

TITLE VII: TRAFFIC CODE

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Statutory reference:

- Traffic authority, see ILCS Ch. 625, Act 5, § 11-208

§ 70.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS DISTRICT." The closely built up business portion of the village.

"COMMERCIAL VEHICLE." Every vehicle which is used primarily for purposes of business or commerce.

"CROSSWALK." That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

"DRIVER." Any person who is in actual physical control of a vehicle or street car.

"EMERGENCY VEHICLE." Vehicle of the Police or Fire Department; ambulances; any vehicle conveying a village official or

employee in response to an emergency official call.

"EXPLOSIVE." Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly-heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"FARM TRACTOR." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"FLAMMABLE LIQUID." Any liquid which has a flash point of 70° F. or less, as determined by a tagliabue or equivalent closed cup test device.

"IMPROVED HIGHWAY." A roadway of concrete, brick, asphalt, macadam, or gravel.

"INTERSECTION." The area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not the streets cross.

"LANED HIGHWAY." A street, the roadway of which is divided into three or more clearly-marked lanes for vehicular traffic.

"LOADING ZONE." The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

"METAL TIRE." Every tire the surface of which in contact with the roadway is wholly or partly of metal or other hard, non-resilient material.

"MOTORCYCLE." Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

"MOTOR VEHICLE." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead wires, but not operated upon rails.

"PARK." To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.

"PEDESTRIAN." Any person afoot.

"PNEUMATIC TIRE." Every tire in which compressed air is designed to support the load.

"PROPERTY LINE." The line marking the boundary between any street and the lots or property abutting thereon.

"PUBLIC BUILDING." A building used by the village or by any park district, school district, the state, or the United States government.

"ROAD TRACTOR." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"RESIDENCE DISTRICT." The closely built up residence portion of the village.

"ROADWAY." That portion of a street designed or ordinarily used for vehicular traffic.

"SAFETY ZONE." That portion of a roadway reserved for the exclusive use of pedestrians, suitably marked or elevated.

"SEMI-TRAILER." Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"SIDEWALK." That portion of a street between the curb line and the adjacent property line.

"SOLID TIRE." Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"STREET." Every way set aside for public travel except foot paths.

"STREET CAR." An electrically-propelled vehicle operating solely upon rails.

"SUBURBAN DISTRICT." That portion of the village other than the closely built up business and residence districts.

"TRAFFIC." Vehicles and street cars using any street for travel.

"TRAILER." Every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"TRUCK TRACTOR." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"VEHICLE." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including bicycles but not including perambulators or toy vehicles.
(Ord. 111, passed 9-30-35; Am. Ord. 511, passed 3-23-98)

§ 70.02 VEHICLE CLASSIFICATION.

For the purposes of this chapter, motor vehicles shall be divided into the following two divisions.

(A) Vehicles which are designed for the carrying of not more than seven persons.

(B) Vehicles which are designed and used for pulling or carrying freight, or designed and used for carrying more than seven persons.
(Ord. 111, passed 9-30-35)

§ 70.03 OBEDIENCE TO POLICE.

Members of the Police Department are authorized to direct all traffic in accordance with the provisions of this chapter, or in emergencies as public safety or convenience may require. It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by the Chief of Police to direct or attempt to direct traffic.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.04 ANIMALS OR BICYCLES.

Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.05 EXEMPTIONS.

The provisions of this chapter regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties. Nor shall these provisions apply to persons actually engaged in repairing or otherwise improving the streets under authority of the Village Council or of the state.
(Ord. 111, passed 9-30-35)

TRAFFIC-CONTROL DEVICES

§ 70.10 OBEDIENCE REQUIRED.

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 Village Council or in accordance with the laws of the state.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

Local traffic-control devices, see
ILCS Ch. 65, Act 5, § 11-304

§ 70.11 LIGHT SIGNALS.

Whenever traffic at an intersection is regulated by the type of signal commonly known as a stop and go signal, the following colors shall indicate the following commands.

(A) Red requires that traffic faced by this color shall stop and remain standing.

(B) Green requires that traffic faced by this color shall move and continue in motion, except when stopped for the purposes of avoiding an accident or when stopped at the command of a policeman.

(C) Amber or yellow indicates preparation for a change in direction of traffic movement.

(D) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the intersection.

(E) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed into the intersection only with extra caution.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.12 UNAUTHORIZED SIGNS.

It shall be unlawful for any person to place, maintain, or display any device, other than an official warning or direction sign or signal authorized by statute or ordinance, upon or in view of any street, if the device purports to be, or is in imitation of, an official warning or direction sign or signal, or directs or purports to direct the movement of traffic. Any unauthorized device is hereby declared to be a nuisance, and may be removed by any policeman.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.13 INTERFERENCE WITH SIGNS.

It shall be unlawful for any person to deface, injure, move, or interfere with any official traffic sign or signal.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

CONDITION OF VEHICLES

§ 70.20 CLEAR VISION.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle that is constructed or loaded so that the driver's view of the roadway to the rear is obstructed shall be equipped with a mirror attached so as to give him a view of the roadway behind him.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.21 UNNECESSARY NOISE.

It shall be unlawful to operate a vehicle on the streets which makes unusually loud or unnecessary noise.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.22 VEHICLE EQUIPMENT.

(A) Horn. Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working condition. The signaling device shall be sounded when necessary to give timely warning of the approach of a vehicle, but shall not be sounded for any purpose other than as a warning of impending danger. No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device.

(B) Brakes. It shall be unlawful to drive any motor vehicle upon any street unless the vehicle is equipped with good and sufficient brakes in good working condition, as required by the state traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanism operating the brakes of the vehicle.

(C) Muffler. No motor vehicle shall be operated on any street unless the vehicle is provided with a muffler in efficient actual working condition. The use of a cut-out is prohibited.

(D) Lights. It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the state law.

(E) Non-skid devices. It shall be unlawful to operate a motor vehicle upon any street equipped with a non-skid device so constructed that any rigid or non-flexible portion thereof comes into contact with the pavement or roadway.

(F) Tires. It shall be unlawful to operate on any street a motor vehicle which is not equipped with tires conforming to the requirements of the state traffic law.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

Vehicle equipment, see

ILCS Ch. 625, Act 5, §§ 12-100 et seq.

§ 70.23 EMISSIONS.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or dangerous to the drivers of other vehicles.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.24 LOADS.

(A) On Class III and non-designated state and local highways, the total outside width of

any vehicle or load thereon shall not exceed 8 feet 6 inches.

(B) Except during those times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet, the following vehicles may exceed the 8 feet 6 inch limitation during the period from a half hour before sunrise to a half hour after sunset:

(1) Loads of hay, straw or other similar farm products provided that the load is not more than 12 feet wide.

(2) Implements of husbandry being transported on another vehicle and the transporting vehicle while loaded.

(C) The following requirements apply to the transportation on another vehicle of an implement of husbandry wider than 8 feet 6 inches on the National System of Interstate and Defense Highways or other highways in the system of State highways:

(1) The driver of a vehicle transporting an implement of husbandry that exceeds 8 feet 6 inches in width shall obey all traffic laws and shall check the roadways prior to making a movement in order to ensure that adequate clearance is available for the movement. It is prima facie evidence that the driver of a vehicle transporting an implement of husbandry has failed to check the roadway prior to making a movement if the vehicle is involved in a collision with a bridge, overpass, fixed structure, or properly placed traffic control device or if the vehicle blocks traffic due to its inability to proceed because of a bridge, overpass, fixed structure, or properly placed traffic control device.

(2) Flags shall be displayed so as to wave freely at the extremities of overwidth objects and at the extreme ends of all protrusions, projections, and overhangs. All flags shall be clean, bright red flags with no advertising, wording, emblem, or insignia inscribed upon them and at least 18 inches square.

