission shall investigate ways and means to coordinate traffic activities, including on and off-street parking, to encourage educational activities in traffic matters in the schools, and shall recommend to the City Council, in writing, ways and means of improving such conditions and the administration and enforcement of traffic regulations and parking conditions; such recommendations to include any matters such as traffic control devices, safety zones, turning movements, prohibition of parking, through streets, one-way streets, or any other matter concerning parking or traffic which in its opinion would improve such conditions in the City. The Traffic and Parking Commission shall assist the City Plan Commission in developing traffic and parking plans. Such Commission shall also assist in the education of the public and the obtaining of the public support for measures adopted to improve traffic and parking conditions.

(Amended, Ordinance 2014-31, July 7, 2014)

7. **TEMPORARY REGULATIONS.** The Public Works Director is hereby empowered to promulgate rules and procedures for temporary changes to traffic and parking regulations in order to facilitate construction, rehabilitation, maintenance or other temporary operation necessary for improvements to public infrastructure. The Police Chief is hereby empowered to make, suspend and enforce temporary regulations to cover emergencies or special conditions. Such temporary regulations shall remain in effect only during the period of such emergency or special conditions. He is further authorized to make, and cause to be enforced, temporary traffic or parking rules, regulations or restrictions or test traffic control devices or to test prospective rules, regulations or

restrictions under actual traffic conditions. No such temporary rule, regulation or restriction shall remain in effect more than ninety (90) days. The Police Chief shall, within 72 hours of the time the same becomes effective, file a report thereof with the City Clerk. (Amended, Ordinance 2014-31, July 7, 2014)

8. **DIRECTION OF TRAFFIC.** Members of the Police Department and auxiliary police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this Chapter, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction of a police officer, member of the Police or Fire Department or auxiliary police officer assigned to traffic duty or Public Works Department employee during the course of employment. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.
9. **GOVERNMENT VEHICLES.** The provisions of this Chapter shall apply to the driver of any vehicle owned by or used in the service of the United States, the State of Illinois, Macon County, Park Districts, School Districts, the City of Decatur, or other municipal corporations and it shall be unlawful for any said driver to violate any of the provisions of this Chapter except as herein otherwise permitted or as permitted by the Illinois Vehicle Code. (Amended, Ordinance 2014-31, July 7, 2014)
10. **FIRE EMERGENCY.** The Fire Department officer in command, or any designated Fire Department personnel, may exercise the powers and authority of a police officer in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as Fire Department equipment is on the scene, in the absence of or in assisting the Police.

11. **WINTER PARKING RESTRICTIONS.**

- A. The City Manager or authorized designee may declare a snow emergency when it is determined in the opinion of the City Manager or designee that new snow has accumulated to a depth of two or more inches in, on or along any emergency snow route in the City or any winter no-parking zone in the City such that vehicular movement has become difficult or dangerous, and further to declare such emergency to be ended when it is reasonably deemed the same has exhausted its purpose.
- B. The declaration of a snow emergency shall be in writing signed by the City Manager or designees and shall be endorsed with the time and date thereof along with a statement of the manner, means and extent the same was, or was attempted to be communicated to the media and the public, and which shall be filed as soon as practicable with the City Clerk who is hereby authorized and directed to receive and preserve the same for public inspection for a period of time not less than two years, and by the same manner and method the ending of such emergency shall be declared.
- C. When official signs are posted giving notice thereof, no person shall park or leave standing any vehicle in the roadway of an emergency snow route or any winter no-parking zone in the City at any time during the period commencing six hours after a snow emergency has been declared and extending to the hour at which such emergency has been declared to be ended.
- D. Any police officer may cause any vehicle found to be parked or left standing in violation of the provisions hereof to be towed away and impounded whereafter

the same may be held until all towing and storage charges relating thereto are paid by the registered owner.

12. **NON-MOTOR VEHICLES.** Every person propelling, operating or making use of any push cart, bicycle, skateboard, roller skates, roller blades, or other similar devices propelled by human power but excluding wheelchairs, strollers or baby carriages or riding on any animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Chapter applicable to the driver of any vehicle, except those provisions which by their very nature can have no application.
13. **TRAFFIC SIGNS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the City Manager or in accordance with the laws of the State of Illinois, excepting on direction of a police officer, member of the Fire and Police Departments or auxiliary police officer assigned to such duty, or Public Works Department employee during the course of employment.
14. **PLACEMENT OF SIGNS.** The Public Works Director or designee shall place and maintain all traffic control devices, signs and all other markings for the control of traffic and parking, as determined and directed by the City Manager or as required by this Chapter or Ordinance to make effective the provisions hereof. (Amended, Ordinance 2014-31, July 7, 2014)
15. **TURNS.** Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized marks, buttons, or other indications are placed within an intersection or within the streets approaching the intersection indicating the course to be traveled by

vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

16. **UNLAWFUL SIGNS OR OBSTRUCTIONS.** No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, parking payment device, marking, speed bump or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct or alter the movement of traffic, nor shall any person place, maintain, or display upon or in view of any street, highway, alley, sidewalk, parkway, or other public place any other sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising. Any such unauthorized device is hereby declared to be a nuisance, and may be removed by the authorities having control of such street or their designee. (Amended, Ordinance 2014-31, July 7, 2014)
17. **DAMAGE TO SIGNS.** No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any Public Works Department cone, barricade or safety device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.
18. **YELLOW CURB.** No person shall park a vehicle at any time on any street where the adjacent curb is painted yellow.
19. **PARKING SPACES.** Where parking spaces on the street or in off-street parking facilities of the City are designated by marking lines or by painting, no person shall park

a vehicle in such manner as to occupy two spaces nor shall a person permit or allow more than one vehicle to occupy said space. All vehicles shall be parked as not to interfere with or obstruct the parking of vehicles in adjacent spaces, except as follows: Vehicles of the second division as defined by the Illinois Vehicle Code may be parked parallel in more than one space if the length of said vehicle so requires, provided said vehicle shall not be so parked as to obstruct other traffic, and provided further that the appropriate payment shall be inserted in the appropriate parking payment device of each space occupied, as provided in this Chapter. However, such vehicle must observe the time limits applicable to the parking spaces in which said vehicle is parked. (Amended, Ordinance 2012-32, May 7, 2012) (Amended, Ordinance 2014-31, July 7, 2014)

20. **OBSTRUCTIVE PARKING.** No person shall stop, stand, or park any vehicle upon any street in such manner or under such conditions as to leave available less than ten (10) feet of width of the roadway on a one-way street or twenty (20) feet of width of the roadway on a two-way street for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of goods or passengers or when necessary in obedience to traffic regulations, traffic signs or signals of a police officer.

21. **OVER-SIZED VEHICLE REGULATIONS – CENTRAL BUSINESS DISTRICT AND NIGHT PARKING.**

A. All vehicles having more than six wheels, including vehicles pulling trailers, are prohibited and excluded from the use of the following streets:

- (i) Franklin Street from Wood Street to Eldorado Street
- (ii) Water Street from Wood Street to Eldorado Street
- (iii) Main Street from Wood Street to Eldorado Street

1. The above restriction shall not apply to fire, police or other emergency vehicles, public works vehicles in the performance of maintenance work, school buses, motor coaches licensed for the commercial transportation of passengers, trucks or other vehicles which are making service calls or deliveries to residences, businesses and construction sites located on said streets, or vehicles participating in approved parades or events. The Public Works Director shall erect appropriate signs giving notice thereof.
 2. Any person, firm or corporation who shall violate any of the provisions of this section shall, upon conviction, be fined, not to exceed, Two Hundred Dollars (\$200.00) for each offense.
- B. No motor vehicle which has a width greater than seven (7) feet, a height greater than eight (8) feet, or a length greater than twenty (20) feet may be parked on any street or alley in any residential district of the City, as established by the Zoning Ordinance, after the hour of 10:00 P.M. or before the hour of 6:00 A.M. on any day.
22. **PARKING OF DETACHED TRAILERS.** The parking of detached trailers or detached semi-trailers is hereby prohibited on streets and alleys at any time.
 23. **NO PARKING.** When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle at any time upon any street so designated by signs.
 24. **HOURS.** When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle at any time during the no parking hours stated on such signs upon any street designated by ordinance except for emergency vehicles on emergency calls.

