

ORDINANCE NO. 1044

AN ORDINANCE PROHIBITING THE PARKING OF MOTOR VEHICLES ON ALL THE STREETS, AVENUES AND PUBLIC TURNAROUND AREAS IN THE VILLAGE OF ESTRAL BEACH, AND GIVING THE VILLAGE PRESIDENT OR HIS DESIGNEE AUTHORIZATION TO REMOVE AND OR IMPOUND MOTOR VEHICLES ILLEGALLY PARKED ALSO PROVIDING FOR PENALTIES THEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF ESTRAL BEACH ORDAINS:

SECTION NO. 1--It shall be unlawful for the owner or operator of any motor vehicle to park such motor vehicle upon any of the streets or avenues and the public turnaround areas of the Village of Estral Beach so as to present interference with normal traffic flow, in the interest of public safety.

SECTION NO. 2--The Village of Estral Beach President or his designee namely the Village of Estral Beach Police Department and or The Village of Estral Beach Ordinance Enforcing Officer are hereby authorized to remove a vehicle from a street or avenue and public turnaround area to the nearest garage or other place designated by the Village under circumstances hereinafter enumerated;

(a) For the purposes of enforcement of this Ordinance, all streets, avenues and public turnaround areas are hereby designated as no Parking Tow Away Zones and signs will so be erected to signify this on the individual Streets, Avenues and Public Turnaround Areas and or an appropriate sign at the Village Limits.

(b) When a vehicle upon a street or avenue is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury or other condition incapacitated to such an extent as to be unable to arrange for it's immediate custody and removal.

(c) When a motor vehicle is left upon a street, avenue and or public turnaround areas in violation of Section No. 1 of this Ordinance.

SECTION NO. 3--In any proceeding for violation of this Ordinance, proof that the particular vehicle described in the complaint was parked in violation of such ordinance, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked such vehicle at the point where, and for the time during which, such violation occurred.

SECTION NO. 4--Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine not more than \$500.00 or imprisonment in the County Jail for not to exceed Ninety Days (90) or both such fine and imprisonment in the discretion of the Court, together with costs of prosecution.

SECTION NO. 5--PROVIDED FURTHER: That in the event it is necessary to remove any unlawfully parked motor vehicle, the owner shall be required to pay the impounding and towing costs prior to the return of said vehicle, over and above any fine and or costs.

SECTION NO. 6--All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 1044 continued

SECTION NO. 7--This ordinance shall be in full force and effect 30 days after its publication.

Date of Public Hearing: January 29, 1980
Date of Publication: April 23, 1980
Date of Adoption: April 8, 1980
Effective Date: May 24, 1980
Date of Public Hearing Notice: Jan. 24, 1980


Moved by: Commissioner John Wiegand
Supported by: Commissioner Daniel C. Knierim
To adopt Ordinance NO. 1044 as read.

YEAS: WIEGAND, KNIERIM, ACKISON, MOORE, CHAPMAN, LILBURN.

NAYS: NONE

ABSENT: NONE MOTION CARRIED:


FRANK BORBELY - PRESIDENT


RUTH NIETUBICZ - CLERK

CERTIFICATION: I, Ruth Nietubicz, hereby certify that the foregoing is a true copy of the Ordinance No. 1044, adopted by the Council of the Village of Estral Beach at a regular meeting thereof on April 8, 1980, the original of which proceedings is on file in the Village Office. IN WITNESS WHEREOF, I have hereunto set my hand and official signature.


RUTH NIETUBICZ - CLERK