(3) "OVERSIZE LOAD" signs are mandatory on the front and rear of all vehicles with loads over 10 feet wide. These signs must have 12 inch high black letters with a 2 inch stroke on a yellow sign that is 7 feet wide by 18 inches high.

(4) One civilian escort vehicle is required for a load that exceeds 14 feet 6 inches in width and two civilian escort vehicles are required for a load that exceeds 16 feet in width on the National System of Interstate and Defense Highways or other highways in the system of State highways.

(5) The requirements for a civilian escort vehicle and driver are as follows:

(a) The civilian escort vehicle shall be a passenger car or a second division vehicle not exceeding a gross vehicle weight of 8,000 pounds that is designed to afford clear and unobstructed vision to both front and rear.

(b) The escort vehicle driver must be properly licensed to operate the vehicle.

(c) While in use, the escort vehicle must be equipped with illuminated rotating, oscillating, or flashing amber lights or flashing amber strobe lights mounted on top that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(d) "OVERSIZE LOAD" signs are mandatory on all escort vehicles. The sign on an escort vehicle shall have 8 inch high black letters on a yellow sign that is 5 feet wide by 12 inches high.

(e) When only one escort vehicle is required and it is operating on a two lane highway, the escort vehicle shall travel approximately 300 feet ahead of the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVER SIZE LOAD" sign shall be displayed on the escort vehicle and shall be visible from the front. When only one escort vehicle is required and it is operating on a multilane divided highway, the escort vehicle shall travel approximately 300 feet behind the load and the sign and lights shall be visible from the rear.

(f) When two escort vehicles are required, one escort shall travel approximately 300 feet ahead of the load and the second escort shall travel approximately 300 feet behind the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicles and shall be visible from the front on the lead escort and from the rear on the trailing escort.

(g) When traveling within the corporate limits of a municipality, the escort vehicle shall maintain a reasonable and proper distance from the oversize load, consistent with existing traffic conditions.

(h) A separate escort shall be provided for each load hauled.

(i) The driver of an escort vehicle shall obey all traffic laws.

(j) The escort vehicle must be in safe operational condition.

(k) The driver of the escort vehicle must be in radio contact with the driver of the vehicle carrying the oversize load.

(6) A transport vehicle while under load of more than 8 feet 6 inches in width must be equipped with an illuminated rotating,

oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the top of the cab that are of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the rear of the load that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(7) When a flashing amber light is required on the transport vehicle under load and it is operating on a two-lane highway, the transport vehicle shall display to the rear at least one rotating, oscillating, or flashing light or a flashing amber strobe light and an "OVERSIZE LOAD" sign. When a flashing amber light is required on the transport vehicle under load and it is operating on a multilane divided highway, the sign and light shall be visible from the rear.

(8) Maximum speed shall be 45 miles per hour on all such moves or five miles per hour above the posted minimum speed limit, whichever is greater, but the vehicle shall not at any time exceed the posted maximum speed limit.

(9) Portable buildings designed and used for agricultural and livestock raising operations that are not more than 14 feet wide and with not more than a one foot overhang along the left side of the hauling vehicle. However, the buildings shall not be transported more than 10 miles and not on any route that is part of the National System of Interstate and Defense Highways. All buildings when being transported shall display at least two red cloth flags, not less than 12 inches square, mounted as high as practicable on the left and right side of the building. A State Police escort shall be required if it is necessary for this load to use part of the left lane when crossing any two laned state highway bridge.

(D) Vehicles propelled by electric power obtained from overhead trolley wires operated wholly within the corporate limits of a municipality are also exempt from the width limitation.

(E) Exemptions are also granted to vehicles designed for the carrying of more than ten persons under the following conditions:

(1) A recreational vehicle, as defined in ILCS Ch. 625, Act 5, § 1-169, may exceed 8 feet 6 inches in width if:

(a) The excess width is attributable to appurtenances that extend 6 inches or less beyond either side of the body of the vehicle; and

(b) The roadway on which the vehicle is traveling has marked lanes for vehicular traffic that are at least 11 feet in width.

(2) As used in divisions (1) and (3), the term "APPURTENANCE" includes:

(a) A retracted awning and its support hardware; and

(b) Any appendage that is intended to be an integral part of a recreation vehicle.

(3) A recreational vehicle that exceeds 8 feet 6 inches in width, as provided in division (1), may travel any roadway of the state if the vehicle is being operated between a roadway permitted under division (1) and:

(a) The location where the recreation vehicle is garaged;

(b) The destination of the recreation vehicle; or

(c) A facility for food, fuel; repair, services, or rest.

(F) (1) A vehicle and load traveling upon the National System of Interstate and Defense Highways or any other highway in the system of state highways that has been designated a Class I or Class II highway by the Department, or any street or highway designated by local authorities or road district commissioners, may have a total outside width of 8 feet 6 inches, provided that certain safety devices that the Department determines as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

(2) Section 5-35 of the Illinois Administrative Procedure Act I relating to procedures for rulemaking shall not apply to the designation of highways under this division (F).

(G) Mirrors required by ILCS Ch. 625, Act 5, § 12-502 and other safety devices identified by the Department may project up to 14 inches beyond each side of a bus and up to six inches beyond each side of any other vehicle, and that projection shall not be deemed a violation of the width restrictions of this Section.

(ILCS Ch. 625, Act 5, § 15-102) Penalty, see § 70.99

§ 70.25 TRACTORS.

It shall be unlawful to drive or operate any tractor, the wheels of which are equipped with lugs, upon or along any street that is improved with an asphalt pavement, unless the lugs are covered so as not to cause injury to the asphalt pavement, or the roadway is planked so that the lugs will not injure the pavement.

(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 70.26 GROSS WEIGHTS.

No truck or other vehicle having a gross weight in excess of 12,000 pounds, including the weight of the vehicle or vehicles, including the load, shall go or be operated upon any street or alley within the village, other than streets designated as state highways; provided, however, that the foregoing limitations shall not apply to trucks or vehicles going upon such streets or alleys for the purpose of loading or unloading cargo or merchandise at an address located on such street or alley.

(Ord. 411, passed 6-13-88)

DRIVER REGULATIONS

§ 70.30 AGE.

It shall be unlawful for any person under the minimum age required by Illinois state statutes to operate any motor vehicle upon any street in the village.

(Ord. 111, passed 9-30-35; Am. Ord. 532, passed 11-2-99) Penalty, see § 70.99

Statutory reference:

Driver qualifications, see ILCS Ch. 625, Act 5, §§ 6-101 et seq.

§ 70.31 LIQUOR OR DRUGS.

(A) Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(1) A person shall not drive or be in actual physical control of any vehicle within this village while:

(a) The alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in ILCS Ch. 625, Act 5, § 11-501.2;

(b) Under the influence of alcohol;

(c) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(d) Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(e) Under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(f) There is any amount of drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Illinois Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Illinois Use of Intoxicating Compounds Act.

(2) The fact that any person charged with violating this division is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this division.

(3) Every person convicted of violating this division for a second or subsequent time committed within five years of a previous violation of this division shall, in addition to the penalties provided by in § 70.99, be mandatorily sentenced to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this division shall be subject to a mandatory minimum fine of \$500 and a mandatory five days of community service benefitting children if the person committed a violation of this division while transporting a person under age 16.

(B) Chemical and other tests.

(1) Upon the trial of any action arising out of an arrest for an offense as defined in this section, evidence of the concentration of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

(a) 1. Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to standards promulgated by the Department of State Police by a licensed physician, registered nurse, trained phlebotomist acting under the direction of a licensed physician, certified paramedic, or other individual possessing a valid permit issued by that Department for this purpose.