25. **TIME LIMITS.** The City Manager or designee is empowered to establish maximum time limits for a person to stand, stop, or park a vehicle on any street, alley or public parking lot. The City Manager shall file a map or written report establishing said time limits with the City Clerk thirty (30) days before the time limits shall become effective. The Public Works Director or designees shall erect official signs giving notice thereof maximum parking time limits. No person shall park a vehicle within said parking space for longer than the time designated for the street or parking space described therein. This section shall apply to both pay parking zones and free parking zones. (Amended, Ordinance 2012-32, May 7, 2012)

26. **TRUCK AND PASSENGER ZONES; PERMITS.**

- A. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers, not to exceed three (3) minutes, at any place marked as a passenger loading zone during the hours when regulations applicable to such passenger loading zones are effective, as designated by ordinance.
- B. The City Manager or designees may designate commercial loading zones. The City Manager shall file a map or written report establishing said commercial loading zones with the City Clerk thirty (30) days before the commercial loading zone shall become effective. The Public Works Director shall erect appropriate signs giving notice thereof, and parking spaces in said commercial loading zone shall, between the hours of 6:00 a.m. and 3:00 p.m. of each day except Sunday and those holidays designated in this Chapter, be reserved for the parking of commercial vehicles or any motor vehicle engaged in the actual loading or

unloading of goods for nearby or adjacent businesses. During said time of said days, no vehicle other than a commercial vehicle or a vehicle engaged in the actual loading or unloading of goods for nearby or adjacent businesses shall be parked or stopped and left standing in such zones, and vehicles allowed hereby to be parked in said zones shall be so parked during said time of said days only when the same are being loaded or unloaded. Vehicles other than commercial vehicles or those vehicles engaged in the actual loading or unloading of goods for nearby or adjacent businesses may be parked in said zones after the hour of 3:00 p.m. and before the hour of 6:00 a.m. on each day of the week for a period of time not to exceed 30 minutes. No driver of a commercial vehicle shall stand such vehicles in a commercial loading zone except while actively engaged in loading or unloading activity. Failure to actually engage in loading or unloading for a period of thirty (30) minutes shall constitute a violation of this section.

- C. Motor vehicles of the second division with more than two axles or greater than thirty (30) feet in overall length or greater than eight (8) feet in width are prohibited from loading or unloading on any street or alley in the downtown area on week days except between the hours of 6:00 a.m. and 3:00 p.m.
- D. Motor vehicles of the second division and commercial motor vehicles engaged in the actual loading or unloading of goods are prohibited from parking in such a manner that any part of the vehicle projects into the street or alley so as to block or impede traffic.
- E. No commercial motor vehicle, motor vehicle of the second division, trailer, or part thereof not engaged in the actual loading or unloading of goods shall be

parked or left standing in any commercial loading or unloading zone or upon any street at any time unless authorized by the City Manager or authorized designee. This does not include said motor vehicles lawfully parked at parking payment devices or garages.

27. **PARKING ENFORCEMENT.** It shall be the duty and responsibility of the City Manager or designees to enforce the requirements of this chapter.

28. **HANDICAPPED SPACES.**

- A. The City Manager may designate spaces, both on-street and in off-street parking facilities owned by the City, as reserved for parking for handicapped persons or disabled veterans as defined and determined by applicable provisions of the Illinois Vehicle Code. The City Manager shall file a map or written report establishing said handicapped parking spaces with the City Clerk thirty (30) days before the designation shall become effective. The Public Works Director shall erect official signs giving notice of the designation.
- B. It is hereby prohibited to park any motor vehicle which is not bearing registration plates or decals issued to handicapped persons or disabled veterans pursuant to applicable provisions of the Illinois Vehicle Code in any parking space, including any private or public off-street parking facility, which is specifically reserved by the posting of official signs for motor vehicles bearing such plates or decals in accordance with law or ordinance.
- C. It is hereby prohibited to park any motor vehicle within the boundaries of the area or space directly adjacent to a properly designated handicapped parking space, provided said adjacent area or space is clearly designated by markings on the

pavement or otherwise, as an area reserved for the exclusive use of the occupant of the adjacent handicapped parking space.

- D. It is hereby prohibited to park any motor vehicle in such a manner that blocks entry to or exit from any properly designated handicapped parking space.
- E. Any person found guilty of violating the provisions of this Section shall be fined Two Hundred Fifty Dollars (\$250.00) in addition to any costs or charges connected with the removal or storage of any motor vehicle as authorized by law or ordinance.
- F. Any motor vehicle bearing registration plates issued to a handicapped person or to a disabled veteran pursuant to applicable provisions of the Illinois Vehicle Code shall be exempt from the payment of parking fees and exempt from any ordinance imposing time limitations on parking except limitations of one-half hour or less on any street or any parking lot or parking place, but such motor vehicle shall be subject to all other parking laws or ordinances.
- G. Such parking privileges granted by this section are also extended to motor vehicles of not-for-profit organizations used for the transportation of handicapped persons when said motor vehicles display the decal or device issued pursuant to applicable provisions of the Illinois Vehicle Code.
- H. Parking privileges granted by this section are strictly limited to the person to whom the special registration plates, decals, or device is issued and qualified operators acting under express direction of the disabled person while that person is present. (Amended, Ordinance 2014-31, July 7, 2014)

29. **IMPROPER PARKING.** No persons shall stand or park a vehicle in a roadway in any other manner than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the regularly established curb line, except that upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs with the front of the vehicle directed at the curb. Where parking spaces are delineated by painted lines on the pavement, it shall be unlawful to stand or park a vehicle other than entirely within the parking space so delineated.
(Amended, Ordinance No. 2017-09, February 6, 2017)
30. **SALE OR REPAIR OF VEHICLE.** No person shall stand or park a vehicle upon any street, highway, alley, sidewalk, parkway or other public place for the purpose of displaying it for sale, or for washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (Amended, Ordinance 2014-31, July 7, 2014)
31. **SALES ON STREETS.** No person shall operate or park on any street, highway, alley, sidewalk, parkway or other public place any vehicle for the exclusive purpose of advertising by any method. No person shall park any vehicle upon any business street from which vehicle merchandise is sold or peddled. No person shall park upon any street in a non-residentially zoned district a vehicle from which merchandise is sold or peddled.
(Amended, Ordinance 2014-31, July 7, 2014)
32. **PROHIBITED PARKING SPACES.** No person shall stop, stand or park any vehicle at any time in any of the following places, except when necessary to avoid conflict with other traffic, when an emergency exists, or in compliance with the directions of a police officer or traffic-control device:

- A. On a sidewalk or parkway;
- B. In front of a public or private driveway;
- C. On a crosswalk;
- D. Within an intersection;
- E. Within twenty (20) feet of any intersection or crosswalk;
- F. Within thirty (30) feet of the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- G. Within twenty-five (25) feet of the intersection of any alley with any street;
- H. In an alley except during the actual loading and unloading of goods, supplies and merchandise;
- I. On any railroad tracks;
- J. Within fifty (50) feet of the nearest rail of a railroad grade crossing;
- K. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- L. On the roadway side of any vehicle parked at the edge of curb of a street;
- M. Upon any viaduct, bridge, or other elevated structure upon a highway;
- N. In any subway or highway tunnel or the approach thereto;
- O. Between a safety zone and the adjacent curb or within thirty (30) feet of a point of the curb immediately opposite the end of a safety zone, unless a different length is indicated by signs or markings;
- P. In any area between the boundary lines of a way publicly maintained for purposes of vehicular travel, not including shoulders or parkways that are unimproved and maintained in a natural state with grass, trees or other vegetative cover;

- Q. Within fifteen (15) feet of a fire hydrant;
- R. Within twenty (20) feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five (75) feet of such entrance when properly sign-posted;
- S. At any place where official signs prohibit parking;
- T. At any place designated as a fire lane.

