

Chapter 15

MOTOR VEHICLES AND TRAFFIC *

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ARTICLE I. IN GENERAL

Sec. 15-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley. A public way within a block generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

Authorized emergency vehicle. Police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

Bicycles. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty (20) inches in diameter.

* Cross references – Operation of snowmobiles, mini-bikes, etc. on property of others, Sec. 13-5; streets and sidewalks, Sec. 18-1 et seq.; parking lots, Sec. 18-78 et seq.; vehicles for hire, Sec. 22-1 et seq.

Crosswalk.

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver. Every person who drives or is in actual physical control of a vehicle.

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 combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a 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 destructible 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 liquids. Any liquid which has a flash point of seventy (70) degrees Fahrenheit or less, as determined by tagliabue or equivalent closed cup test device.

Improved highway. A roadway of concrete, brick, asphalt, macadam or gravel.

Intersection.

- (1) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.
- (2) Where a highway includes two roadways forty (40) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

Laned roadway. A street, the roadway of which is divided into two (2) 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.

Merging traffic A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

Metal tire. Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, nonresilient material.

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, except for vehicles moved solely by human power and motorized wheelchairs. (Ord. No. 95-07, Sec. 1, 4-26-95)

Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

Pedestrian. Any person afoot.

Pneumatic tire. Every tire in which compressed air is designed to support the load.

Properly Equipped Non-highway Vehicle. A self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour (e.g. golf cart). The vehicle must also include at a minimum, brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem on the rear of the vehicle, 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 at least 100 feet from the rear, brake lights, turn signals, a windshield and seat belts. (Ord. No. 15-01, Sec. 1, 1-15-15)

Property line. The line marking the boundary between any street and the lots or property abutting thereon.

Public building. A building used by the municipality, the county, any park district, school district, the state of Illinois, or the United States government.

Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

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.

Roadway. That portion of a street or highway, improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus. Every motor vehicle of the second division, as defined by State law, owned or operated by or for a public or governmental agency or by or for a private or religious organization for the transportation of pupils in connection with any school activity. This definition does not include a bus operated by a public utility or a municipal corporation authorized to conduct local or interurban transportation of passengers.

Semitrailer. Every vehicle without motive power, other than a pole trailer, 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 curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

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

Street or highway. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of 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.

Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power or used exclusively upon stationary rails or tracks.

Yield right-of-way. When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear the vehicle may proceed into the intersection. (Ord. of 2-8-65, Sec. 1; (Ord. No. 15-01, Sec. 1, 1-15-15)

State law reference--For similar provisions, see 625 ILCS 5/1-101 et seq.

Sec. 15-2. Power of police to enforce chapter.

The Police Department of the Village shall enforce the provisions of this Chapter, and have the powers and duties enumerated in this Chapter. (Code 1958, Sec. 16.201)

Sec. 15-3. Tickets authorized.

For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle and the name of the offender where possible, may issue a traffic violation ticket notifying the offender of the violation, which ticket shall be placed on the vehicle or given to or mailed to the offender.

Sec. 15-4. Presumption of owner's responsibility.

The fact that an automobile which is illegally operated or parked is registered in the name of the person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

Sec. 15-5. Applicability to bicycles and animals.

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. (Ord. of 2-8-65, Sec. 11)

State law reference--For similar provisions, see 625 ILCS 5/11-206

Sec. 15-6. Exemptions for authorized emergency vehicles.

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this Chapter
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;
 - (3) Exceed the maximum speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning specified directions.
- (c) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of State law.

- (d) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. of 2-8-65, Sec. 12)

State law reference--For similar provisions, see 625 ILCS 5/11-205(b)-(e)

Sec. 15-7. Exemption for street maintenance vehicles.

The provisions of this Chapter, with the exception of Sections 15-26, 15-39 and 15-40 do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of the highway but apply to such persons and vehicles when traveling to or from such work, (Ord. of 2-8-65, Sec. 12)

State law reference--For similar provisions, see 625 ILCS 5/11-205(f)

Sec. 15-8. Authority to direct traffic; unauthorized directing.

Members of the Police Department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this Chapter, or in emergencies as public safety or convenience may require. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. (Ord. of 2-8-65, Sec. 2)

Sec. 15-9. Obedience to directions.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

State law reference--For similar provisions, see 625 ILCS 5/11-203

Sec. 15-10. Directing traffic at fires.

The Fire Department Officer in command or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire where the fire department equipment is on the scene in the absence of or in assisting the police. (Ord. of 2-8-65, Sec. 3)

Sec. 15-11. Conformity of devices to manual.

All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. (Ord. of 2-8-65, Sec. 4) State law reference--For similar provisions, see 625 ILCS 5/11-304

Sec. 15-12. Obedience to devices; evading.

- (a) Every person shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this Chapter, unless otherwise directed by a Police officer.
- (b) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device. (Ord. of 2-8-65, Sec. 4)

State law reference--For similar provisions, see 625 ILCS 5/11-305

Sec. 15-13. Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights successively one at a time, or with lighted green arrows, only the following colors shall be used and such terms and lights and lighted green arrows shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) *Circular green (alone).*
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) *Steady yellow.*
 - (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.
 - (b) Pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway, and no pedestrian shall start to cross.
- (3) *Steady red indication.*
 - (a) Vehicular traffic facing a steady red signal alone must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in Paragraphs (c)(2) and (c)(3) of this Section.
 - (b) Vehicular traffic facing a steady red signal at an intersection may turn right after stopping as required by Paragraph (c)(1) of this Section, but shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (c) No pedestrian facing such signal shall enter the roadway unless he can do so safely without interfering with any vehicular traffic or unless a separate "Walk" indication is shown.
- (4) *Green straight-through arrow (alone).*
 - (a) Vehicular traffic facing the signal may proceed straight through, but shall not turn right or left. Such vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians legally within the intersection at the time such signal is exhibited.

- (b) Pedestrians facing the signal may proceed across the roadway within the appropriate marked or unmarked crosswalk.
- (5) *Green turn arrow (with circular green, with steady yellow, with steady red, or with green straight-through arrow).*
- (a) Vehicular traffic facing the signal shall comply with the meaning of the circular green, steady yellow, steady red, or green straight-through arrow indication as if it were shown alone, except that such vehicular traffic may cautiously enter the intersection to make the movement indicated by the green turn arrow. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
 - (b) Pedestrians facing such signal shall comply with the meaning of the circular green, steady yellow, steady red, or straight-through arrow indication as if it were shown alone.
- (6) *Signals not at intersections.* In the event an official traffic-control signal or flashing red signal is erected and maintained at a place other than an intersection, the provisions of this Section and Section 15-14 shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made. (Ord. of 2-8-65, Sec. 5; Ord. of 9-10-73, Sec. 1; (Ord. No. 15-01, Sec. 3, 1-15-15)
 State law reference--For similar provisions, see 625 ILCS 5/11-306

Sec. 15-14. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

- (1) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles 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 a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (Ord. of 2-8-65, Sec. 6)

State law reference--For similar provisions, see 625 ILCS 5/11-309

Sec. 15-15. Traffic-control intersections enumerated.