2. When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of ILCS Ch. 625, Act 5, § 11-501.1, only a physician authorized to practice medicine, a registered nurse, trained phlebotomist, or certified paramedic, or other qualified person approved by the Department of State Police may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

3. When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic. The law enforcement officer requesting the test shall take custody of the blood sample, and the blood sample shall be analyzed by a laboratory certified by the Department of State Police for that purpose;

(b) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer;

(c) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or such person's attorney;

(d) Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(2) Upon the trial of any action arising out of acts alleged to have been committed by any person while driving or in actual

physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(a) If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol;

(b) If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol;

(c) If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol;

(d) The foregoing provisions of this division shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(3) If a person under arrest refuses to submit to a chemical test under the provisions of ILCS Ch. 625, Act 5, § 11-501.1, evidence of refusal shall be admissible in any action arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof was driving or in actual physical control of a motor vehicle.

(C) Admissibility of chemical tests of blood conducted in the regular course of providing emergency medical treatment.

(1) Notwithstanding any other provision of law, the results of blood tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, of an individual's blood conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence as a business record exception to the hearsay rule in prosecutions for any violation of this section, when each of the following criteria are met:

(a) The chemical tests performed upon an individual's blood were ordered in the

regular course of providing emergency medical treatment and not at the request of law enforcement authorities;

(b) The chemical tests performed upon an individual's blood were performed by the laboratory routinely used by the hospital; and

(c) Results of chemical tests performed upon an individual's blood are admissible into evidence regardless of the time that the records were prepared.

(2) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to chemical tests performed upon an individual's blood under the provisions of this division in prosecutions as specified in division (C)(1) above.

(D) Transportation or possession of alcoholic liquor in a motor vehicle.

(1) Except as provided in division (D)(3) below, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a public way in this village except in the original container and with the seal unbroken.

(2) Except as provided in division (D)(3) below, no passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle upon a public way in this village except in the original container and with the seal unbroken.

(3) This division shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a "MOTOR HOME" or "MINI MOTOR HOME" as defined in ILCS Ch. 625, Act 5, § 1-145.01. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this division. For the purposes of this division, a "LIMOUSINE" is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to ILCS Ch. 625, Act 5, § 6-104.

(4) The exemption applicable to chartered buses under division (D)(3) above

does not apply to any chartered bus being used for school purposes.

(Ord. 111, passed 9-30-35; Am. Ord. 564, passed 7-15-03) Penalty, see § 70.99

Statutory reference:

Driving while under the influence of liquor or drugs, see ILCS Ch. 625, Act 5, § 11-501

Limousine defined, see ILCS Ch. 625, Act 5, § 6-104

Motor home defined, see ILCS Ch. 625, Act 5, § 1-145.01

§ 70.32 ACCIDENTS.

It shall be unlawful for the driver of a vehicle which has collided with, or been in an accident with, any vehicle, person, or property in such a manner as to cause injury or damage to fail or refuse to stop immediately, to render such assistance as may be possible, to give his true name and residence to the injured person or any other persons requesting this information on behalf of the injured person or the owner of the property damaged, and to a policeman if one is present. A report of each accident shall be given by the driver of each vehicle concerned in it to the Chief of Police within 24 hours after the accident.

(Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

Accident procedure, see ILCS Ch. 625, Act 5, § 11-401 et seq.

§ 70.99 PENALTY.

Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$50 nor more than \$1,000. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 111, passed 9-30-35; Am. Ord. 564, passed 7-15-03)

Section

- 71.01 Unlawful parking
- 71.011 Parking semitrailers
- 71.02 Parking at curb
- 71.03 Parking vehicles for sale
- 71.04 Authority of Superintendent of
Streets and Alleys
- 71.05 Notice of violations
- 71.06 Unpaid fines

- 71.99 Penalty

Cross-reference:

- Parking or storing trailers, see
§ 152.01

Statutory reference:

- Authority to regulate stopping,
standing, or parking, see ILCS Ch.
625, Act 5, § 11-208

§ 71.01 UNLAWFUL PARKING.

No person shall park or stop any vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places.

- (A) On a sidewalk.
- (B) Blocking or interfering with access to any street, alley, or driveway.
- (C) Within 15 feet of a fire hydrant.
- (D) On the roadway side of a parked vehicle, so as to be double parked.
- (E) At any place where official signs or markings prohibit stopping or parking.
- (F) In an area for a period longer than the time restrictions posted by official signs or markers.
- (G) In any place which will interfere with the free flow of traffic over a public street or alley.
- (H) In a manner which will permit a portion of the vehicle to extend beyond officially marked individual parking spaces.
- (I) In any area officially marked as a bus stop, cross walk, or loading area.
(Ord. 111, passed 9-30-35; Am. Ord. 225, passed 3-30-65) Penalty, see § 71.99

§ 71.011 PARKING SEMITRAILERS.

No person shall park or leave standing in either Zone B-Multiple Family Residential District or Zone C-Single Family Residential District, as defined by the Zoning Code of the Village, any semi-trailer or truck tractor or commercial vehicle weighing in excess of 12,000 pounds, as each is defined in § 70.01.

The prohibition hereby imposed shall not apply to parking or standing of such vehicle for the purpose of delivering materials or equipment to be used in the repair, alteration, remodeling or construction of any building or structure for which a building permit has been obtained.
(Ord. 411, passed 6-13-88; Am. Ord. 511, passed 3-23-98)

§ 71.02 PARKING AT CURB.

No vehicle shall be parked with the left side of the vehicle next to the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line. However, upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by those marks.
(Ord. 111, passed 9-30-35) Penalty, see § 71.99

§ 71.03 PARKING VEHICLES FOR SALE.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.
(Ord. 111, passed 9-30-35) Penalty, see § 71.99

§ 71.04 AUTHORITY OF SUPERINTENDENT OF STREETS AND ALLEYS.

The Superintendent of Streets and Alleys is authorized and directed to designate the places and areas within the village limits and to place the official signs and markers mentioned in § 71.01.
(Ord. 225, passed 3-30-65)

§ 71.05 NOTICE OF VIOLATIONS.

Notice of violation of this chapter shall be given in writing to the person committing the violation, either in person or by leaving the notice in or on the vehicle involved in the violation. All fines levied in accordance with this chapter shall be payable at the office of the Village Clerk.
(Ord. 225, passed 3-30-65)

§ 71.06 UNPAID FINES.

The Village Attorney is authorized to recover any unpaid fine assessed pursuant to this Chapter, by civil action in the name of the village, filed in the Fifth Circuit District Court of Vermilion County, or any other court and reasonable fees for the services of the Village Attorney in such an action shall be allowed and taxed as costs against the defendant.
(Ord. 225, passed 3-30-65)

§ 71.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$50.00, nor more than \$100.00 for each offense; and a separate offense shall be deemed committed for each day during or in which a violation occurs or continues.
(Ord. 225, passed 3-30-65; Am. Ord. 511, passed 3-23-98)

Section

- 72.01 Right-of-way
- 72.02 Use of roadway
- 72.03 Traffic signals
- 72.04 Standing on sidewalks

as is reasonably possible to the building line or curb line, if the standing interferes with the use of the sidewalk by other pedestrians. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

- Authority to regulate pedestrian crossings, see ILCS Ch. 625, Act 5, § 11-208

§ 72.01 RIGHT-OF-WAY.

It shall be unlawful for the driver of any vehicle to drive into any crosswalk without the exercise of due and proper care in view of the special use made thereof by pedestrians. It shall be unlawful to drive any vehicle into any crosswalk while there is in the crosswalk on the half of the roadway on which the vehicle is traveling, any pedestrian engaged in crossing the roadway, until the pedestrian has passed beyond the path of the vehicle, when the pedestrian shall indicate his intention to cross. The driver of a vehicle shall stop before entering any crosswalk when any other vehicle proceeding in the same direction is stopped at the crosswalk for the purpose of permitting a pedestrian to cross. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 72.02 USE OF ROADWAY.