(Amended, Ordinance 2016-13, March 7, 2016) (Amended, Ordinance 2013-07, July 7, 2014)

- 33. **UNAUTHORIZED MOVING OF VEHICLE.** No person other than a police officer, the owner, or some person authorized by the owner thereof, shall move a vehicle into any prohibited parking area, or to any unlawful distance away from a curb or start or cause to be started the motor of any motor vehicle, or shift, change, or move the levers, brake, starting device, gears, or other mechanism of a parked motor vehicle in order to move the motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (Amended, Ordinance 2014-31, July 7, 2014)
- 34. **PUBLIC BUILDINGS.** When official signs are erected giving notice thereof, no person shall stand or park any vehicle longer than necessary to load or unload passengers within a space designated by official signs along the adjacent curb immediately in front of any entrance to any public building, hospital, hotel, theater or church.
- 35. **ABANDONED OR DISABLED VEHICLES.**
 - A. No person shall stand, park, leave, or abandon any vehicle on the property of another without the consent of the owner of said property.
 - B. No person shall stop, stand, park, or leave a vehicle on a public street or alley for a period of time in excess of 72 hours.

- C. No person shall stop, stand, park or leave a vehicle on a public street or alley for a period of time in excess of 72 hours except by permit.
- D. No person shall allow, permit, place or leave the following which are hereby found to be a danger to the public health, safety and welfare on a public street, alley or right-of-way:
- (1) a vehicle parked in an official posted tow away zone,
 - (2) a vehicle in a place obstructing an emergency vehicle's operation,
 - (3) a vehicle in a place obstructing either vehicle or pedestrian traffic,
 - (4) a vehicle in a place violating emergency snow routes,
 - (5) a vehicle herein defined and specifically found to be a nuisance because of the hazard created by its condition or location to other traffic or pedestrians because of its physical condition or its position in relation to public right of ways:
 - (a) a vehicle parked on a public right-of-way covered by a tarp or other covering which obscures reflective devices,
 - (b) a vehicle containing garbage, debris or hazardous materials,
 - (c) a vehicle in such a state of deterioration that it poses an immediate threat to the public health, safety, and welfare, including, but not limited to a current state of disrepair from depositing harmful materials or substances upon the street including, but not limited to glass, oil, transmission or brake fluids or other such substances or the placing of a vehicle on blocks, jacks or other elevating device posing a threat to the public health, safety and welfare.

A vehicle found to be on the public right-of-way in violation of this section shall be subject to immediate removal and towing pursuant to Section 38(A) (2) of this Chapter.

- E. Except where 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 stop, stand, leave or park any vehicle in a public parking area or on a City street or alley if the vehicle does not display a current annual registration sticker as required by the Secretary of State or temporary permit pending registration. A vehicle found to be on the public right-of-way in violation of this section shall be subject to immediate removal and towing pursuant to Section 38(A) (2) this Chapter. (Amended, Ordinance 2014-31, July 7, 2014)

36. PARKING ON PRIVATE LOTS.

- A. When a parking lot or area established to provide off-street parking facilities for tenants, customers, guests or employees of the owner is posted with appropriate signs giving notice thereof it shall be unlawful for any unauthorized person to stop, stand, or park a vehicle on said lot. Such signs shall be clearly legible and posted in a conspicuous place. The Police Chief may establish and publish further requirements as are deemed necessary for such signs.
- B. Any person found guilty of violating the provisions of this section shall be fined a minimum of Fifty Dollars (\$50.00).

37. REMOVAL OF VEHICLES. Police officers are hereby authorized to remove or cause to be removed a vehicle from a public street or highway to the nearest garage, impound

lot or other place of safety, or to a location designated by the Police Chief, under the following circumstances:

- A. When any vehicle is left unattended upon any viaduct, bridge, or other elevated structure upon a highway, or in any subway or highway tunnel or the approach thereto.
- B. When a vehicle is so disabled as to constitute an obstruction to traffic and is left unattended or the person or persons in charge are incapacitated to such an extent as to be unable to provide for its custody or control.
- C. When any vehicle is left unattended upon a street, an alley or an off-street parking facility and is parked as to constitute a hazard or obstruction to traffic.
- D. When any vehicle is left unattended upon a street in front of a driveway so as to prevent or hinder ingress or egress thereto.
- E. When any vehicle is left unattended upon a street or an alley for a period of time in excess of seventy-two (72) hours.
- F. When any vehicle is parked or left standing in violation of the provisions of paragraphs 18 through 35 inclusive, of this Chapter.
- G. When any vehicle has been parked on public property for a period of time of at least seventy-two (72) hours or private property for a period of at least seven (7) days and from which vehicle the engine, wheels or other parts have been removed, or on which vehicle the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. This subsection shall not include a motor vehicle

which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

- H. When any vehicle is parked or left standing upon any street, alley or off-street parking facility during an emergency situation as determined by the City Manager, Police Chief, or authorized designee.
- I. When any vehicle is parked or left standing on any street or alley that has had parking temporarily restricted by order of the Police Chief, pursuant to Section 7 hereof, for purposes of maintenance or repair.
- J. When a sound amplification system in any vehicle has been used in violation of Section 10 of Chapter 73 of the City Code and the vehicle owner has received a prior written warning for a violation of this Section. No vehicle shall be impounded unless the owner received a prior written warning for operating a vehicle in violation of Section 10 of Chapter 73 or for owning any vehicle used in violation of the provisions of this Section. (Amended, Ordinance 2014-55, November 17, 2014)
- K. When any vehicle is parked on any street, alley or other public property which lacks evidence of current, legal registration, visible from the outside of said vehicle.
- L. When any vehicle is used in the commission of prostitution as defined in Section 5/11-14 of the Illinois Criminal Code, 720 ILCS 5/11-14, solicitation of a sexual act as defined in Section 5/11-14.1 of the Illinois Criminal Code, 720 ILCS 5/11-14.1, patronizing a prostitute as defined in Section 5/11-18 of the Illinois Criminal Code, 720 ILCS 5/11-18, patronizing a juvenile prostitute as defined in Section

5/11-18.1 of the Illinois Criminal Code, 720 ILCS 5/11-18.1, or public indecency as defined in Sections 5/11-9 of the Criminal Code, 720 ILCS 5/11-9. (Amended, Ordinance 2012-83, November 19, 2012)

- M. When any vehicle is used in the possession or delivery of a controlled substance as defined and included in the schedules of Article II of the Illinois Controlled Substance Act, 720 ILCS 570/101 et. seq., of cannabis over 10 grams as defined in the Cannabis Control Act, 720 ILCS 550/1 et. seq. and in violation of the Illinois Cannabis Regulation and Tax Act or drug paraphernalia when possessed with the intent to introduce a controlled substance into the human body as defined in the Drug Paraphernalia Control Act, 720 ILCS 600/2 et seq. unless possessed in conjunction with cannabis as permitted by the Illinois Cannabis Regulation and Tax Act. This subsection shall take effect on the first day of January, 2020.
(Amended, Ordinance 2019-237, December 2, 2019, Effective January 1, 2020)
(Amended, Ordinance 2016-64, September 19, 2016)
- N. When any vehicle is used in the commission of a weapons offense as defined and contained within Article 24 of Chapter 720 of the Illinois Compiled Statutes.
- O. When any vehicle is used in the commission of the offense of driving under the influence of alcohol, drugs and/or intoxicating substances as defined in Section 5/11-501 of the Illinois Vehicle Code, 625 ILCS 5/11-501.
- P. When any vehicle is used in the commission of the offense of driving on a suspended or revoked license as defined in Section 5/6-303 of the Illinois Vehicle Code, 625 ILCS 5/6-303.