The following intersection in the city is hereby designated a traffic control intersection:

- Route 14 and Lincoln Avenue
- Route 14 and Algonquin Road
- Route 14 and Route 22
- Route 14 and Foxmoor Road (Ord. No. 10-31, Sec. 1, 10-27-10)

Sec. 15-16. Lane-control signals.

Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

- (1) *Downward-pointing green arrow.* A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise he shall obey all other traffic *controls* present and follow normal safe driving practices.
- (2) *Red X symbol.* A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls and follow normal safe driving practices.
- (3) *Yellow X (steady).* A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed. (Ord. of 2-8-65, Sec. 7)

State law reference--For similar provisions, see 625 ILCS 5/11-308

Sec. 15-17. Posting signs.

The Superintendent of Streets and Parks shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys and stop intersections. (Ord. of 2-8-65, Sec. 204)

Sec. 15-18. Unauthorized signs.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic-control device or any railroad sign or signal.
- (b) No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
- (c) Every such prohibited sign, signal or marking is a public nuisance, and any policeman is due empowered to remove the same or cause it to be removed without notice. (Ord. of 2-8-65, Sec. 9) State law reference--For similar provisions, see 625 ILCS 5/11-3 10

Sec. 15-19. Interference with devices or railroad signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (Ord. of 2-8-65, Sec. 10)

State law reference--For similar provisions, see 625 ILCS 5/11-31 1

Sec. 15-20. Advertising signs and lights.

It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device, other than a traffic sign or signal authorized by the city council or the state department of public works and buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate in view of any street or highway any flashing or rotating beacon of light. (Ord. of 2-8-65, Sec. 13)

Sec. 15-21. Passengers on bicycles.

It shall be unlawful for more than one (1) person to ride upon any bicycle, unless the bicycle is specifically designed to safely carry two (2) persons. (Ord. of 2-8-65, Sec. 325)

Sec. 15-22. Riding on motorcycles.

The operator of a motorcycle shall ride only astride the permanent and regular seat or saddle attached thereto, and the operator shall not permit more than one (1) other person to ride thereon nor shall such other person ride on the motorcycle unless it is designed to carry two (2) people, in which event the passenger shall also ride astride the permanent and regular seat or saddle if it is designed for two (2) persons, or astride another seat or saddle firmly attached to the rear of the operator; however, any seat or saddle designed for a passenger must be equipped with permanent handgrips and, in addition, the motorcycle must be equipped with footrests adjusted to fit such passenger. A sidecar may be attached to a motorcycle in which additional persons may ride.

State law reference--For similar provisions, see 625 ILCS 5/11-1403

Sec. 15-23. Riding on outside of vehicle.

It shall be unlawful for any person to ride upon the outside of any vehicle. (Ord. of 2-8-65, Sec. 330)

Sec. 15-24. 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 to attach himself or his vehicle to any moving motor vehicle or wagon. (Ord. of 2-8-65, Sec. 328)

Sec. 15-25. Open containers in or about motor vehicles prohibited.

No person shall transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle, except in the original package and with the seal unbroken, on any public street, alley or thoroughfare in the city. (Ord. of 2-8-65, Sec. 703)

State law reference--For similar provisions, see 625 ILCS 5/11-501

Sec. 15-26. Accidents.

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, shall stop immediately, and render such

assistance as may be possible, and give his true name and residence to the injured person or any other persons requesting the same 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 such accident shall be given by the driver of each vehicle concerned in it to the Chief of Police within twenty-four (24) hours after the accident, if the accident resulted in injury to or the death of any person, or in which damage to the property of any one person, including the driver, in excess of one hundred (\$100.00) dollars is sustained. (Ord. of 2-8-65, Sec. 701)

State law reference--For similar provisions, see 625 ILCS 5/11-401 et seq.

Sec. 15-27. Violators entitled to bail.

Any person arrested for a violation of any provision of this Chapter shall be released upon proper bail being furnished as required by State law. (Ord. of 2-8-65, Sec. 902)

Secs. 15-28-15-38. Reserved.

ARTICLE II. OPERATION

DIVISION 1. GENERALLY

Sec. 15-39. Driving while under the influence of alcohol, other drug, or combination thereof.

- (a) A person shall not drive or be in actual physical control of any vehicle within this Village while:
- (1) The alcohol concentration in such person's blood or breath is 0.08 or more, based on the definition of blood and breath units in Subsection (c) of this Section.
 - (2) Under the influence of alcohol.
 - (3) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely driving.
 - (4) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.
 - (5) There is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Illinois Cannabis Control Act (720 ILCS 550/1 et seq.), as now or hereafter amended or a controlled substance listed in the Illinois Controlled Substance Act (720 ILCS 570/100 et seq.) as now or hereafter amended, (Ord. No. 97-27, Sec. 9, 8-21-97)
- (b) The fact that any person charged with violating Subsection (a) of this Section is or has been legally entitled to use alcohol, or other drugs, or any combination of both, shall not constitute a defense against any charge of violating Subsection (a) of this Section.

- (c) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Subsection (a) of this Section, evidence of the concentration of alcohol, other drug or 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:
- (1) Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this Subsection shall have been performed according to standards promulgated by the Illinois Department of Public Health in consultation with the Illinois Department of Law Enforcement by an individual possessing a valid permit issued by the Illinois Department of Public Health for this purpose.
 - (2) When a person shall submit to a blood test at the request of a Village Police officer as provided by State law, only a physician authorized to practice medicine, a registered nurse or other qualified person approved by the Illinois Department of Public Health 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) 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 village police 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 Village Police officer.
 - (4) Upon the request of the person who shall submit to a chemical test or tests at the request of a Village Police officer, full information concerning the test or tests shall be made available to the person or such person's attorney.
 - (5) Alcohol concentration shall mean either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.
- (d) If a Village Police officer has probable cause to believe that a person is violating or has violated Subsection (a) of this Section, the Officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Illinois Department of Public Health. The results of this preliminary breath screening test may be used by the Village Police officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under state law and the appropriate type test to request. Any chemical test authorized under State law may be requested by the Officer regardless of the result of the preliminary breath screening test, if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Subsection (a) of this Section.
- (e) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle 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:

- (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) The foregoing provisions of this Subsection shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question of whether the person was under influence of alcohol.
- (f) If a person under arrest refuses to submit to a chemical test as provided by State law, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol or other drugs, or a combination of both was driving or in actual physical control of a motor vehicle.
- (g) (1) Any person convicted of violating the provisions of Subsection (a) of this Section shall be guilty of a misdemeanor and, upon conviction, except as set forth in Subsection (g)(2) of this Section, shall be subject to one (1) or more of the following penalties:
- a. A period of probation of less than one (1) year.
 - b. A term of periodic imprisonment in a penal institution, other than a penitentiary, for a term of less than one (1) year.
 - c. A term of conditional discharge for a period of less than one (1) year.
 - d. A term of incarceration in a penal institution, other than a penitentiary, for a term of less than one (1) year.
 - e. A fine, not to exceed one thousand (\$1,000.00) dollars.
 - f. If such person pleads guilty or stipulates to the facts supporting a charge or a finding of guilty, the court may defer further proceedings and the imposition of a sentence and enter an order for the supervision of the defendant, if the court is of the opinion that the standards set forth in Section 5/5 -6-1(c) of the Unified Code of Corrections (730 ILCS 5/5-6-1(c)) are met; provided, however, that no order of

supervision shall be entered with respect to a defendant charged with violating Subsection (a) of this Section, if said defendant within the last five (5) years has:

1. Been convicted for a violation of 625 ILCS 5/11-501, Subsection (a) of this Section or a similar provision of a local ordinance enacted by another municipality; or
2. Been assigned supervision for a violation of 625 ILCS 5/11-501, Subsection (a) of this Section or a similar provision of a local ordinance enacted by another municipality; or
3. Pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of 625 ILCS 5/11-503 or Section 15-40 of this Code or a similar provision of a local ordinance enacted by another municipality, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the Village prosecutor with regard to the standards referred to in this Subsection.

- (2) In addition to any other criminal or administrative action where a person is convicted of violating Subsection (a) of this Section, and such person has, during the preceding five (5) years, been convicted of violating either Subsection (a) of this Section, 625 ILCS 5/11-501 or a similar provision of a local ordinance enacted by another municipality, such person shall be mandatorily sentenced to a minimum of forty-eight (48) consecutive hours of incarceration in a penal institution, other than a penitentiary, or assigned to a minimum of ten (10) days of community service, as may be determined by the court. The imprisonment or assignment shall not be subject to supervision, nor shall said person be eligible for probation in order to reduce the sentence or assignment. (Ord. of 2-8-65, Sec. 702; Ord. of 10-9-72, Sec. 1; Ord. No. 81-28, Sec. 1, 12-16-81; Ord. No. 83-10, Sec. 1, 11-16-83; Ord. No. 86-01, Sec. 1, 1-15-86; Ord. No. 05-16, Sec. 3, 7-21-05)
- (3) Every person found guilty of violating Subsection (a) of this Section, whose operation of a motor vehicle while in violation of Subsection (a) of this Section proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of an emergency response as provided under 730 ILCS 5/5-5-3.
- (4) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of Subsection (a) of this Section, individuals shall be required to undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Illinois Department of Alcoholism and Substance Abuse. The cost of any such professional evaluation shall be paid for by the individual required to undergo such professional evaluation. (Ord. No. 91-02, Sec. 1, 1-16-91)

Sec. 15-40. Reckless driving.

It shall be unlawful for any person to drive a vehicle with a willful or wanton disregard for the safety of persons or property, and any person who does so shall be guilty of reckless driving. (Ord. of 2-8-65, Sec. 321)

State law reference--For similar provisions, see 625 ILCS 5/11-503

Sec. 15-41. Careless driving.

It shall be unlawful for any person to drive a vehicle in a careless manner. (Ord. of 2-8-65, Sec.321)

Sec. 15-42. Obstructing traffic.

No vehicle shall be operated or allowed to remain upon the street in such a manner as to form an unreasonable obstruction to the traffic thereon. (Ord. of 2-8-65, Sec. 324)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

State law reference--For similar provisions, see 625 ILCS 5/11-1416

Sec. 15-43. Following; parking near fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

State law reference--For similar provisions, see 625 ILCS 5/11-1411

Sec. 15-44. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference--For similar provisions, see 625 ILCS 5/11-1412

Sec. 15-45. Driving upon sidewalk.

No person shall drive any motor-driven vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway, or for routine maintenance, utility or emergency service, or for special delivery or pickup involving goods or customer services. (Ord. of 2-8-65, Sec. 306)

State law reference--For similar provisions, see 625 ILCS 5/11-1412.1

Sec. 15-46. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone. (Ord. of 2-8-65, Sec. 306)

State law reference--For similar provisions, see 625 ILCS 5/11-1104

Sec. 15-47. Entering and leaving limited access roadways.

No person shall drive a vehicle onto or from any controlled or limited controlled access roadway except at such entrances and exits as are established by public authority. (Ord. of 2-8-65, Sec. 336) State law reference --For similar provisions, see 625 ILCS 5/11-711(a)

Sec. 15-48. Limitations on backing.

(a) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interference with other traffic.

(b) The driver of a vehicle shall not back the same on any controlled access highway. (Ord. of 2-8-65, Sec. 335)

State law reference --For similar provisions, see 625 ILCS 5/11-1402

Sec. 15-49. Funeral processions.

(a) Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights lighted, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer.

(3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in procession shall proceed with due caution.

(b) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(c) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this Section to funeral processions.

(d) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(e) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles

comprising a funeral procession may utilize funeral pennants or tags or windshield stickers to identify the individual vehicles in such a procession. (Ord. of 2-8-65, Sec. 332--334)

State law reference--For similar provisions, see 625 ILCS 5/11-1420

Sec. 15-50. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
- (3) Official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.
- (4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (Ord. of 2-8-65, Sec. 319)

State law reference--For similar provisions, see 625 ILCS 5/11-709

Sec. 15-51. One-way roadways and rotary traffic islands.

- (a) The city council with respect to highways under its jurisdiction, may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as shall be indicated by official traffic-control devices.
- (b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.
- (c) A vehicle passing around a rotary traffic island must be driven only to the right of such island.
- (d) Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority. (Ord. of 2-8-65, Sec. 318)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
State law reference--For similar provisions, see 625 ILCS 5/11-708

Sec. 15-52. One-way streets enumerated.

The following streets and parts of streets in the Village, when properly sign-posted, are hereby declared to be one-way streets; and it shall be unlawful to operate any vehicle on a one-way street in any direction other than the direction designated as follows, respectively:

Adams Road, one-way northbound between Circle Road and North River Road.

Adams Road, one-way northbound between Opatrny Drive and Circle Road.

Elder Lane, one-way northbound between Hillcrest Avenue and Lincoln Avenue. (Ord. No. 96-37, Sec. 2, 9-19-96)

Lily Lane, one-way northbound between Oak Street and Woodbine Lane.

Lucille Way, one-way eastbound between Lucille Avenue and Glenice Parkway.

Opatrny Drive, one-way westbound between Illinois and Glenice Parkway.

Park Way, one-way southbound and eastbound between Center Street and Grace Lane.
(Ord. of 2-8-65, Sec. 202; Ord. No. 85-12, Sec. 1, 10-16-85; Ord. No. 85-15, Sec. 1, II-20-85; Ord. No. 85-16, Secs. 1, 2, 12-11-85; Ord. No. 86-05, Secs. 1-3, 5-21-86; Ord. No. 86-12, Secs. 1, 2, 12-10-86; Ord. No. 87-03, Secs. 1, 2, 1-21-87; Ord. No. 90-17, 7-18-90; Ord. No. 91-30, Sec. 1, 9-18-91; Ord. No. 10-09, Sec. 1, 2-18-10)

Sec. 15-53. Limited one-way traffic when school is in session.