At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right-of-way to all vehicles upon the roadway. No person shall stand or loiter in any roadway other than in a safety zone, if the act interferes with the lawful movement of traffic. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 72.03 TRAFFIC SIGNALS.

At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if the crossing interferes with the lawful movement of traffic. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 72.04 STANDING ON SIDEWALKS.

It shall be unlawful for a pedestrian to stand upon any sidewalk except as near

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- 73.01 Turning movements
- 73.02 Driver's signals
- 73.03 Emerging from alleys, driveways, or garages
- 73.04 Driving on sidewalks, in safety zones
- 73.05 Right-of-way
- 73.06 Following fire apparatus
- 73.07 Driving on right side of road
- 73.08 Overtaking
- 73.09 Reckless driving
- 73.10 Speed limits
- 73.11 Obstruction of traffic
- 73.12 Bicycles and motorcycles
- 73.13 Unattended vehicles
- 73.14 Clinging to vehicles
- 73.15 Toy vehicles
- 73.16 Through streets
- 73.17 Train signals
- 73.18 Skateboards; penalty for violations
- 73.19 Operation of non-highway vehicles on streets, roads and highways

§ 73.01 TURNING MOVEMENTS.

(A) The driver of any vehicle intending to turn to the left at an intersection or into any alley or driveway shall approach the point of turning in the traffic lane nearest the center of the roadway.

(B) The driver of a vehicle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the roadway.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

Authority to regulate turning movements, see ILCS Ch. 625, Act 5, § 11-208

§ 73.02 DRIVER'S SIGNALS.

(A) No driver of a vehicle shall suddenly start, slow down, stop, or attempt to turn without first giving a suitable signal in such a manner as to apprise others who might be affected by his action. The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of the vehicle then the signals must be given by a lamp or device.

(B) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate the following.

- (1) Left turn. Hand and arm extended horizontally.
- (2) Right turn. Hand and arm

extended upward or moved with a sweeping motion from the rear to the front.

(3) Stop or decrease of speed. Hand and arm extended downward.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.03 EMERGING FROM ALLEYS, DRIVEWAYS, OR GARAGES.

The driver of a vehicle emerging from an alley, driveway, or garage, shall stop the vehicle immediately prior to driving onto a sidewalk or across a sidewalk line projected across the alley, sound the horn of the vehicle, and exercise unusual care in driving on the sidewalk or across the line.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.04 DRIVING ON SIDEWALKS, IN SAFETY ZONES.

No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.05 RIGHT-OF-WAY.

Subject to § 70.05 the driver of a vehicle shall give the right-of-way to the driver of a vehicle approaching along an intersecting street from the right, and shall have the right-of-way over those approaching from the left.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.06 FOLLOWING FIRE APPARATUS.

Upon the sounding of gongs or warning devices used upon fire apparatus or fire-patrol vehicles, drivers shall draw their vehicles as near to the right curb as is reasonably possible and shall remain standing until the fire apparatus has passed. It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within the block where fire apparatus has stopped to answer to a fire alarm. It shall be unlawful for the driver of any street car or vehicle to drive over any unprotected hose of the Fire Department without the consent of the Fire Chief or the assistant in command.
(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.07 DRIVING ON RIGHT SIDE OF ROAD.

Any driver of a vehicle upon meeting another vehicle shall turn toward the right side of the roadway so far as may be necessary in order to avoid collision with the vehicle. It shall be unlawful

to operate any vehicle upon the left side of any roadway except where necessary because of obstructions.

(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.08 OVERTAKING.

Any driver of a vehicle, upon overtaking another vehicle, shall pass on the left side of the overtaken vehicle. Any driver of a vehicle traveling upon any street shall as soon as practicable turn to the right, so as to allow any overtaking vehicle free passage to the left of the overtaken vehicle.

(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.09 RECKLESS DRIVING.

It shall be unlawful to operate any vehicle in the village in a reckless or wanton manner, or so as to unnecessarily endanger life or property.

(Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.10 SPEED LIMITS.

(A) No person shall drive a vehicle of the first division as defined in § 70.02 upon any public highway at a speed greater than is reasonable and proper, having regard to the traffic and the use of the way, or so as to endanger the life or limb or injure the property of any person. If the rate of speed of any motor vehicle of the first division through the business district of the village exceeds 20 miles per hour, or if the rate of speed of such a motor vehicle operated on any public highway where it passes through the residence district of the village exceeds 25 miles per hour, or if the rate of speed of such a motor vehicle operated on any public highway in a suburban district exceeds 35 miles per hour, these rates of speed shall be prima facie evidence that the person operating the motor vehicle is running at a rate of speed greater than is reasonable and proper having regard to the traffic and use of the way or so as to endanger the life or limb or injure the property of any person.

(B) The speed of all vehicles of the second division as described in § 70.02 shall always be reasonable and safe and be governed, as near as may be, by the general requirements of division(A) above, but the speed shall not exceed the following rates.

(1) Vehicles having a gross weight of 5,000 pounds and less, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, shall not exceed 35 miles per hour; if equipped with two or more solid rubber tires, the vehicle shall not exceed ten miles per hour.

(2) Vehicles designed and used for carrying more than seven passengers and having a gross weight of not more than 12,000 pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, shall not exceed 35 miles per hour; vehicles designed and used for pulling and carrying freight and having a gross weight of not more than 12,000 pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, shall not exceed 35 miles per hour. In either case, if the vehicle is equipped with solid rubber tires it shall not exceed ten miles per hour.

(3) Vehicles designed and used for the carrying of more than seven passengers and having a gross weight of more than 12,000 pounds, and not more than 15,000 pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, shall not exceed 35 miles per hour; vehicles designed and used for pulling and carrying freight and having a gross weight of more than 12,000 pounds and not more than 15,000 pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, shall not exceed 30 miles per hour. In either case if the vehicle is equipped with solid rubber tires, it shall not exceed ten miles per hour.

(4) Vehicles having a gross weight of more than 15,000 pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, shall not exceed 25 miles per hour. If equipped with solid rubber tires, the vehicle shall not exceed ten miles per hour.

(C) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, approaching a hill crest, traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed shall be decreased as necessary to avoid colliding with any person or vehicle, or on entering the highway in compliance with legal requirements and the duty of all persons to use due care. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

Alteration of speed limits by local authorities, see ILCS Ch. 625, Act 5, § 11-604

§ 73.11 OBSTRUCTION OF TRAFFIC.

No vehicle or street car shall be operated or allowed to remain upon any

street in such a manner as to form an unreasonable obstruction to traffic. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.12 BICYCLES AND MOTORCYCLES.

It shall be unlawful for more than one person to ride upon any bicycle propelled by human power upon any street, or for any person to ride upon any motorcycle other than upon a seat attached to the vehicle. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.13 UNATTENDED VEHICLES.

No vehicle shall be left unattended while the motor of the vehicle is running. No vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.14 CLINGING TO VEHICLES.

It shall be unlawful for any person on any street riding a bicycle, motorcycle, or any toy vehicle, to cling to or attach himself or herself or his or her vehicle to any moving motor vehicle, wagon, or street car. It shall be unlawful for any person to ride upon the fenders, running board, or outside step of any vehicle. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.15 TOY VEHICLES.

It shall be unlawful for any person upon skates, a coaster, sled, or other toy vehicle, to go upon any roadway other than at a crosswalk. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.16 THROUGH STREETS.

Every driver of a vehicle or street car traversing any street intersecting with any through street shall stop the vehicle or street car before entering the through street, unless a go signal is given at the intersection by a traffic officer or a traffic sign. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

Statutory reference:

Authority to designate and regulate through highways, see ILCS Ch. 625, Act 5, § 11-208

§ 73.17 TRAIN SIGNALS.

(A) The driver of a vehicle approaching a railroad grade crossing when a signal device gives warning of the immediate approach of a train, shall stop within 50 feet but not less than ten feet from the nearest track of the

railroad and shall not proceed until he or she can do so safely.