- Q. When any vehicle is used in the commission of the offense of fleeing or attempting to elude a police officer as defined in Section 5/11-204 or 11/204.1 of the Illinois Vehicle Code, 625 ILCS 5/11-204 and 204.1.
- R. When any vehicle is used in the commission of the offense of reckless driving and aggravated reckless driving as defined in Section 5/11-503 of the Illinois Vehicle Code, 625 ILCS 5/11-503.
- S. When any vehicle is used in the commission of the offense of street racing and aggravated street racing as defined in Section 5/11-504 of the Illinois Vehicle Code, 625 ILCS 5/11-506. (Amended, Ordinance 2012-83, November 19, 2012)
- T. When any vehicle is being operated by a person without verifiable liability insurance as defined and required by Section 5/7-601 of the Illinois Vehicle Code, 626 ILCS 5/7-601.
- U. When any vehicle is being used in violation of Section 5/3-801 of the Illinois Vehicle Code, 625 ILCS 5/3-801, and Section 5/3-413 of the Illinois Vehicle Code, 625 ILCS 5/3-413, for a period in excess of six (6) months regarding no registration of a motor vehicle, Section 5/3-401 of the Illinois Vehicle Code, 625 ILCS 5/3-401, for no valid registration, or Section 5/3-702 of the Illinois Vehicle Code, 625 ILCS 5/3-702, and Section 5/3-708 of the Illinois Vehicle Code, 625 ILCS 5/3-708, for operation of a motor vehicle when registration is cancelled, suspended, or revoked. (Amended, Ordinance No. 2011-67, October 31, 2011)
- V. When any vehicle is being operated by a person without a valid driver's license as defined in Section 5/6-101 of the Illinois Vehicle Code, 625 ILCS 5/6-101.

38. **PROCEDURES FOR REMOVAL OF VEHICLES.**

A. Except as provided in subsection B hereof, vehicles authorized for removal by Section 37 of this Chapter shall be removed as provided herein:

(1) A police officer may remove or cause to be removed a vehicle as authorized herein only after notice that such vehicle may be removed and that the owner of such vehicle is entitled to a hearing thereon is given to the registered owner thereof, except as provided in subparagraph (2) hereof. If the owner of such vehicle does not appear for a hearing as provided by said notice, such vehicle may be removed, but not sooner than seven days after such notice is given. If the owner of such vehicle does appear as provided, such vehicle may be removed immediately upon notification to the owner that probable cause exists to believe that the violation occurred as alleged.

(2) A police officer may remove or cause to be removed a vehicle as authorized herein without notice to the owner thereof whenever such vehicle is parked or abandoned so as to constitute an immediate hazard or obstruction to other vehicles on or seeking access to public streets or alleys, or so as to prevent or hinder repair to, or maintenance of, streets or alleys with temporary parking restrictions for that purpose, or when any vehicle is parked on any street, alley or other public property which lacks evidence of current, legal registration, visible from the outside of said vehicle, provided that notice as required in subparagraph (1) hereof

is given to such owner, if the same can be ascertained, within 24 hours of such removal or if a vehicle is parked or located on public streets, alleys or right-of-ways in violation of Section 35 (C) or 35 (D) of this Chapter. If the vehicle is not currently registered, notice shall be sent to the most recent registered owner at the most recent registered address as identified by the Illinois Secretary of State. If the owner of such vehicle appears as provided within seven (7) days after such notice is given, or within seven (7) days of removal if no notice was given, as the case may be, and it is found that no probable cause exists to believe that the violation occurred as alleged, the vehicle shall be released to such owner by the City without payment of any fees by such owner.

- (3) If a vehicle is removed as provided in subparagraph (1) hereof or held in storage either after a hearing or after seven (7) days as provided in subparagraph (2) hereof, such vehicle shall not be released to the owner thereof until payment of towing and storage fees is made; provided that, should such owner be found not guilty by a court of law of the parking violation which caused the removal of the vehicle, then said vehicle shall be released to such owner without payment of any fees. Such a vehicle may also be released to the owner thereof if said owner provides the City with assurance satisfactory to the Legal Department that said owner will

pay all towing and storage fees in the event such owner is found guilty by a court of law of the alleged parking violation.

B. The provisions of this subsection shall be applicable to vehicles removed pursuant to Sections 37 (J) through 37 (V) inclusive of this Chapter: (Amended, Ordinance 2013-64B) (Amended, Ordinance 2014-55, November 17, 2014)

(i) The owner of record of a motor vehicle used in the violation of Section 10 of Chapter 73 of the City Code or Sections 37 (J) through 37 (V) inclusive of this Chapter shall be subject to having said vehicle impounded and shall also be liable to the city for an administrative fine of Two Hundred Fifty Dollars (\$250.00), in addition to the payment of any fees for the towing and storage of the vehicle to the appropriate City towing contractor. (Amended, Ordinance 2017-09, February 6, 2017) (Amended, Ordinance 2014-31, July 7, 2014)

(ii) Whenever a police officer has reasonable suspicion to believe that a vehicle is subject to seizure and impoundment pursuant to Section 37 (J) through 37 (V) inclusive of this Chapter, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its contractor. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation and the owner of said vehicle, if present at the time, of the fact of the seizure and the vehicle owner's right to post a cash bond as indicated in subsection (iii) hereof to retrieve possession of the vehicle pending a hearing to be held by a hearing

officer for the City designated by the City Manager. The notification shall also explain the vehicle owner's right to a probable cause hearing with respect to the alleged violation, as provided in subsection (vii) hereof. (Amended, Ordinance No. 2017-09, February 6, 2017)

(iii) Whenever the owner, lessee or lienholder of a vehicle seized pursuant to this subsection wishes to retrieve the vehicle seized prior to the evidentiary hearing, he or she may do so by posting a cash bond of Two Hundred Fifty Dollars (\$250.00) at the Decatur Police Department, 707 W. South Side Drive, Decatur, Illinois, in addition to the payment of applicable towing and storage fees to the City's towing contractor. (Amended, Ordinance 2017-09, February 6, 2017)

(Amended, Ordinance 2017-02, January 17, 2017)

(iv) Within ten (10) days after a vehicle is seized and impounded pursuant to this subsection, the City shall notify by personal service or by first class mail the owner of record or lessee and any lienholder of record of said vehicle of the date, time and location of a hearing that will be conducted pursuant to this subsection B. (Amended,

Ordinance 2017-09, February 6, 2017) (Amended, Ordinance 2013-64B; July 1, 2013)

(v) A hearing shall be scheduled and held, unless continued by order of the City's hearing officer, on designated days of each month. The hearing shall be scheduled not less than seven (7) days and not more than thirty (30) days after notice thereof is mailed. All interested

persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded. (Amended, Ordinance 2014-31, July 7, 2014)