- (a) When school is in session, traffic on Ridgeland from Mound Street to Ridgeland Street shall be northbound between the hours of 7:30 a.m. and 8:30 a.m. and between 3:00 p.m. and 4:00 p.m.
- (b) When school is in session, traffic shall move one way as designated by appropriate signs posted on Mound, Ridgeland and Midway Streets between the hours of 7:30 a.m. and 8:30 a.m. and between 2:30 p.m. and 3:30 p.m. (Ord. of 1-9-70, Sec. 1; Ord. No. 77-22, Sec. 1, 8-31-77; Ord. No. 80-30, Sec. 1, 10-15-80; Ord. No. 90-17, 7-18-90)

Sec. 15-54. Vehicles in excess of eight thousand pounds prohibited on streets; exception.

It shall be unlawful to drive any vehicle, which, with its load, exceeds eight thousand (8,000) pounds on any street in the village, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose. (Ord. of 2-8-65, Sec. 337)

Sec. 15-55. Reserved.

Sec. 15-56. Play streets.

The streets or parts of streets designated by Ordinance as play streets are hereby declared to be play streets. During the hours that any play street is in use for the purpose of recreation, the roadway thereof shall be closed to vehicular traffic by ropes or other removable barriers, and at each end of such section there shall be placed a standard sign on which shall be printed, in letters plainly legible for a distance of one hundred (100) feet, a notice designating such street as a play street. Such signs shall be kept in place until the close of the period of recreation each day that it is so used, and shall then be removed, together with the said barriers. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof. (Ord. of 2-8-65, Sec. 339)

Sec. 15-57. Playing on streets.

It shall be unlawful for any person to play or participate in any form of recreation on any street in the Village except on a street designated as a play street as provided in this Article. (Ord. of 2-8-65, Sec. 340)

Sec. 15-58. Following too closely.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street.
- (b) The driver of any motor vehicle of the second division or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow within three hundred (300) feet of another motor vehicle of the second division or motor vehicle drawing another vehicle. The provisions of this Subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor vehicles of the second division.
- (c) Motor vehicles being driven upon any street outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. (Ord. of 2-8-65, Sec. 342)

State law reference--For similar provisions, see 625 ILCS 5/11-710

Sec. 15-59. Operation of ambulances.

No person shall operate an ambulance, which shall include any motor vehicle primarily designed and used for conveyance of sick or injured persons, in a manner not conforming to a provision of the motor vehicle laws and regulations of this State or of this Village as such provisions apply to motor vehicles in general, except in compliance with the following conditions:

- (1) The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved;
- (2) The ambulance shall be equipped with a siren producing an audible signal of an intensity of one hundred (100) decibels at a distance of fifty (50) feet from said siren, and with a lamp emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle and containing a power rating of at least one hundred (100) amps;
- (3) The aforesaid siren and lamp shall be in full operation at all times during such trip or journey; and
- (4) Whenever the ambulance is operated at a speed in excess of forty (40) miles per hour, the ambulance shall be operated in complete conformance with every other motor vehicle law and regulation of this State and of this Village in which the ambulance is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway. (Ord. of 2-8-65, Sec. 343)

State law reference--For similar provisions, see 625 ILCS 5/11-1421

Sec. 15-60. Operation of properly equipped non-highway vehicles.

Subject to the requirements of Sections 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which are hereby adopted by the Village only as to properly equipped non-highway vehicles as defined in this article, and any other requirements imposed by this article, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to operate properly equipped non-highway vehicles on all roadways of the Village except Route 14, Route 22 and Algonquin Road—except for that portion between Lexington Avenue and Lincoln Avenue. A properly equipped non-highway vehicle shall be permitted to cross Route 14 only at its intersection with Lincoln Avenue. (Ord. No. 15-01, Sec. 2, 1-15-15)

Sec. 15-61. Maximum occupancy in properly equipped non-highway vehicles.

The maximum occupancy of properly equipped non-highway vehicles travelling on Village streets shall be equal to the number of safety belts or passenger restraints in said vehicle. (Ord. No. 15-01, Sec. 2, 1-15-15)

Sec. 15-62. Properly equipped non-highway vehicles must yield right-of-way.

Properly equipped non-highway vehicles must yield the right-of-way to overtaking vehicles at all times. (Ord. No. 15-01, Sec. 2, 1-15-15)

Sec. 15-63. Other laws, regulation and ordinances.

A properly equipped non-highway vehicle shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village (e.g. no properly

equipped non-highway vehicle may be operated on sidewalks or on park land—aside from areas accessible to other motor vehicles), as well as any laws, regulations or ordinances specifically pertaining to Non-Highway Vehicles and the operation thereof.

Properly equipped non-highway vehicles shall be subject to all ordinances governing the parking of motor vehicles in the Village.

Municipally owned vehicles shall be exempt from the provisions of this Ordinance. (Ord. No. 15-01, Sec. 2, 1-15-15)

Secs. 15-64--15-65. Reserved.

DIVISION 2. SPEED

Sec. 15-66. Speed generally.

- (a) It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the State of Illinois, McHenry County or Lake County, in an urban district within the village at a speed in excess of twenty-five (25) miles per hour, or in an alley at a speed in excess of fifteen (15) miles per hour, unless the street has been designated as a minor arterial street as provided in Section 15-69 of this Code.
- (b) Provided, that if the President and Board of Trustees by ordinance, sets other limits as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinances. The Chief of Police shall have the authority to have appropriate signs installed showing such speed limits.
- (c) The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.
- (d) It shall be unlawful to drive any vehicle on any street or highway within the village under the jurisdiction of the State of Illinois, McHenry County or Lake County, at a speed exceeding that lawfully set for such street.
- (e) Provided further that the speed of all vehicles of the second division as defined by Statute shall be as follows:
 - (1) If the vehicle is designed and used for pulling or carrying freight and has a gross weight of eight thousand (8,000) pounds or less, including the weight of the vehicle and maximum load, and is equipped with pneumatic tires, the maximum is fifty-five (55) miles per hour outside of an urban district, twenty-five (25) miles per hour in an urban

district, and fifteen (15) miles per hour in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten (10) miles per hour at all times and in all locations.

- (2) If the vehicle is designed and used for pulling or carrying freight and has a gross weight of more than eight thousand (8,000) pounds, including the weight of the vehicle and maximum load, and is equipped with pneumatic tires, the maximum is fifty (50) miles per hour outside of an urban district, twenty-five (25) miles per hour in an urban district, and fifteen (15) miles per hour in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten (10) miles per hour at all times and in all locations. (Ord. of 2-8-65, Sec. 322, Ord. 05-15, Sec. 1, 7-21-05)

State law reference--Alteration of state speed limits by local authorities, 625 ILCS 5/11-604

Sec. 15-67. Special speed limits when passing schools.