(B) The driver of a vehicle shall stop and remain standing and not traverse the grade crossing when a crossing gate is lowered or when a flagman gives a signal of the approach of a train.

(C) The driver of any motor vehicle carrying passengers for hire, or any school bus, or any vehicle carrying explosives or flammable liquid as cargo shall stop the vehicle within 50 feet but not less than ten feet from the tracks and shall listen and look in both directions from which a train might come, before proceeding across the tracks at a grade crossing. The provisions of this division shall not apply to crossing street car tracks, within a business or residential district; nor shall such a stop be required when traffic at the crossing is directed by an officer or stop and go light which gives a go signal. (Ord. 111, passed 9-30-35) Penalty, see § 70.99

§ 73.18 SKATEBOARDS; PENALTY FOR VIOLATIONS

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "ROLLER SKATE." A frame or shoe with small wheels attached, designed for transporting a person without motive power.

(2) "SKATEBOARD." A device without motive power, designed for transporting a person or persons, consisting of a platform on small wheels.

(B) Regulations. No person or persons shall ride any skateboard or roller skate or skates, on the public streets, alleys, or publicly owned property within the areas in the village limits:

(1) Parcel I. Beginning on the west line of Seminary Street at the south line of Davis Street, thence north on the west line of Seminary Street extended to the north line of Vermilion Street, thence east on the north line of Vermilion Street to the west line of Douglas Street, thence north of the west line of Douglas Street to the north line of Clay Street, thence east on the north line of Clay Street to the east line of north Sandusky Street, thence south on the east line of north Sandusky Street to the north line of East-West alley which is also the south line of lots 19 and 20 in Layton McDonald's second Addition to Catlin and the south line of lots 19 and 20 in Layton McDonald's first Addition to Catlin, thence along said line to the east line of Paris Street, thence south on the east line of Paris Street, to the north line of Burgess Street, thence southwesterly on said line to the east line of south Sandusky Street, thence south to the south line of Burgess Street thence southwesterly on the south line of Burgess Street to the west line of Lookout

Street, thence north on the west line of Lookout Street to the south line of Davis Street, thence west on said south line to the place of beginning.

(2) Parcel II. All that part of west Vermilion Street and Dolan Road from the west line of Seminary Street to the east line of Mapleleaf Drive and Paris Street from the north village limits to the south village limits not included in Parcel I, excepting improved sidewalks on each side of the public streets which constitute Parcel II.

(C) Penalties.

(1) First offense. A warning shall be issued to any individual violating any provision of this section. If such person is under legal disability, then said warning shall be issued to his or her parent or guardian.

(2) Second offense. Any person violating any provision of this section a second time shall be fined not less than \$25 and not more than \$100 for such violation and any subsequent violations.
(Ord. 440, passed 10-22-90)

§ 73.19 OPERATION OF NON-HIGHWAY VEHICLES ON STREETS, ROADS AND HIGHWAYS.

(A) Definitions. As used in this section, "NON-HIGHWAY VEHICLE" means a motor vehicle not specifically designed to be used on a public highway, including:

(1) An all-terrain vehicle, as defined by ILCS Ch. 625, Act 5, § 1-101.8, as amended from time to time;

(2) A golf cart, as defined by ILCS Ch. 625, Act 5, § 1-123.9, as amended from time to time; and

(3) A neighborhood vehicle.

(B) Restrictions.

(1) Except as otherwise provided in this section, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway or roadway in the village. If the operation of a non-highway vehicle is authorized under this division (B)(1), the non-highway vehicle may be operated only on the streets where the posted speed limit is 35 miles per hour or less. This division (B)(1) does not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A person may not drive or operate a non-highway vehicle upon Paris Street or Vermilion Street west from its intersection with Sandusky Street. Vermilion Street may be crossed only at its intersection with Sandusky Street.

(3) A person may not operate a non-highway vehicle upon any street, highway or roadway in the village unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(4) A non-highway vehicle may be operated on a street, roadway or highway in the village only if it has the following: brakes; a steering apparatus; four wheels; tires; a rear-view mirror; red reflectorized warning devices in the front and rear; a slow-moving emblem (as required of other vehicles in ILCS Ch. 625, Act 5, § 12-709) on the rear of the vehicle; a muffler; a headlight that emits a white light visible from a distance of 500 feet to the front; a tail lamp that emits a red light visible from at least 100 feet from the rear; brake lights; and turn signals. When operated on a street, road or highway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by ILCS Ch. 625, Act 5, § 12-201.

(5) Any person who operates a non-highway vehicle on a street, road or highway in the village shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code.

(C) License/permit required.

(1) It shall be unlawful to drive or operate a non-highway vehicle upon any street, highway or roadway of the village without having a license or permit issued by the Chief of Police or his or her designee, which license or permit shall be clearly visible on the vehicle to the rear and shall be issued only following an inspection of the vehicle demonstrating compliance with all of the provisions of this section.

(2) Applications for non-highway vehicle licenses or permits shall be made to the Chief of Police. All licenses issued hereunder shall be effective during the fiscal year May 1 through April 30, regardless of the date of issuance. Each license issued hereunder must be renewed annually pursuant to application duly made to the Chief of Police. Each license application, whether for an original or renewal license, shall be accompanied by a fee for such license, which shall be \$35, payable to the Village Clerk.

(D) Penalty. Whoever violates any provisions of this section shall be fined not less than \$100 nor more than \$1,000. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the cost associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney fees.

(Ord. 658, passed 7-6-10; Am. Ord. 672, passed 2-15-11)

Section

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Statutory reference:

Snowmobile Registration and Safety Act, see ILCS Ch. 625, Act 5, §§ 40-1-1 et seq.
Local regulation, see ILCS Ch. 625, Act 5, § 40-7-1

§ 74.01 DEFINITIONS.

"DANGEROUS DRUG." Any drug defined as a depressant or stimulant substance in ILCS Ch. 720, Act 570, §§ 100 et seq., and "cannabis" as defined in Ch. 410, Ch. 620, §§ 1 et seq.

"DEALER." A person, partnership, or corporation engaged in the business of manufacturing, selling, or leasing snowmobiles at wholesale or retail.

"HIGHWAY." The entire width between boundary lines of any highway, road, street, avenue, alley, or public driveway.

"INTOXICATING BEVERAGE." Any beverage enumerated in ILCS Ch. 235, Act 5, §§ 1-2 et seq.

"LOCAL AUTHORITY." The municipal board or body having authority to adopt local police regulations under the constitution and laws of this state.

"NARCOTIC DRUG." Any substance defined as a "NARCOTIC DRUG" in ILCS Ch. 235, Act 5, §§ 100 et seq.

"OPERATE." To ride in or on other than as a passenger, use, or control the operation of a snowmobile in any manner, whether or not the snowmobile is underway.

"OPERATOR." Every person who operates or is in actual physical control of a snowmobile.

"OWNER." A person other than a lien holder having title to a snowmobile.

"PEACE OFFICER." Any person authorized under state law to make arrests for a violation of any statute or ordinance, whether it be a total arrest power of all statutes or a portion of any statute.

"REGISTER." The act of assigning a registration number to a snowmobile by state statute and by local ordinance.

"ROADWAY." That portion of a highway, improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "ROADWAY" as used in this chapter refers to such a roadway separately, but not to all such roadways collectively.

"SNOWMOBILE." A self-propelled device designed for travel on snow, ice, or natural terrain, steered by skis or runners, and supported in part by skis, belts, or cleats. (Ord. 344, passed 2-26-79)

§ 74.02 ENFORCEMENT; INSPECTIONS.