(vi) If, after the hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or in violation of Sections 37 (J) through 37 (V) inclusive of this Chapter and was not stolen prior to said violation, he shall enter an order requiring the vehicle to continue to be impounded until the owner thereof pays the penalty and fees imposed hereby if the vehicle is still in the custody of the City or its contractor; if a bond had been posted and the owner, lessee or lienholder has possession of the vehicle, the hearing officer shall enter an order deducting the appropriate penalty from the cash bond that was posted. If, after said hearing, the City's hearing officer determines by a preponderance of the evidence that the vehicle was not used in the commission of a violation of Section 10 of Chapter 73 of the City Code or a violation of Sections 37 (J) through 37 (V) inclusive of this Chapter, or that the vehicle was stolen prior thereto, said hearing officer shall enter an order dismissing the proceedings and the vehicle or cash bond shall be returned without payment or deduction of any penalty and any towing or storage fees paid by the owner, lessee or lienholder shall be

reimbursed by the City. Any penalty imposed hereby on the owner of record of any vehicle shall be a debt due and owed to the City and may be enforced and collected as provided by law. (Amended, Ordinance 2017-09, February 6, 2017)

(vii) In addition to the hearing provided for in the immediately preceding subsections hereof, every owner whose vehicle is impounded for a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (J) through 37 (V) inclusive of this Chapter shall be entitled to a probable cause hearing before a police shift commander, or designee, on the question of whether the vehicle was used in violation of said provision. This hearing must be requested, in writing, within twenty four (24) hours of the impoundment of the vehicle, and the hearing shall be held within three (3) days of receipt of such request by the City, excluding Saturdays, Sundays and holidays. The formal rules of evidence shall not apply at said hearing and hearsay evidence shall be admissible. If, after the hearing, the police shift commander, or designee, determines that there is probable cause to believe that the vehicle was used in the commission of a violation of Section 10 of Chapter 73 of the City Code or Sections 37 (J) through 37 (V) inclusive of this Chapter, he shall order the continued impoundment of the vehicle unless the owner of the vehicle posts a cash bond with the City in the amount of Two Hundred Fifty Dollars (\$250.00). If the police shift commander, or designee,

determines that there is no such probable cause, the vehicle will be returned without penalty or other fees. (Amended, Ordinance 2017-09, February 6, 2017) (Amended, Ordinance 2014-31, July 7, 2014)

(viii) Notwithstanding any other provisions of this Section, whenever a person with a lien of record against a vehicle impounded under this subsection has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the City the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed elsewhere herein.

(ix) Any motor vehicle impounded under this subsection that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the City's action, or the time at which a final judgment is rendered in favor of the City, or the time a final administrative decision is rendered against an owner of record, may be disposed of as an unclaimed vehicle as provided by law.

(x) Fees for towing and storage of a vehicle under this subsection shall be the same as those charged per the applicable contract for towing service with the City in effect at the time of the violation.

39. **PAY TO PARK ZONES.** Pay to Park Zones are hereby established upon the streets of the City and in the municipal parking lots operated by the City and other City parking facilities as defined and designated by ordinance. Parking Payment Devices may be

installed in said zones under the direction of the City Manager or designee alongside of or next to individual parking spaces designated and marked upon the pavement or parking area or at one or more locations in parking lots near pedestrian access points to the parking lots.

40. **PARKING NEXT TO A PARKING PAYMENT DEVICE**

A. When a parking space in any pay to park zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked parallel with the adjacent curb or sidewalk and within the lines designating such place, and facing in the lawful direction of traffic, such that the front or rear of the vehicle shall be alongside of and next to the parking payment device, depending upon the placement of the device.

B. When any vehicle shall be parked in any space alongside of or next to which a parking payment device is located the operator of said vehicle upon entering the parking space shall immediately insert or cause to be inserted in such device the indicated required coin of the United States, and at once shall put said device into operation as thereon directed, at which time the vehicle may lawfully occupy the parking space for the period of time prescribed for the coinage inserted.

41. **EXPIRED PARKING PAYMENT DEVICE.** It shall be unlawful for any person or operator to permit a vehicle to remain in any space adjacent to any parking payment device while the said device is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time for which the coinage inserted in said device entitles the vehicle to remain in said parking space.

42. **UNLAWFUL EXTENSION OF PARKING PAYMENT DEVICE TIME.**

It shall be unlawful for any person to insert or cause to be inserted any coins into any parking payment device for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time established for the parking space or zone as indicated by the maximum time period on the device adjacent to the parking space.

43. **PLUGGING PARKING PAYMENT DEVICES.** It shall be unlawful to insert or cause to be inserted in any parking payment device any slug, device, or item whatsoever other than the proper United States coins, currency, credit cards, debit cards or other approved methods of paying of parking fees.

44. **DAMAGING PARKING PAYMENT DEVICES.** It shall be unlawful for any person to deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking payment device installed under the provisions of this Chapter.

45. **PARKING CITATION.** A notice shall be attached to or placed upon any vehicle parked in violation of any of the provisions of this Chapter which said notice shall indicate that such vehicle is illegally parked. The notice shall direct the operator of said vehicle to report to the City Financial Management Department in regard to such violation and shall indicate the penalty for such violation and the time and manner of payment thereof as is elsewhere provided in this Chapter.

46. **HOURS OF PARKING ENFORCEMENT.** Enforcement of time limited parking regulation, including parking regulated by a parking payment device, contained herein shall occur Monday through Friday between the hours of 8:00 A.M. and 4:00 P.M. and

upon such other days and times as shall be provided by ordinance. All other parking regulations may be enforced at all times. (Amended, Ordinance 2014-31, July 7, 2014)

47. **PARKING FEES.** The proper United States coins, currency, credit cards, debit cards or other approved methods of paying of parking fees required to be inserted in parking payment devices as provided herein hereby are levied and assessed as fees to cover the cost of the supervision, inspections, installation, operation, maintenance, control, and use of the parking spaces and payment devices described herein and also the cost of supervising and regulating the parking of vehicles on public streets and in public parking lots.
48. **TEMPORARY RESERVATION OF PARKING SPACE.** The City Manager or authorized designee may authorize the temporary reservation of parking spaces by individuals, corporations, or other organizations at the rate established in Section 74 of this chapter for each space so reserved if such reservation is necessary or desirable in order to allow said individual, corporation or other organization to perform a service or accomplish a job or project of short duration. Said fee shall be paid prior to receiving temporary “No Parking” signs or meter hood. This section shall apply to all events, except those that are City-sponsored.
49. **PARKING IN A RESERVED PARKING SPACE.** It shall be unlawful for any person or operator to park a vehicle in any space temporarily reserved by means of a meter hood, barricade or by any other manner without the prior approval of the City Manager or authorized designee.
50. **PARKING PAYMENT DEVICE PROVISIONS.** The provisions herein with regard to parking payment devices are intended to and shall be in addition to all other ordinances,

rules and regulations concerning traffic, parking, and the use of the streets, and shall not be taken to repeal any other ordinance or part of any ordinance unless in direct conflict therewith.

51. **HOLIDAYS.** Those days designated holidays upon which parking time limit regulations shall not be enforced and the operation of the Motor Vehicle Parking System Garages shall be suspended, and for said purposes only, are hereby defined and designated as New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day; provided that, if any such holiday shall occur on a Saturday such regulations shall not be enforced on the immediately preceding Friday, and if any such holiday shall occur on a Sunday such regulations shall not be enforced on the immediately succeeding Monday.

52. **PARKING GARAGES.** The following described parking garages are hereby designated as City of Decatur Parking Garages, B and C:

Garage B - located in the block bounded by Eldorado, Water and North Streets, and 1/2 block east of North Main Street;

Garage C - located in the block bounded by Wood, Franklin and Main Streets, and 1 block west of Martin Luther King, Jr. Drive.

