

CITY OF LeROY  
COUNTY OF McLEAN  
STATE OF ILLINOIS

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ORDINANCE NO. 527

AN ORDINANCE AMENDING CHAPTER 41, TRAFFIC,  
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended),  
BY ESTABLISHMENT OF NEW SECTION 41.50 - SNOW EMERGENCY

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LEROY THIS 17th DAY OF January,  
1994.

PRESENTED: January 17, 1994

PASSED: January 17, 1994

APPROVED: January 17, 1994

RECORDED: January 17, 1994

PUBLISHED: January 17, 1994

In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

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The undersigned being the duly qualified and acting City Clerk of the **City of LeRoy** does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

*Jeanita Angley*  
City Clerk of the City of LeRoy,  
McLean County, Illinois

Dated: January 17, 1994

**AN ORDINANCE AMENDING CHAPTER 41, TRAFFIC,  
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended),  
BY ESTABLISHMENT OF NEW SECTION 41.50 - SNOW EMERGENCY**

**WHEREAS**, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, hereinafter sometimes referred to as "CITY," have determined that it is in the best interest of the residents of the City of LeRoy that a snow emergency ordinance for the CITY be established providing for limitations of parking on certain designated public rights-of-way within the CITY during snow emergency periods,

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled, as follows:

**SECTION 1.** Ordinance number 21 of the City of LeRoy, adopted February 2, 1976, is hereby repealed.

**SECTION 2.** Section 41.50 of Chapter 41, Traffic, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

(a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of the provisions under this section 41.50:

- (1) "Director" is the Director of Public Works, or, in his or her absence, his or her duly designated and acting representative.
- (2) "Street" or "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel.
- (3) "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of any berm or shoulder.
- (4) "Snow Routes" are those streets marked as such in accordance with provisions of this ordinance and designated either as Primary Snow Routes or Secondary Snow Routes in Schedule F attached hereto and incorporated herein by reference.

**(b) When Parking on Snow Routes Shall Be Prohibited.**

- (1) Whenever the Director finds, on the basis of falling snow, or on the basis of a forecast by the U.S. Weather Service, an accumulation of two inches (2) or more of snow or both, that weather conditions will make it necessary that parking on CITY streets be prohibited or restricted for snow plowing and other purposes, the Director shall put into effect a parking prohibition on parts of or all snow routes as necessary by declaring it in a manner prescribed by this ordinance. The Director may at that time announce the starting time of enforcement procedures under subsections 6 and 7 of this section 41.50, which may be conditioned on the existence of precipitation at such starting time.
- (2) Once in effect, a prohibition under this section 41.50 shall remain in effect until terminated by announcement of the Director in accordance with this ordinance. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any snow route. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

**(c) Declarations of the Director.**

- (1) The Director shall cause each declaration made by him or her pursuant to this ordinance to be publicly announced by means of broadcasts or telecasts from one or more radio stations or television stations with a normal operating range covering the City of LeRoy. Each announcement shall describe the action taken by the Director, including the time it became or will become effective, and shall specify the streets or areas affected.
- (2) The Director 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 this section.
- (3) Failure to give the notice required under this sub-section (c) shall be a defense to sub-section (b) of this section 41.50.

**(d) Termination of Parking Prohibition by the Director.** Whenever the Director shall find that some or all of the conditions which gave rise to a parking prohibition in effect pursuant to this ordinance no longer exist, he or she may declare

the prohibition terminated, in whole or in part, in a manner prescribed by this ordinance, effective immediately upon an announcement.

(e) **Signs to mark Snow Routes.** On each street designated by this ordinance as a snow route, the Director shall post special signs on each block with the wording "SNOW ROUTE - NO PARKING - \$50.00 FINE." These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway. In addition, Primary Snow Routes shall further be marked with an additional sign, or additional language on the sign designating it a snow route, carrying the words "TOW AWAY ZONE."

(f) **Citation on Vehicle Parked or Left in Violation of Ordinance.** Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this ordinance, the police officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

(g) **Evidence with Respect to Vehicles Parked or Left in Violation of Ordinance.** In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this ordinance together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this ordinance.

(h) **Designation of Snow Routes.** The streets or portions of streets within the CITY contained in Schedule F attached hereto and incorporated herein by reference are hereby designated as snow routes, either Primary or Secondary.

(i) **Removal, Impounding and Return of Vehicles.**

(1) Members of the Police Department of the City of LeRoy are hereby authorized to remove or have removed a vehicle from a street to a storage area designated by the City of LeRoy Police Department, or otherwise maintained by the CITY, when:

(A) The vehicle is found parked on a Primary Snow Route when a parking prohibition is in effect; or

(B) The vehicle is stalled on a Primary Snow Route and the person who is operating such vehicle does not appear to be removing it in accordance with the provisions of this ordinance.