It is the duty of all sheriffs, deputy sheriffs, and other peace or police officers to arrest any person detected in violation of any provision of this chapter. Duly-authorized police officers may stop and inspect any snowmobile at any time for the purpose of determining if the provisions of this chapter are being complied with. If the inspecting officer discovers any violation of the provisions of this chapter, he may issue a summons to the operator of the snowmobile requiring the operator of the snowmobile to appear before the circuit court for the county in which the offense was committed. Every snowmobile subject to this chapter, if underway and upon being hailed by a designated law enforcement officer, must stop immediately. It is unlawful for any person to resist or obstruct any peace officer in a discharge of his duties under this chapter. (Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.03 REGISTRATION.

(A) Except as otherwise provided in ILCS Ch. 625, Act 5, no person shall after the effective date of this chapter, operate any snowmobile within the corporate limits unless the snowmobile has been registered and numbered in accordance with the provisions of ILCS Ch. 625, Act 40, § 1-1 et seq., and the numbers are properly displayed on each side of the cowlings.

(B) All persons owning or operating a snowmobile within the corporation limits shall purchase from the Village Clerk and display prominently upon the snowmobile a registration decal. The name, emergency phone number, make of the snowmobile, model and conservation number, and color of the snowmobile will be on file with the Village Clerk. A registration fee of \$5 will be required of all vehicles operating within the village. This will be a one-time registration fee for each vehicle as long as the vehicle remains with the registered owner.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.04 EQUIPMENT.

All snowmobiles in operation shall display at least one lighted headlamp, white in color, having a minimum candle power of sufficient intensity to exhibit a white light plainly visible from a distance of at least 500 feet ahead. All snowmobiles while in operation shall display at least one red taillight having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear. All snowmobiles shall have an operating brake system in good mechanical condition. No snowmobile shall be sold, offered for sale, or operated unless it is equipped with a sound-muffling device installed by the manufacturer; under no circumstances shall this muffler device be modified or removed by the owner or operator.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.05 OPERATION WITHIN VILLAGE.

Snowmobiles may be operated on any highway within the village limits in accordance with the terms of this chapter with the following exceptions.

(A) Snowmobiles may be operated on village highways only for the purpose of leaving and entering the village or for visitation within.

(B) Snowmobiles shall not be operated under any circumstances within 120 feet of the four-way stop at Sandusky and Vermillion Streets.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.06 SPEED LIMITS.

(A) Unless some other speed restriction is established by the posting of speed limit signs under the authority of the Village Council, the maximum speed limits for snowmobiles within the corporate limits are as follows.

(1) 30 m.p.h. in any residential or business district, unless otherwise posted.

(2) 15 m.p.h. in any alley.

(3) 20 m.p.h. while passing through any school zone, properly posted.

(B) No person shall drive a snowmobile at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the snowmobile or in order to comply with the direction of a peace officer.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(B)

§ 74.07 RECKLESS DRIVING; RACING.

(A) No person shall drive any snowmobile with a willful or wanton disregard for the safety of persons or property; such conduct shall be deemed reckless driving.

(B) No person shall engage in any race on any roadway within the corporate limits. Race means the act of two or more individuals competing or racing on any street or highway, in a situation in which one of the snowmobiles is beside or to the rear of a snowmobile operated by a competing driver attempting to pass or overtake him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or roadway in this village.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.08 DRIVING ON RIGHT SIDE OF ROAD.

(A) Snowmobiles shall be operated on all roadways as close to the right-hand side of the roadway as possible. Snowmobiles proceeding in opposite directions shall pass each other to the right and upon roadways having a width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway, as nearly as possible.

(B) No snowmobile shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.09 FOLLOWING ANOTHER VEHICLE.

The operator of a snowmobile shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles and the traffic upon and conditions of the highway.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.10 STARTING PARKED SNOWMOBILE.

No operator shall start a snowmobile which is stopped, standing, or parked, unless and until the movement can be made with reasonable safety.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.11 SIGNALS.

(A) A signal of intention to turn right or left when required must be given continuously during not less than the last 100 feet traveled by the snowmobile before turning within a business or residence district. Any stop or turn signal when required shall be given either by means of a hand and arm or by electric turn signal device conforming to the requirements of ILCS Ch. 625, Act 5.

(B) All signals required by this chapter shall be given from the left side of the vehicle in the following manner.

(1) Left turn. Hand and arm extended horizontally.

(2) Right turn. Hand and arm extended upward.

(3) Stop or decrease of speed. Hand and arm extended downward.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.12 RIGHT-OF-WAY.

(A) Any snowmobile approaching or entering an intersection from a different roadway shall yield the right-of-way to a vehicle on the opposite roadway which is entering at approximately the same time. The driver of the snowmobile must always yield the right-of-way to other motorized vehicles.

(B) The operator of a snowmobile intending to turn to the left within an intersection or into an alley, private road, or driveway, shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but the snowmobile operator having so yielded, may proceed as soon as a safe interval occurs.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.13 ENTERING STOP INTERSECTION.

Except when directed to proceed by a peace officer or traffic-control signal, every operator of a snowmobile approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting

roadway where the operator has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the operator of the snowmobile shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the operator is moving across or within the intersection, but the operator having so yielded may proceed as soon as a safe interval occurs.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.14 ENTERING YIELD INTERSECTION.

The operator of a snowmobile approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and if required for safety, shall stop at a clearly marked line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection. If a snowmobile is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past the yield right-of-way sign, the collision or interference shall be deemed prima facie evidence of the driver's failure to yield the right-of-way.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.15 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) The operator of any snowmobile shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter. It shall be unlawful for any snowmobile operator to leave the roadway and travel across private property to avoid an official traffic-control device.

(B) Snowmobile traffic facing a steady red signal at an automatic traffic-control device, must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is indicated by a green traffic-control signal.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.16 ACCIDENTS.

Operators of snowmobiles involved in any accident with another snowmobile or any other motor vehicle or pedestrian, shall make accident reports in accordance with the provisions of ILCS Ch. 625, Act 40, §§ 6-1 et seq.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.17 PEDESTRIAN RIGHT-OF-WAY.

The operator of all snowmobiles shall yield the right-of-way, slowing down or stopping if need be, to yield to a pedestrian crossing a roadway within a crosswalk. In any case, every driver of a snowmobile shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.18 LIQUOR OR DRUGS.

(A) No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any snowmobile within the village. Further, no person who is an habitual user or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a snowmobile, may drive or be in actual physical control of any snowmobile within the village limits.

(B) No person shall consume any alcoholic liquor while operating a snowmobile within the village and any alcoholic liquor transported in a snowmobile shall be in its original package and with the seal unbroken.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.19 OPERATOR REGULATIONS.

(A) No person shall operate a snowmobile when it is so loaded with passengers as to obstruct the operator's view or his operation of the driving mechanism. No operator shall willfully or unnecessarily hinder, obstruct, delay, or attempt to delay, hinder, or obstruct any other person lawfully driving or traveling along or upon any roadway within the village limits. No person shall operate a snowmobile within the village on any roadway unless they are in possession of a valid operator's license, or valid learner's permit accompanied by a licensed driver of a year or more, issued by the state, or are a resident of another state and possess a valid operator's license from that state.

(B) No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his possession, unless it is unloaded and enclosed in a carrying case, or any bow unless it is in a carrying case. No person may operate a snowmobile on private property without the express permission of the owner of the property.

(Ord. 344, passed 2-26-79) Penalty, see § 74.99(A)

§ 74.20 APPLICATION OF STATE LAW.

No portion of this chapter shall preclude the state or its officers or agents from enforcing ILCS Ch. 625, Act 40, § 1-1 through 11-1.

(Ord. 344, passed 2-26-79)

§ 74.99 PENALTY.

(A) Any person, firm, or corporation violating any provision of this chapter except § 74.06, shall be fined not less than \$15 and not more than \$100.

(B) Penalties for violating speed limits established in § 74.06

	<u>M.P.H. Over</u>	
	<u>Speed Limit</u>	<u>Fine</u>
(1)	1-20 m.p.h.	\$25 plus court costs.
(2)	21-30	40 plus court costs.
(3)	31	100 plus court costs.