53. **PARKING LOTS.** The following identified parking lots are hereby designated Motor Vehicle System Parking Lots A, D, E, F, G, I and L:

Lot A - located in the north half of the block bounded by Wood, Water, Washington and South Main Streets;

Lot D - located in the block bounded by Prairie, North Main, William and Church Streets;

Lot E - located at the southeast corner of William and North Main Streets;

Lot F - located at the northeast corner of Wood and North Main Streets;

Lot G – located on the west half of the block bounded by North Main, North Street, Water Street and William Street;

Lot I – located in the southeast corner of South Main and East Main Streets;

Lot L – located in the northwest corner of North Main and West Main Streets.

(Amended, Ordinance 2012-83, November 19, 2012) (Amended, Ordinance 2014-31, July 7, 2014)

54. **PAY TO PARK SPACES.** Parking spaces in lots A and F and in Garage C are hereby established as Pay to Park spaces, and the City Manager is hereby authorized and directed to cause parking payment devices to be installed as provided in this Chapter. The hourly charges for parking spaces in lot A, lot F, and Garage C shall be at the rate established in Section 74 of this chapter. (Amended, Ordinance 2014-31, July 7, 2014)
55. **RESERVED PARKING.** The City Manager may cause to be reserved parking spaces in City parking garages and in Parking Lot G to be used for monthly or other than hourly parking, and such spaces shall be so marked and designated, the number of said spaces to be based on demand. It shall be unlawful to park in a reserved parking space without City Manager's authorization. (Amended, Ordinance 2012-83, November 19, 2012) (Amended, Ordinance 2014-31, July 7, 2014)
56. **MONTHLY CHARGES.**
- A. The monthly charge or rate for other than hourly parking in spaces designated for the same on uncovered levels of Garage B and C shall be at the rate established in Section 74 of this chapter.

- B. The monthly charge or rate for other than hourly parking in spaces designated for the same on covered levels of Garages B and C shall be at the rate established in Section 74 of this chapter.
 - C. The charges described in sections A and B do not apply to those parking spaces included in another agreement with the City of Decatur.
57. **PARKING PERMIT.** No person shall park, store or leave standing a motor vehicle in those areas of Garage C or in Lot G reserved for monthly or other than hourly parking, unless the owner or operator of such vehicle shall have received from the Financial Management Department a permit for such parking of such vehicle and shall have paid the charges for the same for the then current period. (Amended, Ordinance 2012-83, November 19, 2012) (Amended, Ordinance 2014-31, July 7, 2014)
58. **APPLICATION.** Applications for permits to use the space in the areas designated for monthly or other than hourly parking, shall be made to the Director of Financial Management and shall be accompanied by payment of the monthly parking fee for the applicable period.
59. **ISSUANCE OF PERMITS.** Permits shall be issued for any area designated for monthly or other than hourly parking only up to the number of spaces available in such area. In the event the number of applicants for spaces in a designated area exceeds the number of spaces therein, such excess applications shall be placed and kept on file in chronological order by the Director of Financial Management, and as space becomes available, permits shall be issued in the order applications were received. No person shall sell, transfer, or assign any permit to another person. Renewal of permits shall have preference over all

other applicants, provided that renewal applications shall be made and the appropriate fee paid before expiration of the current period.

60. **IMPOUNDMENT OF VEHICLE.** Any vehicle parked, stored or left standing within an area in Garages B and C designated for monthly or other than hourly parking which has not been issued a permit for such may be towed from the area and impounded until such time as the owner thereof shall pay the costs and charges for such towing along with a processing fee at the rate established in Section 74 of this chapter.
61. **NATURE OF PERMIT.** The issuance of a parking permit authorized under the provisions of this Chapter shall constitute a license to use vacant space and neither the City nor any officer or employee thereof shall be liable for any loss, damage or injury growing out of or connected with the use of said space, or to such vehicle or its contents, or for the loss or theft thereof.
62. **REVOCAION OF PERMIT.** Any parking permit authorized under the provisions of this Chapter may be revoked by the City Manager at any time.
63. **PARKING IN SPACES.** Vehicles parked, stored or left standing in any City parking garage, parking lot or on-street parking spaces shall be so parked, stored or left standing within the marked lines, whenever the same are provided, designating individual spaces. No vehicle shall be parked, stored or left standing in any driveway, access way or space either designated as a no parking space, or safety zone. Any vehicle parked, stored or left standing in violation of the provisions of this section may be towed from the area and impounded subject to the same provisions as set forth in Section 37 of this Chapter.

(Amended, Ordinance 2014-31, July 7, 2014)

64. **CONFERENCE OR CONVENTION PARKING PERMITS.** The City Manager, Public Works Director or designee may issue parking permits to bona fide groups sponsoring conferences, conventions and similar events in Decatur for use at any three hour or longer free parking space except in Parking Lot E. The group sponsoring the conference must purchase passes for the entire group at least five business days in advance by paying a fee established in Section 74 of this chapter per space per day. The conference organizer shall provide each patron with a printed conference parking permit hang-tag which shall be hung from the interior rear view mirror, or certificate which shall be displayed on the dashboard of the vehicle parked. The conference or convention parking permit shall be valid on the date(s) for which it is issued and shall include the right to leave the parking spaces and return to the parking spaces without additional cost. Said payment is to be made to the Financial Management Department of the City of Decatur. (Amended, Ordinance 2013-42, May 6, 2013)

65. **DOWNTOWN RESIDENT PARKING PERMITS.**

A. Any resident of the Decatur Central Business District may, upon providing proof of residency at the time of application and renewal to the Financial Management Department of the City of Decatur, be eligible to receive a nontransferable "Downtown Resident Parking Permit. The vehicle described in the permit application only, shall be authorized to park in the Central Business District by one of the following methods:

(1) Class A: Class A permit holders must abide by all metered and posted parking spaces between the hours of 10:00 A.M. to 3:00 P.M. Monday through Friday. From 3:00 P.M. through 10:00 A.M. Monday through

Friday and all day Saturday and Sunday, vehicles displaying valid Downtown Resident Parking Permits - Class A may be parked at any otherwise unrestricted City-controlled parking space, with a designated "3 Hour Limit" or greater for up to a maximum of 72 consecutive hours, (or longer, upon prior written authorization by the Public Works Director, or designee). Class A permit holders must abide by "2 Hour Limit", commercial loading zones, handicapped parking spaces, "30 Minute Limit" and all other restricted spaces at all times. (Amended, Ordinance 2014-31, July 7, 2014)

- (2) Class B: Class B permit holders may park at any unrestricted, City-controlled parking space designated "2 Hour Limit" or greater for up to a maximum of 72 consecutive hours, (or longer, upon prior written authorization by the Public Works Director, or designee). Class B permit recipients must abide by posted commercial loading zones, handicapped parking spaces, "30 Minute Limit" and all other restricted spaces at all times. The Class B permit shall be issued upon proof of residency and payment of the Class B permit fee. The Class B permit fee shall be at the rate per month established in Section 74 of this chapter. (Amended, Ordinance 2014-31, July 7, 2014)

66. DOWNTOWN EMPLOYEE PARKING PERMITS.

- A. Each Downtown Employee shall, upon providing proof of employment in the Central Business District at the time of application and renewal and paying the Downtown Employee Parking Permit fee to the Financial Management

Department of the City of Decatur, be eligible to receive a single, transferable "Downtown Employee Parking Permit " authorizing the vehicle described in the permit application only, to park in spaces designated by the City Manager or designee in the Downtown Area, as follows:

- (1) From 6:00 A.M. through 4:00 P.M. Mondays through Fridays.
- (2) Vehicles must display valid Downtown Employee Parking Permit.