- (2) Whenever a police officer removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner, and in the event the vehicle is not returned to the owner within a period of five (5) days, then and in that event the police officer shall immediately send or cause to be sent a written report of such removal by mail to the Secretary of State of the State of Illinois, and shall file a copy of such notice with the proprietor of any storage area in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the place and address where the vehicle is stored.
- (3) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover the vehicle from the place where it has been placed or impounded, he or she shall present to a member of the City Police Department evidence of his or her identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the cost of removal and shall pay any cost of storage accrued. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garagekeeper's lien in accordance with the provisions of Illinois Compiled Statutes, 1992, State Bar Edition (as amended), ch. 770, sec. 45/1, formerly cited as Illinois Revised Statutes, ch. 82, sec. 40, 1991 (as amended)).
- (4) It shall be the duty of the Police Department of the City of LeRoy to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, including name and address of any place to which it was removed for storage, and the parking violation involved.
- (5) Towing and storage costs shall be those stated in accordance with Section 12.06 1/2 (e)(5) of Chapter 12, Nuisances, of this municipal code.

(6) This section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles.

(j) **Front Yard Parking Permitted - Limitations.** Parking is allowed in a front yard during, and for 24-hours after the termination of, a snow emergency under the Snow Emergency ordinance of the City of LeRoy with respect to any property abutting streets designated as primary or secondary snow routes under this ordinance if, but only if, the following conditions are met:

(1) But for the Snow Emergency, parking would be allowed on the street in front of said property; and

(2) no private driveway accessible from the street is located on said property.

Vehicles parked in violation of the limitations of this sub-section may be ticketed and towed in the same manner as provided in this section 41.50 for vehicles present on a street during a snow emergency when parking is prohibited on designated snow routes.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

**PASSED** by the City Council of the City of LeRoy, Illinois, upon the motion by Robert D. Johnson, seconded by Ronnie Litherland, by roll call vote on the 17th day of January, **1994**, as follows:

Aldermen elected 6 Aldermen present 6

VOTING AYE:

Randy Zimmerman, Lois Parkin, Robert D. Johnson, Ronnie Litherland  
(full names) Patrick Beaty, David McClelland

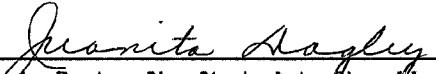
VOTING NAY:

None  
(full names)


ABSENT, ABSTAIN, OTHER:

None  
(full names)

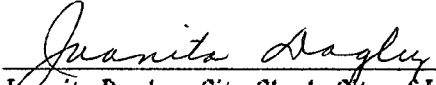
and deposited and filed in the office of the City Clerk in said municipality on the  
17th day of January, 1994.

  
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Juanita Dagley, City Clerk of the City of LeRoy,  
LeRoy, McLean County, Illinois

**APPROVED BY** the Mayor of the City of LeRoy, Illinois, this 17th day of  
January, 1994.

  
\_\_\_\_\_  
Jerry Davis, Mayor of the City of LeRoy,  
McLean County, Illinois

ATTEST: (SEAL)

  
\_\_\_\_\_  
Juanita Dagley, City Clerk, City of LeRoy,  
LeRoy, McLean County, Illinois

**SCHEDULE F**

**DESIGNATED SNOW ROUTES**

- (a) The following streets or other ways are hereby designated Primary Snow Routes:

On Center Street from Walnut Street to Pearl Street

On Main Street from Pine Street to Cherry Street

On Chestnut Street from Cherry Street to Cedar Street

On East Street from Cherry Street to Cedar Street



**SCHEDULE F (CONTINUED)**

**DESIGNATED SNOW ROUTES**

(b) The following streets or other ways are hereby designated Secondary Snow Routes:

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on January 17, 1994, the Corporate Authorities of such municipality passed and approved Ordinance No. 527, entitled:

**AN ORDINANCE AMENDING CHAPTER 41, TRAFFIC,  
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 527, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on January 17, 1994, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 17th day of January, 1994.

(SEAL)

Juanita Dagley  
Municipal Clerk

STATE OF ILLINOIS    )  
                          ) SS:  
COUNTY OF McLEAN    )

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER 41, TRAFFIC,  
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended),  
BY ESTABLISHMENT OF NEW SECTION 41.50 - SNOW EMERGENCY.**

Said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 17th day of January, 1994, and a faithful record of said ordinance has been made in the record books.

Dated this 17th day of January, 1994.

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City Clerk

(SEAL)