(Ord. 344, passed 2-26-79)

Schedule

- I. ONE- AND TWO-WAY STREETS AND ALLEYS
- II. PARKING
- III. THROUGH STREETS
- IV. TRAFFIC-CONTROL DEVICES

SCHEDULE I. ONE- AND TWO-WAY STREETS AND ALLEYS.

(A) Mae Drive in Russell R. Blair's Addition to the village, starting at the intersection of the south portion of Mae Drive with Mill Street and then running west to a right turn and north to a second right turn and then east to the terminus of the north portion of Mae Drive at the intersection with Mill Street, is hereby designated a one-way-street from the southern intersection with Mill Street running then west, north, and back east to the intersection of the northern portion of Mae Drive with Mill Street. Parking of vehicles is permitted on the right side of Mae Drive from the southern intersection with Mill Street and continuing around west, north, and east to the north intersection with Mill Street, and parking of vehicles is prohibited on the left side of Mae Drive. (Ord. 320, passed 10-13-75)

(B) The following are designated as one-way alleys in the village. Traffic on the alleys designated below contrary to the direction indicated in each case is prohibited.

The east-west alley between South Sandusky Street and South Short Street adjacent to the south boundary of lots 1 through 6 inclusive in block 1, in the original Town of Catlin, is designated a one-way alley for west-bound traffic only.

The north-south alley on the west line of Taylor's Second addition to the village, between Fleming Street on the south and Bryan Street on the north, is designated a one-way alley for northbound traffic only.

Clay Street, between Webster Street and Mill Street, is designated as a one-way street for westbound traffic only. (Ord. 337, passed 5-8-78; Am. Ord. 353, passed 11-24-80; Am. Ord. 406, passed 11-9-69; Am. Ord. 622, passed 8-7-07)

(C) Any person, firm, or corporation violating any of the provisions of this schedule shall be fined not less than \$1 nor more than \$100 for each offense.

SCHEDULE II: PARKING

(A) No person shall park any vehicle in any of the places set forth in this division or in divisions (B), (C) or (D) below.

<u>Ord. No.</u>	<u>Date</u>	<u>Street</u>	<u>Side</u>
155	3-7-49	Vermilion Street	On the south side of the street between Seminary Street and Lookout Street.
282	8-9-71	Paris Street	East side from the right-of-way of the Norfolk and Western Railroad to the north village limits.
		Vermilion Street	North side from Paris Street to Jackson Street.
		Sandusky Street	Both sides, from the south curb of the street, or a distance of 20 feet.
648	2-2-10	Short Street	West side, from the north edge of Vermilion Street to the first east-west alley north of Vermilion Street, any time.
		Short Street	East side, during the hours of 9:00 p.m. to 7:00 a.m.

(B) It shall be unlawful for any vehicle to be parked on either side of Mae Drive in the village, except where the vehicle is owned by or under the control of a person residing on Mae Drive, when necessary to avoid conflict with other traffic, or when the vehicle is in compliance with the order of a policeman. Any police officer of the village is authorized to remove a vehicle whenever the police officer finds the vehicle in violation of the provisions of this division. The officer is authorized to either move the vehicle or require the driver or other person in charge of the vehicle to remove it to a position off Mae Drive. Appropriate signs shall be placed at reasonable intervals on Mae Drive bearing the following instructions "PARKING FOR RESIDENTS ONLY". Every person in whose name a vehicle is registered pursuant to law, upon receiving a written notice of a violation of this division shall, upon request, provide the Village Police Department with a written statement of the name and address of the operator of the vehicle at the time of the offense.

(Ord. 360, passed 11-9-81)

(C) Parallel parking shall be permitted on both sides of Davis Street from the intersection of South Sandusky Street on the west and Commercial Street on the east. (Ord. 342, passed 11-27-78)

(D) Parking is prohibited adjacent to the west line of the following vacated portion of Lookout Street: a strip eight feet in width east and west adjacent to Lot 6 in County Clerk's Subdivision of the south half of Section 34, Township 19 North, Range 12 West, extending from the south right-of-way line of the south lines of Lot 6 and Lot 5 in Clerk's Subdivision and north lines of Lots 7, 8, and 9 in Clerk's Subdivision, being a distance of 124.32 feet. (Ord. 459, passed 6-24-91)

(E) Penalty. Any person, firm, or corporation violating any of the provisions of divisions (A) or (C) of this schedule shall be fined not less than \$25 nor more than \$100 for each violation. Any person violating any provision of division (B) of this schedule shall be fined not less than \$35 nor more than \$100 for each offense. Any person arrested for a violation of

division (B) of this schedule shall be released upon proper bail being furnished, and the police officer may, in the absence of a judge, prescribe the amount of bail or bond in each instance. However, any arrested person may, at his own request, have that amount set by a judge.

(F) Additional penalty. Whenever any police officer finds a vehicle parked on Short Avenue in violation of any of the provisions of Ordinance No 648 codified above in division (A), the officer is authorized to have the vehicle removed, towed or caused to be removed or towed, or require the owner of the vehicle to move the same. The costs of such removal or towing, in addition to any fines imposed by the village code, shall be borne by the owner of the motor vehicle. (Ord. 648, passed 2-2-10)

SCHEDULE III. THROUGH STREETS

(A) Every driver of a vehicle or street car traversing any street intersecting with any through street shall stop the vehicle or street car before entering the through street unless a go signal is given at the intersection by a traffic officer or a traffic sign. The following streets and parts of streets are hereby declared to constitute through streets.

- (1) Sandusky Street
- (2) Vermilion Street
- (3) Paris Street
- (4) Webster Street

(B) Any person, firm, or corporation violating any provisions of this schedule shall be fined not less than \$1 nor more than \$100 for each offense. (Ord. 111, passed 9-30-35)

SCHEDULE IV. TRAFFIC-CONTROL DEVICES

(A) There shall be established stop and go signals at the following places.

<u>Ord. No.</u>	<u>Date</u>	<u>Location</u>
156	5-3-49	Intersection of Webster and Vermilion Streets.
160	8-8-49	Intersection of Sandusky and Vermilion Streets.

(B) The signals shall be as follows.

Green. Indicating to go or proceed.

Red. Indicating to stop.

Yellow. Indicating a warning that the signal is about to change.

(C) Any violation of this schedule shall be punishable by a fine of not less than \$1 nor more than \$100, and each violation shall be separate offense.

Section

76.01	Public nuisance
76.02	Exceptions
76.03	Seizure and impoundment
76.04	Bonding procedure
76.05	Vehicle impoundment hearing; notification
76.06	Unclaimed vehicles
76.07	Severability
76.99	Penalty

§ 76.01 PUBLIC NUISANCE.

(A) A motor vehicle which is used in the commission of or in conjunction with the commission of any of the offenses described herein shall be declared a public nuisance and shall be subject to seizure and impoundment pursuant to this chapter:

(1) The driver or any other person within the motor vehicle commits an act of prostitution or solicitation for prostitution in violation of the Illinois Criminal Code, ILCS Ch. 720, Act 5, §§ 11-14 or 11-14.1.

(2) The driver or any other person within the motor vehicle commits the offense of illegal depositing of trash or illegal dumping, in violation of any provision of the Village Code or any similar provision under state law.

(3) The driver of the motor vehicle, while being under the age of 21, is in possession of or has consumed an alcoholic beverage in violation of the Illinois Liquor Control Act, ILCS Ch. 235, Act 5, § 6-20.

(4) The driver or any other person within the motor vehicle commits a violation of the Illinois Criminal Code, ILCS Ch. 720, Act 5, § 21-1.5, concerning the transportation of anhydrous ammonia.