(Amended, Ordinance 2014-31, July 7, 2014)

- B. The Downtown Employee Parking Permit fee per month per vehicle shall be at the rate established in Section 74 of this chapter, except for employee parking permits for Lot G. Monthly charges for employee parking permits in Lot G shall be \$25 per month. (Amended, Ordinance 2012-83, November 19, 2012)
- C. Any person found to have parked a vehicle in a designated "Downtown Employee Parking" space without a valid "Downtown Employee Parking Permit" will be subject to a fine of Fifty Dollars (\$50.00).
- D. Any vehicle found to be parked in a designated "Downtown Employee Parking" space without a valid "Downtown Employee Parking Permit" will be subject to being towed away and impounded in accordance with the procedures defined herein.
- E. Downtown Employee Parking Area is hereby described as the on-street parking areas located outside of the Central Business District, designated parking in Lot G, and such other parking spaces as may be designated by the City Manager or designee. (Amended, Ordinance 2012-83, November 19, 2012) (Amended, Ordinance 2014-31, July 7, 2014)

67. **NO REFUNDS.** No charges or fees provided for herein for parking in any city parking garage or lot may be refunded or prorated for any unused time or unexpired term.
68. **RULES AND REGULATIONS.** The City Manager is authorized to establish such reasonable rules, regulations and procedures as may to said officer appear necessary or convenient to regulate and control parking on City streets and in City parking garages and parking lots pursuant to, and not in conflict with, the provisions hereof. The City Manager shall file a map or written report establishing said time limits with the City Clerk thirty (30) days before the time limits shall become effective.
69. **PENALTIES.**
- A. Any person, firm or corporation in whose name a citation alleging a violation enumerated in Section 73 of this Chapter is issued, and who shall neglect or refuse to pay such citation after written notice, shall be indebted to the City of Decatur in the amount specified in Section 73, unless and until a complaint is filed in the Administrative Court or Circuit Court.
- B. Debts for unpaid citations alleging violations of this Chapter may be referred to a qualified private enterprise for collection. In the event an unpaid parking citation is referred for collection, the City Financial Management Department may assess an additional fee for the cost of collection each violation notice. No citation shall be referred for collection before written notice, directed to the registered owner of the illegally parked vehicle is attempted by the City. No citation shall be referred for collection if there is pending an appeal of the citation. Any fees or costs incurred by the City in any such collection by attorneys and qualified private collection enterprises retained by the City shall be charged to the offender.

- C. In the event the City brings legal action for the enforcement of any provision of this Chapter, the Office of the Corporation Counsel may assess a fee of Twenty-Five Dollars (\$25.00) if settlement is reached prior to initial court appearance and Fifty Dollars (\$50.00) if settlement or judgment is obtained after a court appearance. This fee shall be in addition to any other fines, fees, penalties or costs as provided by this Ordinance or State Law.
- D. Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) per offense.

70. **IMMOBILIZATION AND IMPOUNDMENT.**

- A. The City of Decatur is hereby authorized to immobilize and impound a vehicle that has accumulated fines of One Hundred Dollars (\$100.00) or more for unpaid parking citations issued to the vehicle by the City.
- B. When a vehicle or vehicles has accumulated unpaid parking citations of One Hundred Dollars (\$100.00) or more, the registered owner shall be sent a notice of impending immobilization and impoundment by first class mail to the address of the registered owner of the cited vehicle(s) as recorded with the Illinois Secretary of State or the state in which the vehicle is registered. Such notice shall state the name and address of the registered owner, the state registration number of the motor vehicle(s), and a list of all unpaid parking citations issued to the vehicle(s). Such notice shall be deemed served as of the date of deposit in the United States mail.

- C. Upon receipt of the notice of impending immobilization and impoundment, the registered owner shall have twenty-one (21) days after the date of the notice to pay all fines or to submit a written request for a hearing to present documentary evidence that would conclusively disprove liability. Documentary evidence that would conclusively disprove liability shall be based on the following grounds: (1) that all fines for the violations cited in the notice of impending immobilization and impoundment have been paid in full; or (2) that the registered owner has not accumulated fines of One Hundred Dollars (\$100.00) or more that were unpaid at the time the notice of impending immobilization and impoundment was issued. The written request for a hearing must be submitted within twenty-one (21) days after the date of the notice of impending immobilization and impoundment to the City of Decatur's Legal Department.
- D. Within ten (10) days after receipt of the written request for a hearing, the City shall notify by certified mail, return receipt requested, the owner of record of said vehicle of the date, time and location of an administrative hearing. A hearing shall be scheduled and held, unless continued by order of the City's hearing officer, on designated days of each month. The hearing shall be scheduled not less than seven (7) days and not more than thirty (30) days after notice thereof is mailed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded.
- E. If, after the expiration of twenty-one (21) days after the notice of impending immobilization and impoundment, the outstanding fines remain unpaid, a written

request for a hearing has not been submitted to the City of Decatur's Legal Department, if the owner requesting a hearing fails to appear at such hearing, or after a hearing, the owner has been found liable, the City Manager or designees may cause an immobilization device to be attached to the eligible vehicle in a manner to prevent the operation of the vehicle when said vehicle is on the public way or any City-owned property. Once an immobilization device has been attached, the vehicle is eligible for impoundment. If the vehicle subject to immobilization cannot be fitted with the device, the vehicle may be impounded by the City Manager or designees.

- F. When a vehicle has been immobilized and/or impounded, a notice shall be mailed to the address of the registered owner notifying the owner of the procedures to have the vehicle released. Such notice shall contain the following: (1) the date and time when the vehicle was immobilized and/or impounded; (2) the amount which must be paid to have the vehicle released; (3) a contact name, address and phone number for where the fines, penalties and fees may be paid. A Thirty-Five Dollar (\$35.00) fee is assessed when an immobilization device is utilized on a vehicle. (Amended, Ordinance 2014-31, July 7, 2014)
- G. Any registered owner of a vehicle impounded may have the vehicle removed from the storage area by paying all costs incurred in towing and storing the vehicle, together with the full amount due on the unpaid parking tickets and any penalties and fees associated with the immobilization and impound. Fees for towing and storage of a vehicle shall be the same as those charged per the applicable contract for towing service with the City in effect at the time.

- H. No person shall move or cause to be moved any vehicle that has an immobilization device attached thereto except as authorized by the City of Decatur and its employees. Further, no person shall tamper with, damage, remove or cause to be removed from any vehicle an immobilization device placed thereon under the authority of the City of Decatur and its employees except as authorized to do so by the City. Further, it shall be unlawful to interfere with or hinder any officer or employee of the City, or those designated to act on behalf of any officer or employee of the City, while engaged in the duties of the enforcement of this section. Any person who is found to have violated this subsection shall be fined in an amount of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) plus the cost, if any, of any damage to the immobilization device. (Amended, Ordinance 2017-09, February 6, 2017)
- I. This Section shall not apply to those who have entered into a payment arrangement with the City for unpaid parking citations and are current on those payments. (Amended, Ordinance 2014-31, July 7, 2014)

71. **DRIVER'S LICENSE SUSPENSIONS.**

- A. Once final determination of liability has been rendered in ten (10) separate violations of Sections 11, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 48, of this Code against the owner of a registered vehicle, the City may send a certified report to the Secretary of State requesting that the registered owner's drivers license be suspended.
- B. Prior to the action set forth in subsection A, the City shall cause a notice of impending driver's license suspension to be sent by first class mail to the address

of the registered owner of the cited vehicle(s) as recorded with the Illinois Secretary of State or the state in which the vehicle is registered. Said notice shall state that failure to pay the fine or penalty owing within forty-five (45) days of the notice date will result in the City notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under section 6-306.5 of the Illinois Vehicle Code, as amended. The notice shall also state that the person may obtain a computer generated copy of the ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the City along with a request for the copy.