No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present. Appropriate signs shall be posted to indicate this restriction. (Ord. of 2-8-65, Sec. 323)

State law reference--For similar provisions, see 625 ILCS 5/11-605

Sec. 15-68. Speed restricted zones.

The speed limit on minor arterial streets for vehicles of the first division is thirty (30) miles per hour. The following street is designated as a minor arterial:

- (1) Algonquin Road, between U.S. Highway Route 14 and the Village Corporate limits.

(Ord. No. 74-9, Sec. 1, 9-11-74; Ord. No. 82-17, Sec. 1, 10-20-82; Ord. No. 87-21, Sec. 1, 9-16-87; Ord. No. 05-15, Sec. 2, 7-21-05)

Secs. 15-69--15-73. Reserved.

DIVISION 3. OVERTAKING AND PASSING

Sec. 15-74. Duty to keep to right; exceptions; slow-moving traffic.

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:
- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
 - (2) When the right half of a roadway is closed to traffic while under construction or repair.
 - (3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.

- (4) Upon a roadway restricted to one-way traffic.
- (5) Whenever there is a single-track paved road on one side of the public highway and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (Ord. of 2-8-65, Sec. 313)

State law reference--For similar provisions, see 625 ILCS 5/11-701

Sec. 15-75. Manner of meeting vehicles.

Drivers of vehicles proceeding in opposite direction, except as provided in Section 15-74 shall pass each other to the right and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible. (Ord. of 2-8-65, Sec. 314)

State law reference--For similar provisions, see 625 ILCS 5/11-702

Sec. 15-76. Manner of overtaking, passing vehicles.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter:

- (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (3) The driver of a two (2) wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely. (Ord. of 2-8-65, Sec. 315)

State law reference--For similar provisions, see 625 ILCS 5/11-703

Sec. 15-77. Overtaking vehicles on the right.

- (a) The driver of a vehicle with three (3) or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn.
 - (2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.
 - (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstruction and of sufficient width for two (2) or more lines of moving vehicles.
- (b) The driver of a two (2) wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight (8) feet.
 - (c) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Ord. of 2-8-65, Sec. 316)

State law reference--For similar provisions, see 625 ILCS 5/11-704

Sec. 15-78. Limitations on overtaking on the left.

- (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.
- (b) No vehicle shall in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:
 - (1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within sufficient distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 - (2) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.
 - (3) Where official signs are in place directing that traffic keep to the right, or a distinctive sign also directs traffic as declared in the sign manual adopted by the State Department of Public Works and Buildings.
 - (4) The limitations in Subparagraphs (1) and (2) of Subsection (b) shall not apply upon a one-way street, or upon a street with unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction when such movement can be made with safety. (Ord. of 2-8-65, Sec. 317)

State law reference--For similar provisions, see 625 ILCS 5/11-705, 625 ILCS 5/11-706

Sec. 15-79. Meeting, passing school buses.

- (a) The driver of a vehicle upon a highway upon meeting or overtaking, from either direction, any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching the school bus when there is in operation on the school bus a visual signal as specified by State law, and the driver shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.
- (b) Every school bus when used for the transportation of school children must comply with the color requirements established by the superintendent of public instruction and shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, and in addition shall be equipped with visual signals meeting the requirements of State law, which shall be actuated by the driver of the school bus immediately preceding the point at which the school bus stops for the purpose of loading or discharging passengers. Such visual signals shall be actuated by the driver continuously during not less than the last one hundred (100) feet traveled by the school bus within a business or residence district, except that outside a business or residence district such visual signals shall be given continuously during not less than the last two hundred (200) feet traveled by the school bus. Such visual signals must remain actuated when children are loading or unloading from a school bus which is stopped on a roadway. At no other time shall these visual signals be actuated.
- (c) The driver of a vehicle upon a highway of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway; and need not stop his vehicle when driving upon a controlled access highway when a school bus is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross such controlled access highway.
- (d) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or in connection with any school activity, all signs thereon indicating "SCHOOL BUS" shall be covered or concealed. (Ord. of 2-8-65, Sec. 341)

State law reference--For similar provisions, see 625 ILCS 5/11-1414

Secs. 15-80--15-85. Reserved.

DIVISION 4. TURNING

Sec. 15-86. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- (2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) The city council may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices. (Ord. of 2-8-65, Sec. 301)

Sec. 15-87. Turning on the curve or crest of a hill.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet. (Ord. of 2-8-65, Sec. 302)

State law reference--For similar provisions, see 625 ILCS 5/11-802

Sec. 15-88. When signal required.

- (a) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-86 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.
- (b) A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last two hundred (200) feet traveled by the vehicle before turning outside a business or residence district.
- (c) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.
- (d) The electric turn signal device required by State law must be used to indicate an intention to turn, change lanes or start from a parallel parked position but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing. (Ord. of 2-8-65, Sec. 309)

State law reference--For similar provisions, see 625 ILCS 5/11-804

Sec. 15-89. Signal by hand and arm or signal device.

Any stop or turn signal when required herein shall be given either by means of the hand and arm or by an electric turn signal device. (Ord. of 2-8-65, Sec. 304)

State law reference--For similar provisions, see 625 ILCS 5/11-805

Sec. 15-90. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (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. of 2-8-65, Sec. 304)

State law reference--For similar provisions, see 625 ILCS 5/11-806

Sec. 15-91. No left turn.

It shall be unlawful for the operator of any vehicle to turn left at the intersections/locations set forth below or at any other place where such turns are prohibited by Ordinance:

- (1) The intersection of the driveway from the Chicago Northwestern Commuter Lot and Algonquin Road.
- (2) No left turn shall be made by vehicles exiting the METRA lot access driveway located on the northerly side of Lincoln (400 Lincoln) to Lincoln.

Such prohibition shall be indicated by appropriate signs. (Ord. No. 92-01, Sec. 1, 1-15-92; Ord. 10-38, Sec. 1, 12-16-10)

State law reference--Authority to regulate turns, 625 ILCS 5/11-208(a)9.

Sec. 15-92. "U" turns.

- (a) It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing into traffic or otherwise interfering with traffic.
- (b) It shall be unlawful for the operator of any vehicle to make a "U" turn at any place where such turns are prohibited by Ordinance. Such prohibition shall be indicated by appropriate signs. (Ord. of 2-8-65, Sec. 309, 310)

Secs. 15-93--15-98. Reserved.

Editor's Note--Ord. 90-17, 7-18-90 repealed Sec. 15-93 "Right Turn Prohibited on Certain Streets Except for Permit Holders" in its entirety.