(5) The driver or any other person within the motor vehicle commits a violation of the Illinois Criminal Code, ILCS Ch. 720, Act 5, § 24-1.5, entitled "Reckless Discharge of a Firearm."

(6) The driver or any other person within the motor vehicle commits a violation of the Illinois Cannabis Control Act, ILCS Ch. 720, Act 550, §§ 1 et seq.

(7) The driver or any other person within the motor vehicle commits a violation of the Illinois Controlled Substance Act, ILCS Ch. 720, Act 570, §§ 100 et seq.

(8) The driver or any other person within the motor vehicle commits a violation of the Illinois Methamphetamine Control and Community Protection Act, ILCS Ch. 720, Act 646, §§ 1 et seq.

(9) The driver or any other person within the motor vehicle commits any act of vandalism in violation of § 132.51 of the

Village Code or any similar provision under state law and only where the vandalism results in injury to a person or damage to property.

(10) The driver or any other person in possession of a motor vehicle commits a violation of the Illinois Motor Vehicle Code, ILCS Ch. 625, Act 5, § 12-611, entitled "Sound Amplification Systems."

(11) The driver commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-505, entitled "Squealing or Screeching of Tires."

(12) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, §§ 6-101, et seq., or ILCS Ch. 625, Act 5, § 6-303, by operating the vehicle with a cancelled, suspended or revoked driver's license.

(13) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 7-601, by operating the vehicle without a required liability insurance policy.

(14) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-501, by operating the vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(15) The driver, other person in control of a motor vehicle, or other person within the motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-502, entitled "Transportation or Possession of Alcoholic Liquor in a Motor Vehicle."

(16) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-503, by engaging in reckless driving or aggravated reckless driving.

(17) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-506, by engaging in the offense of street racing or aggravated street racing.

(18) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-401, or ILCS Ch. 625, Act 5, § 11-402, by leaving the scene of a motor vehicle accident involving death or personal injuries, or involving damage to a vehicle.

(19) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-204 or ILCS Ch. 65, Act 5, § 11-204.1, by fleeing or attempting to elude a police officer.

(B) The penalties provided in this chapter shall be in addition to any penalties which may be imposed against the driver or other persons within the motor vehicle pursuant to any other village ordinance or state law.

(C) The term "MOTOR VEHICLE" as used in this chapter shall have the same meaning as set forth in § 70.01. In addition, the term "MOTOR VEHICLE" as used in this chapter shall include motorcycles, motor-drive cycles, and motorized pedalcycles, as defined in § 70.01. (Ord. 650, passed 4-20-10) Penalty, see § 76.99

§ 76.02 EXCEPTIONS.

This chapter shall not apply:

(A) If the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; or

(B) If the motor vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the motor vehicle. (Ord. 650, passed 4-20-10)

§ 76.03 SEIZURE AND IMPOUNDMENT.

Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this chapter, the police officer shall provide for the towing of the motor vehicle to a facility controlled by the village or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle, or any person who is found in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the owner's right to request a vehicle impoundment hearing, and of the owner's right to post a cash bond to recover the vehicle. (Ord. 650, passed 4-20-10)

§ 76.04 BONDING PROCEDURE.

(A) Whenever the owner of record of a motor vehicle seized and impounded pursuant to this chapter desires to retrieve the motor vehicle prior to the evidentiary hearing, they may do so by posting a cash bond at the office of the Village Clerk in the amount indicated herein. Once the bond has been posted and the towing and storage fees paid, the motor vehicle shall be released to its owner until the evidentiary hearing is held by the village's Code Hearing Department. The amount of the bond shall be \$300.

(B) If a motor vehicle may be subject to forfeiture pursuant to the Drug Asset Forfeiture Procedure Act, ILCS Ch. 725, Act 150, §§ 1 et seq., or any other state or federal law concerning the forfeiture of

property, the vehicle shall not be released by the posting of the bond described in this section.

(Ord. 650, passed 4-20-10)

§ 76.05 VEHICLE IMPOUNDMENT HEARING; NOTIFICATION.

(A) If the owner of a vehicle seized pursuant to this chapter desires to appeal the seizure, the owner must make a request for a vehicle impoundment hearing no later than the three business days after the seizure. The request shall be in writing and filed with the Village Clerk's office. If the request is timely filed, a hearing officer of the village shall conduct such hearing within 72 hours after the request, excluding Saturdays, Sundays and holidays. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this chapter, the hearing officer shall order the continued impoundment of the vehicle until the full evidentiary hearing pursuant to this section, unless the vehicle owner posts the applicable cash bond, and a notice of such full evidentiary hearing shall be given to the vehicle owner.

(B) Unless the vehicle owner has received a notice after a hearing held pursuant to division (A) of this section, within ten days after a motor vehicle is seized and impounded pursuant to this chapter, the village shall notify the owner of record of the date, time and location of a full evidentiary hearing concerning the seizure and impoundment. Such hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 30 days after the motor vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The hearing shall be conducted in accordance with Chapter 37 of the Village Code, or as provided by law.

(C) If, after the hearing set forth in division (B) of this section, the hearing officer determines by a preponderance of evidence that the motor vehicle was used in the commission of or in conjunction with any of the offenses described in § 76.01(A) and that none of the exceptions set forth in § 76.02 apply, then the hearing officer shall enter an order finding the owner of record of the motor vehicle civilly liable to the village and impose the penalties set forth in this chapter. If the hearing officer determines that no such violation occurred, the hearing officer shall order the return of the motor vehicle and/or any cash bond posted and towing and storage fees paid.

(D) In the event that the owner of record desires to appeal the decision of the hearing officer under the provisions of the Illinois

Administrative Review Act, he shall pay the costs of the preparation and transcription of the record of the hearing.
(Ord. 650, passed 4-20-10)

§ 76.06 UNCLAIMED VEHICLES.

Any motor vehicle which is not reclaimed within 30 days after expiration of the time during which the owner may seek judicial review of the village's actions pursuant to this chapter, or the time at which a final judgment is rendered in favor of the village, or the time a final administrative order is entered against an owner who is found in default, may be disposed of as an unclaimed motor vehicle as provided by law.
(Ord. 650, passed 4-20-10)

§ 76.07 SEVERABILITY.

If any provision or part of this chapter shall be found unconstitutional or outside the corporate powers of the village, the remaining provisions shall continue in full force and effect.
(Ord. 650, passed 4-20-10)

§ 76.99 PENALTY.

(A) Whenever a motor vehicle is used in the commission of or in conjunction with any of the offenses described in § 76.01(A), the motor vehicle may be impounded and the owner of record of the motor vehicle shall be liable for an administrative penalty in the amount of \$300 and any applicable towing and storage fees.

(B) Costs. In addition to any fine or other penalty imposed pursuant to this chapter, the owner of record shall be ordered to pay the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to, the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(C) If a penalty is imposed pursuant to this chapter, such penalty shall constitute a debt due and owing to the village. The owner of record's obligation to pay such debt to the village shall be independent of the village's return of any impounded motor vehicle. If a bond has been posted, the hearing officer shall enter an order deducting any fines and fees imposed pursuant to this chapter from the bond so posted.

(D) Except as otherwise provided in this chapter, an impounded motor vehicle shall be returned to the owner, or other person who is legally entitled to possess the motor vehicle, upon his or her payment to the village of the penalty or penalties imposed pursuant to this chapter, including the towing and storage fees, unless the motor vehicle has been sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

(E) Notwithstanding any other provisions of this chapter, whenever a person with a lien of record against a motor vehicle impounded under this chapter has commenced foreclosure or repossession proceedings, possession of the motor vehicle shall be given to that person, but only upon agreeing, in writing, to refund to the village the net proceeds of any sale of the motor vehicle less any amounts necessary to pay all lien holders of record, up to the total amount of penalties imposed pursuant to this chapter which are outstanding.
(Ord. 650, passed 4-20-10)