- C. Upon receipt of the notice of impending driver's license suspension, the registered owner shall have twenty-one (21) days after the date of the notice to pay all fines or to submit a written request for a hearing to present documentary evidence that would conclusively disprove liability. Documentary evidence that would conclusively disprove liability shall be based on the following grounds: (1) that all fines for the violations cited in the notice of impending driver's license suspension have been paid in full; or (2) that the registered owner has not accumulated ten or more final determinations of parking or standing violation liability that were unpaid at the time the notice of impending drivers license suspension was issued. The written request for a hearing must be submitted within twenty-one (21) days after the date of the notice of impending driver's license suspension to the City of Decatur's Legal Department. (Amended, Ordinance 2014-31, July 7, 2014)

- D. Within ten (10) days after receipt of the written request for a hearing, the City shall notify by certified mail, return receipt requested, the owner of record of said vehicle of the date, time and location of an administrative hearing. A hearing shall be scheduled and held, unless continued by order of the City's hearing officer, on designated days of each month. The hearing shall be scheduled not less than seven (7) days and not more than thirty (30) days after notice thereof is mailed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded.
- (Amended, Ordinance 2014-31, July 7, 2014)
- E. Upon expiration of the forty-five (45) days for payment, if the person named in the notice has not paid the fine or has not prevailed at a hearing pursuant to subsection C herein, the City shall prepare a certified report for the Secretary of State on forms supplied by the Secretary of State, or in a manner that contains: (1) The name, last known address and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in this state, (2) The name of the City making the report pursuant to 625 ILCS 5/6-306.5 of the Illinois Vehicle Code, as amended, (3) The statement that the City sent notice of impending driver's license suspension to the person named in the report at the address recorded with the Secretary of State, and (4) The date on which such notice was sent and the address to which it was sent.

- F. Whenever a person named in the certified report pays the previously reported fines and penalties, or whenever the City determines that the original report was in error, the City shall notify the Secretary of State of the same. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.
- G. A final determination of violation liability shall occur when payment in full of the fine and penalties is made, or if not paid in full, after twenty-one (21) days after the issuance of the citation has elapsed and no appeal has been filed with the City, or if an appeal is filed within twenty-one (21) days after the issuance of the citation, a final determination shall occur seven (7) days from the date of the written response to the appeal.

72. **REGISTERED OWNER.** The fact that an automobile which is illegally parked in violation of any of the provisions of this Chapter is registered in the name of a person shall make that person prima facie responsible for such violation and subject to the penalty therefore.

73. **SETTLEMENT OF FINES.**

A. Citations issued for violations of several sections in this Chapter may be settled for the amount shown as follows:

Section	Title	Amount
11A	Winter Parking Restrictions	\$25
18	Yellow Curb	\$25
19	Parking Spaces	\$25
20	Obstructive Parking	\$25
21A	Oversized Vehicle Regulations – Central Business District	\$200
21B	Night Parking Over-Sized Vehicles 10 PM to 6 AM	\$50
22	Parking Detached Trailers	\$50
23	No Parking Zone	\$25
24	Hours	\$25

25	See Section 73 B, below.	Graduated
26	Truck and Passenger Zones; Permits	\$25
28	Handicapped Spaces	\$250
29	Improper Parking	\$25
30	Sale or Repair of Vehicles (no parking for)	\$50
31	Sales on Streets	\$25
32A-S	Prohibited Parking	\$25
32T	Parking in a Fire Lane	\$250
34	Public Buildings	\$25
35	Abandoned or Disabled Vehicles	\$50
36	Parking on a Posted Lot	\$50
38	Removal of Vehicle	\$250
40	Parking Next to a Parking Payment Device	\$10
41	Expired Parking Payment Device	\$10
42	Unlawful Extension of Parking Payment Device Time	\$25
49	Parking in a Reserved Parking Space	\$25
55	Reserved Parking	\$50
57	Parking Permit	\$50
59	Issuance of Permits	\$50
63	Parking in Spaces	\$25
66C	Downtown Employee Parking Permits	\$50

Except for Section 28, the fine amount shall double if not paid within 7 days of the date of the citation. The fine amount shall quadruple if not paid within 21 days of the date of the citation.

(Amended, Ordinance 2012-32, May 7, 2012) (Amended, Ordinance 2013-07, January 22, 2013)

(Amended, Ordinance 2014-31, July 7, 2014)

B. Citations issued for violations of Section 25 of this chapter may be settled as follows:

Citation Fine Schedule			
Citation Number	Fine	After 7 Days	After 21 Days
1	Free	Free	Free
2	\$5	\$10	\$20
3	\$10	\$20	\$40
4	\$20	\$40	\$80
5	\$40	\$80	\$160
6	\$60	\$120	\$240
7	\$80	\$160	\$320

8	\$100	\$200	\$400
Additional Citations	\$100	\$200	\$400

The number of violations referred to herein so as to determine the proper settlement amount shall be the number of violations occurring after May 1, 2012. The number of violations shall reset to zero (0) after 12 months elapse without a citation being issued to the same vehicle with the same registration.

C. Citations issued for violation of Sections 38 and 66 C may be settled for the fine and fee amounts defined in those respective Sections.

D. If not settled as provided in this Section, fine shall be imposed upon conviction, as elsewhere set out herein.

74. **PARKING RATES AND FEES.** The parking rates and fees required by several sections in this Chapter shall be the amounts established as follows:

Section	Title	Amount
48	Temporary Reservation of Parking Space	\$10.00 per day per space
54	Pay to Park Spaces	\$0.25 per hour
56 A	Monthly Charges – uncovered parking	\$15.00 per month
56 B	Monthly Charges – covered parking	\$25.00 per month
60	Impoundment of Vehicle – processing fee	\$35.00 per impoundment
64	Conference or Convention Parking Permits	\$3.00 per space per day
65 B	Downtown Resident Parking Permit – Class B	\$60.00 per month
66 B	Downtown Employee Parking Permit	\$15.00 per month
66 B	Downtown Employee Parking Permit Lot G	\$25.00 per month

The City Manager shall, from time to time, review the parking rates and fees established in this section and recommend changes for City Council review and approval. (Amended, Ordinance 2012-83, November 19, 2012) (Amended, Ordinance 2013-64; July 1, 2013)

75. **COMPLAINT PROCEDURE.** The registered owner of the vehicle that has been issued a citation for violating any section of this Chapter, except Section 70, and 71, may appeal the issuance of the citation in writing within 14 days of the time of the citation unless otherwise

designated in the ordinance. Oral appeals will not be accepted.

For violations of this Chapter with an initial fine less than the amount that makes the vehicle eligible for immobilization and impoundment, such written appeal must be received by the Department Director or designee of the Department of the City of Decatur responsible for issuing the citation by said 14th day. Appeals will not be accepted on citations for which more than 14 days have elapsed from the date of issuance of the citation. Filing of an appeal shall stay increases in the fine schedule specified in Section 73 herein, for a period of seven (7) days from the date of the written response to the appeal. The decision of the Department Director shall be a final and appealable administrative decision. (Amended, Ordinance 2014-31, July 7, 2014)

For violations of this Chapter with an initial fine of an amount that makes the vehicle eligible for immobilization and impoundment, an administrative hearing shall be held, pursuant to Chapter 29 of Decatur City Code. The city shall serve respondents with notice in a manner reasonably calculated to give the respondent actual notice of the complaint, as outlined in Chapter 29, Section 5, of Decatur City Code. Fine increases shall be stayed for a period of seven (7) days from the date of the hearing officer's decision and order. (Amended, Ordinance 2014-31, July 7, 2014)

All interested parties shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply, and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded. The decision of the Hearing Officer shall be a final and appealable administrative decision. (Amended, Ordinance 2012-57, August 6, 2012) (Amended, Ordinance 2014-31, July 7, 2014)

76. **SEVERABILITY.** If any part or parts of this Chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions thereof.