DIVISION 5. RIGHT-OF-WAY**Sec. 15-99. Vehicles approaching or entering intersection.**

- (a) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.
- (b) The right-of-way rule declared in Subsection (a) of this Section is modified at through highways and otherwise as stated in this Chapter. (Ord. of 2-8-65, Sec. 307)

State law reference--For similar provisions, see 625 ILCS 5/11-901

Sec. 15-100. Vehicle turning left.

The driver of a vehicle 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 said driver, having so yielded may proceed at such time as a safe interval occurs. (Ord. of 2-8-65, Sec. 308)

State law reference--For similar provisions, see 625 ILCS 5/11-902

Sec. 15-101. Vehicles entering stop crosswalk.

Where stop signs or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

State law reference--For similar provisions, see 625 ILCS 5/11-903

Sec. 15-102. Vehicle entering stop or yield intersection.

- (a) Preferential right-of-way at an intersection may be indicated by stop or yield signs.
- (b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle 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 driver has a view of approaching traffic on the intersecting roadway, before entering the intersection. After having stopped, the driver 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 driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as a safe interval occurs.
- (c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, 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 driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver 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 such driver is moving across or within the intersection.

- (d) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

State law reference--For similar provisions, see 625 ILCS 5/11-904

Sec. 15-103. Duty to stop and yield right-of-way at through streets.

The streets and parts of streets of the city designated by Section 15-104 as through streets are hereby declared to be through streets, and the driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by the traffic officer or a traffic control signal.

Sec. 15-104. Through streets enumerated.

The following streets and portions of streets are designated as through streets:

Algonquin Road

Highway 14

North Lincoln Avenue

North River Road

School Drive

South Lincoln Avenue. (Ord. of 2-8-65, Sec. 20)

State law reference--Authority of city to designate through streets, 625 ILCS 5/11-208(a)6.

Sec. 15-105. Merging traffic.

At an intersection where traffic lanes are provided for merging traffic, the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

State law reference--For similar provisions, see 625 ILCS 5/11-905

Sec. 15-106. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered. (Ord. of 2-8-65, Sec. 301, 305)

State law reference--For similar provisions, see 625 ILCS 5/11-906

Sec. 15-107. Duties on approach of authorized emergency vehicles.

- (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of law or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle on the same roadway shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop, if possible, and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Ord. of 2-8-65, Sec. 312, 320)

State law reference--For similar provisions, see 625 ILCS 5/11-907

Secs. 15-108--15-113. Reserved.**DIVISION 6. STOPPING****Sec. 15-114. Obedience to signal indicating approach of train.**

Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train.
- (3) A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (5) A railroad train is approaching so closely that an immediate hazard is created. (Ord. of 2-8-65, Sec. 331)

State law reference--For similar provisions, see 625 ILCS 5/11-1201

Sec. 15-115. Certain vehicles must stop at all railroad grade crossings.

- (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids flammable or poisonous compressed gases,

volatile liquids and solids which emit poisonous fumes, corrosive liquids, and radioactive materials as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

- (b) After stopping as required in this Section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.
- (c) No stop need be made at any such crossing where a Police officer or a traffic-control signal directs traffic to proceed. (Ord. of 2-8-65, Sec. 331)

Sec. 15-116. Duty to stop at designated stop intersections.

The street intersections of the city designated by Section 15-117 to be stop intersections are hereby designated as stop intersections, and all vehicles shall stop at the entrances to such intersections and shall proceed cautiously yielding to vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the Police officer shall be complied with.

Sec. 15-117. Stop intersections enumerated.

- (a) The following street intersections are hereby designated as stop intersections, and all vehicles shall stop at the entrances to such intersections as indicated by the signs located at such intersections, and shall proceed cautiously yielding to vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a Police officer on duty, in which event the directions of the Police officer shall be complied with:

<i>Stop street</i>	<i>Through street</i>
Adams Avenue	Circle Road
Adams Avenue	Crescent Road
Adams Avenue	North River Road
Algonquin Road (Traffic Light)	Route 14
Amherst Court	Foxmoor Road
Asbury Court	Lexington Avenue
Asbury Avenue	Lexington Avenue
Asbury Avenue (old)	Foxmoor Road
Asbury Avenue	Foxmoor Road
Ashcroft Court	Old Hunt Road
Barberry Trail	Norge Parkway
Bayview Road	Lincoln Avenue
Beachway Avenue	Lincoln Avenue

MOTOR VEHICLES AND TRAFFIC

Beachway Avenue	Millard Avenue
Birch Lane	Barberry Trail
Bradbury Court	Hunters Way
Bridle Path Lane	Route 22
Bridle Path Lane	Bridle Path Court
Brighton Court	Foxmoor Road
Bristol Lane	Foxmoor Road
Bristol lane	Hunters Way
Center Street	Grace Lane
Center Street	Lincoln Avenue
Chatham Court	Yorkshire Drive
Circle Road	Crescent Road
Circle Road	Lincoln Avenue
Concord	Asbury
Concord	Lexington
County Line Road	Route 22
Crescent Road	Lincoln Avenue
Crescent Road	North River Road
Crompton Court	Foxmoor Road
Doverton	Lexington Avenue
Doverton	Bristol Lane
Doyle Road	Route 14
Doyle Road	Route 22
Elder Lane	Lincoln Avenue
Elder Lane	Algonquin Road
Ellington Circle	Barberry Trail
Essex Road	Hunters Way
Essex Road	Old Hunt Road
Foxanna Circle	Pleasant Street
Fox Glen Court	Route 22
Fox Glen Court	County Line Road
Foxmoor Road	Lexington Avenue
Foxmoor Park Parking Lot Exit Driveway	Foxmoor Road
Gardner Road	Route 22
Gladys Avenue	Algonquin Road
Gladys Avenue	Lincoln Avenue
Gladys Avenue	South River Road
Glenhurst Court	Old Hunt Road
Glenice Parkway	Lucille Avenue
Glenice Parkway (southbound only)	Opatrny Drive (three-way stop)
Grace Lane	Algonquin Road
Grace Lane	Beachway
Grace Lane	Lincoln Avenue
Grace Lane	Lincoln Avenue
Grove Avenue	Algonquin Road
Grove Avenue	Lincoln Avenue

