

ORDINANCE NO. 1484

VILLAGE OF BARTONVILLE

AN ORDINANCE REGULATING AND PROHIBITING PARKING
OF VEHICLES DURING PERIODS OF SNOW REMOVAL

WHEREAS, the Village of Bartonville is a home rule municipality in accordance with the Constitution of the State of Illinois and as such, has the authority to create this Ordinance; and

WHEREAS, the Village provides snow removal services in connection with its maintenance of public streets within the Village; and

WHEREAS, snow removal efforts are often hampered by vehicles parked on the streets of the Village; and

WHEREAS, pursuant to its home rule powers and to Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2), the Village is empowered to regulate the use of streets; and

WHEREAS, the Village has decided that it is in the best interest of the Village and its citizens that the Village exercise its home rule power to regulate and prohibit parking of vehicles during specified periods of snow removal.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

Section 1 Findings: The Board of Trustees finds as fact the recitals set forth above.

Section 2 Prohibition: Whenever the Village President or his or her designated representative finds, on the basis of falling snow, sleet, or freezing rain, or weather reports of snow, sleet, or freezing rain, that weather conditions make it necessary that parking on Village streets be prohibited or restricted for snow plowing or other purposes, the Village President or his or her designated representative shall put into effect a parking prohibition on all or a portion of Village streets as is necessary, by declaring said prohibition in the manner prescribed in Section 4 of this Ordinance. **However, no prohibition may go into effect, unless there is an accumulation or a forecast of an accumulation of snow and/or ice of three (3) inches or more.**

Section 3 Duration: **A prohibition under this Ordinance shall remain in effect for forty-eight (48) hours** unless the Village President or his or her designated representative, by declaration prior to the end of such forty-eight (48) hour period in the manner prescribed in Section 4 herein, extends such prohibition beyond the initial forty-eight (48) hour period.

Whenever the Village President or his or her designated representative shall find that some or all of the conditions giving rise to a parking prohibition pursuant to this Ordinance no longer exist, he or she may declare the prohibition terminated, in whole or in part. The termination of a parking prohibition shall be effective immediately upon declaration thereof.

Section 4 Declaration: The Village President or his or her designated representative shall cause each declaration of a parking prohibition made by him or her pursuant to this Ordinance to be publicly announced through the news media. Each declaration shall describe the action taken by the Village President or his or her designated representative, including the time such action will become effective, and shall specify the streets affected. No declaration of prohibition of parking shall become effective until at least five (5) hours after the declaration has been made.

Section 5 Record: The Village President or his or her designated representative shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with Section 4 of this Ordinance.

Section 6 Conflicting Laws: While this Ordinance is being utilized by the President or his or her designated representative during conditions specified in Section 2 hereof, any provision of this Ordinance shall take precedence over any conflicting provisions of law normally in effect, with the exception of conflicting provisions of laws relating to traffic accidents, emergency travel of authorized emergency vehicles, and emergency traffic directions of a police officer.

Section 7 Removal: Whenever any motor vehicle shall be found parked, abandoned, or otherwise upon a street in violation of this Ordinance, such vehicle may be removed by means of towing and impounding to such places designated by the Village, with such designated places being made publicly known before or during the parking prohibition period and may include the premises of private towing companies. The fee charged to the owner of the vehicle for such towing and impounding shall not exceed the standard and normal fee established by the then effective Towing Ordinance of the Village for each vehicle per occurrence.

Section 8 Fines: Violation of this Ordinance shall result in a citation being issued to the owner of the vehicle, with the imposition of the following fines: first offense \$25.00; second offense and all offenses thereafter \$50.00 per occurrence.

Section 9 Severability: If any section, subdivision or sentence of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of the Ordinance.

Section 10 Effective Date: This Ordinance shall be effective as of the date of its passage as provided by law. **This Ordinance expressly repeals Ordinance No. 1165**

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, ILLINOIS, THIS 14 DAY OF September, 2006.

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ABSENT 1

VILLAGE OF BARTONVILLE, ILLINOIS

By: Jeffery Zircher
Jeffery Zircher, President

Attest:

Cynthia Stafford
Cynthia Stafford, Village Clerk