MOTOR VEHICLES AND TRAFFIC

Grove Avenue	South River Road
Harding Avenue	Harding/Birch Lane
Harding Avenue	Lincoln Avenue
Harding Avenue	North River Road
Heather Court	Gardner Road
Hillcrest Avenue	Elder Lane
Hillcrest Avenue	Lincoln Avenue
Huntcliff Court	Foxmoor Road
Hunters Way	Foxmoor Road
Hunters Way	Lexington Avenue
Illinois Street	Opatrny Drive
Illinois Street	Route 14
Jasmine Way	Victoria Lane
Keystone Avenue	Lincoln Avenue
Lexington Avenue	Algonquin Road
Liberty Street	Elder Lane
Liberty Street	Lincoln Avenue
Lily Lane	Norge Parkway
Lincoln Avenue	North River Road
Lincoln Avenue	Lincoln Avenue
Lincoln Avenue	Algonquin Road
Lincoln Avenue	Route 14
Lucille Avenue	Illinois Street
Lucille Avenue	Route 14
Manchester Court	Foxmoor Road
Maple Avenue	Lincoln Avenue
Melrose Court	Old Hunt Road
Midway Street	School Drive
Millard Avenue	Algonquin Road
Millard Avenue	Lincoln Avenue
Millard Avenue	South River Road
Morgan Lane	Route 22
Morgan Lane	Morgan Lane
Morgan Lane	Bridle Path Lane
Norge Parkway	Ski Hill Road
Norge Parkway	Woodbine
North River Road	Route 14
Oak Street	Orchard Street
Oak Street	Ski Hill Road
Oak Street	Wildwood Lane
Old Hunt Road	Algonquin Road
Old Hunt Road	Foxmoor Road
Old Hunt Road	Hunters Way
Old Hunt Road	Lexington Avenue
Opatrny Drive	Adams Avenue
Opatrny Drive (northbound only)	Glenice Parkway (three-way stop)

MOTOR VEHICLES AND TRAFFIC

Opatrny Drive
Opatrny Drive
Opatrny Drive
Orchard Street
Orchard Street
Park Court
Paul Court
Picnic Grove Park – Parking Lot Exit Driveway
Pine Street
Pleasant Street
Pleasant Street
Plum Tree Road
Primrose Lane
Primrose Lane
Primrose Court
Route 22 (Traffic Light)
Saddle Lane
Saddle Lane
School Street
School Street
School Street
South Lincoln Avenue
South River Road
Ski Hill Road
Thackeray Lane
Thackeray Lane
Tower Place
Victoria Drive
Victoria Drive
Violet Avenue and Ski Hill Road:

Lincoln Avenue
Orchard Street
Route 14
Opatrny Drive
School Drive
Orchard Street
Elder Lane
Birch Lane
Algonquin Road
Violet Avenue
Barberry Trail
Algonquin Road
Camellia Place
Route 22
Primrose Lane
Route 14
Morgan Lane
Bridle Path Lane
Mound
Ski Hill Road
Route 14
South River Road
Algonquin Road
Route 22
Essex Road
Hunters Way
Algonquin Road
Primrose Lane
Gardner Road
The intersection of Violet Avenue and
Ski Hill Road is hereby designated as a
stop intersection for traffic traveling on
Violet Avenue and for southbound
traffic on Ski Hill Road. This
intersection shall be a through
intersection for traffic traveling
northbound on Ski Hill Road.
Birch Lane
Ski Hill Road
Ski Hill Road
Foxmoor Road
Foxmoor Road

Windsor Circle
Woodbine
Woodbine (south)
Yorkshire Drive
Yorkshire Drive

(Ord. No. 11-21, Sec. 1, 7-21-11)

- (b) The following street intersections are hereby designated as three-way stop intersections, and all vehicles shall stop at the entrance to such intersections as indicated by the signs located at such intersections, unless traffic at such intersections is controlled by a Police officer on duty; in which event, the directions of the Police officer shall be complied with:

Foxmoor Road and Yorkshire Drive
 Mound Street and School Drive.
 Old Hunt Road and Hunters Way.
 Old Hunt Road and Lexington Avenue.
 Lexington Avenue and Hunters Way.

(Ord. of 2-8-65, Sec. 203; Ord. No. 74-12, Sec. 2, 11-13-74; Ord. No. 79-09, Sec. 1, 3-21-79; Ord. No. 79-3 1, Sec. 1, 10- 1 7-79; Ord. No. 81-26, Sec. 1-4, 9-16-8 1; Ord. No. 82-03, Sec. 1, 3 -17-82; Ord. No. 82-05, Sec. 1, 2, 4-21-82; Ord. No. 83-04, Sec. 1, 2, 6-15-83; Ord. No. 87-02, Sec. 1, 2, 1-21-87; Ord. No. 94-08, Sec. 2, 3-17-94; Ord. No. 96-03, Sec. 3, 1-18-96; Ord. No. 2000-04, Sec. 1, 1-20-2000, Ord. 05-17, Sec. 1, 7-21-05; Ord. No. 05-36, Sec. 1 & 2, 11-17-05)

State law reference--Authority of city to designate stop intersections, 625 ILCS 5/11-1204

- (c) All vehicles traveling northbound on Foxmoor Road shall stop on the south side of the right of-way for the Union Pacific Railroad tracks at the location indicated by a stop sign, unless traffic at such location is controlled by a Police officer, on duty, in which event the directions of the Police officer shall be complied with. (Ord. No. 96-03, Sec. 2, 1-18-96)
- (d) (1) Whenever the warning signals at the Algonquin Road grade crossing over the right-of-way of the Union Pacific Railroad are flashing and/or sounding, all northbound traffic on Algonquin Road which have not passed the sign stating "Stop Here on Red" at the time the warning signals begin to flash and/or sound, shall stop at or south of the location designated by the "Stop Here on Red" sign and shall not proceed to enter upon the right-of-way for the Union Pacific Railroad tracks until such time as the warning signals cease sounding and flashing and the traffic signal at the intersection of Algonquin Road and Route 14 is green for northbound traffic on Algonquin Road.
- (2) Whenever the warning signals at the Lincoln Avenue grade crossing over the right-of-way of the Union Pacific Railroad are flashing and/or sounding, all northbound traffic on Lincoln Avenue which have not passed the sign stating "Stop Here on Red" at the time the warning signals begin to flash and/or sound, shall stop at or south of the location designated by the "Stop Here on Red" sign and shall not proceed to enter upon the right-of-way for the Union Pacific Railroad tracks until such time as the warning signals cease sounding and flashing and the traffic signal at the intersection of Lincoln Avenue and Route 14 is green for northbound traffic on Lincoln Avenue. (Ord. No. 96-03, Sec. 3, 1-18-96)
- (e) (1) No vehicle traveling northbound on Algonquin Road shall proceed past the location designated by the sign stating "Stop Here on Red" located on the south side of the right-of-way for the Union Pacific Railroad tracks during such time as the traffic signal at the intersection of Algonquin Road and Route 14 is red for northbound Algonquin Road traffic. (Ord. No. 2001-04, Sec. 1, 2-15-2001)

- (2) No vehicle traveling northbound on Lincoln Avenue shall proceed past the location designated by the sign stating "Stop Here on Red" located on the south side of the right-of-way for the Union Pacific Railroad tracks during such time as the traffic signal at the intersection of Lincoln Avenue and Route 14 is red for northbound Lincoln Avenue traffic. (Ord. No. 96-03, Sec. 4, 1-18-96)
- (2) No vehicle traveling northbound on Foxmoor Road shall proceed past the location designated by the sign stating "Stop Here on Red" located on the south side of the right-of-way for the Union Pacific Railroad tracks during such time as the traffic signal at the intersection of Foxmoor Road and Route 14 is red for northbound Foxmoor Road traffic. (Ord. No. 2003-41, Sec. 1, 11-20-03)

Secs. 15-118--15-120. Reserved.

**DIVISION 7 ADOPTION BY REFERENCE OF PROVISIONS
OF THE ILLINOIS VEHICLE CODE**

Sec. 15-121. Adoption of certain provisions of the Illinois Vehicle Code by reference.

The following provisions of the Illinois Vehicle code are hereby adopted by reference:

- (1) Section 6-101(a) and (b), relating to "Drivers must have licenses or permits" (625 ILCS 5/6101(a) and (b)).
- (2) Section 6-301(a) and (c), relating to "Unlawful use of license or permit" (625 ILCS 5/6 301(a) and (c)).
- (3) Section 6-30 1. 1(a), (b) and (d), relating to "Fictitious or unlawfully altered driver's license or permit" (625 ILCS 5/6 301. 1(a), (b) and (d)).
- (4) Section 6-301.2(a), (b) and (d), relating to "Fraudulent driver's license or permit" (625 ILCS 5/6-301.2(a), (b) and (d)).
- (5) Section 6-303(a), relating to "Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked" (625 ILCS 5/6-303 (a)).
- (6) Section 6-304 relating to "Permitting an unauthorized person to drive" (625 ILCS 5/6-304).
- (7) Section 6-304.1 relating to "Permitting a driver under the influence to operate a motor vehicle" (625 IILCS 5/6-304. 1).

In the sections of the Illinois Vehicle Code listed above references to "this Code," or "this Act," shall be to the Illinois Vehicle Code and references to another section shall be to the enumerated section of the Illinois Vehicle Code. (Ord. No. 95-07, Sec. 2, 4-26-95)

Sec. 15-122. Penalty.

Any person violating any provision of Section 15-121 of this Code shall be fined not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense. (Ord. No. 95-07, Sec. 2, 4-26-95)

Sec. 15-123. Operation limited to licensed drivers.

Any person who operates a properly equipped non-highway vehicle must possess a valid driver's license to operate a motor vehicle issued by Illinois or any other state. (Ord. No. 15-01, Sec. 2, 1-15-15)

ARTICLE III. PEDESTRIANS**Sec. 15-124. Pedestrian control signal.**

Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

- (1) *Walk.* While the "Walk" indication is illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.
- (2) *Don't Walk.* While the "Don't Walk" indication is illuminated, either steady or flashing, no pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety island if one is provided. (Ord. of 2-8-65, Sec. 8)

State law reference--For similar provisions, see 625 ILCS 5/11-307

Sec. 15-125. Pedestrian obedience to traffic-control devices and traffic regulations.

- (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.
- (b) Pedestrians shall be subject to traffic and pedestrian control signals provided in this Chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

Sec. 15-126. Pedestrians' right-of-way at crosswalks.

- (a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

- (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (c) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, pedestrians shall have the right-of-way over drivers of vehicles as set forth in Section 15-102. (Ord. of 2-8-65, Sec. 401)

State law reference--For similar provisions, see 625 ILCS 5/11-1002

Sec. 15-127. Standing in roadways.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic. (Ord. of 2-8-65, Sec. 402)

Sec. 15-128. Obedience to policemen, 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 such crossing interferes with the lawful movement of traffic. (Ord. of 2-8-65, Sec. 403)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-129. Standing on sidewalk.

It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as reasonably possible to the building line or curb line, if such standing interferes with the use of said sidewalk by other pedestrians. (Ord. of 2-8-65, Sec. 404)

Sec. 15-130. When use of crosswalk required.

- (a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall, not cross at any place except in a crosswalk.
- (b) No pedestrian shall cross a roadway other than in a crosswalk in any business district. (Ord. of 2-8-65, Sec. 405)

Sec. 15-131. Crossing at other than crosswalks.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Notwithstanding the foregoing provisions of this Section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by

sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. (Ord. of 2-8-65, Sec. 402)

State law reference--For similar provisions, see 625 ILCS 5/11-1003

Sec. 15-132. Use of direct route in crossing roadway.

At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing. (Ord. of 2-8-65, Sec. 402)

Sec. 15-133. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

State law reference--For similar provisions, see 625 ILCS 5111-1005

Sec. 15-134. Pedestrians soliciting rides or business.

- (a) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.
- (b) Outside a business or residence district, no person shall stand on or in the proximity of a roadway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
- (c) No person shall stand on or in the proximity of a roadway way for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Ord. of 2-8-65, Sec. 406)

State law reference--For similar provisions, see 625 ILCS 5/11-1006

Sec. 15-135. Pedestrians' right-of-way on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk or any sidewalk area extending across such alley, building entrance, road or driveway.

Sec. 15-136. Pedestrians walking on roadways.

- (a) Any person walking along and upon any roadway shall keep on the left of the roadway or on the left shoulder thereof and upon meeting a vehicle shall step off to the left.
- (b) Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent roadway except at a crosswalk.
- (c) It is unlawful for any pedestrian who is under the influence of intoxicating liquors to be upon any highway of this city. (Ord. of 2-8-65, Sec. 406)

State law reference--For similar provisions, see 625 ILCS 5/1007

Sec. 15-137. Blind pedestrians.

Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this Chapter to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this Section shall not apply to a blind person who is not so carrying such a cane or walking stick or who is not guided by a dog, but the other provisions of this Chapter relating to pedestrians shall then be applicable to such person. However, the failure of a blind person to so use or carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence. (Ord. of 2-8-65, Sec. 407)

State law reference--For similar provisions, see 625 ILCS 5/11-1004

Secs. 15-138--15-143. Reserved.**ARTICLE IV. PARKING****Sec. 15-144. Presumption of Liability.**

The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking. (Ord. of 2-8-65, Sec. 803)

Sec. 15-145. Signs required.

Appropriate signs shall be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions. (Ord. of 2-8-65, Sec. 514)

Sec. 15-146. Generally prohibited parking locations enumerated.

No person shall park a 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:

- (1) On a sidewalk.
- (2) In public right-of-way on a curbed street.
- (3) On an unimproved parkway (parkway without gravel or an approved parking pad surface installed after August 1, 2014) where all tires from the vehicle are not on any paved roadway. A portion of the vehicle must remain on the paved surface.
- (4) Within fifteen (15) feet of a fire hydrant.

- (5) On a crosswalk.
- (6) Within twenty (20) feet of a crosswalk at an intersection.
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length by signs or markings is indicated thereon.
- (9) Within fifty (50) feet of the nearest raff of a railroad grade crossing.
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign-posted.
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (12) On the roadway side of any vehicle parked at the edge or curb of a street.
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (14) In the front yard on any surface such as grass or dirt.
- (15) At any place where official signs prohibit parking. (Ord. of 2-8-65, Sec. 501; Ord. No. 11-22, Sec. 3, 9-15-11; Ord. 12-16, Sec. 2, 6-21-12- repealed by Ord. No. 12-22, Sec. 2, 9-20-12; Ord. No. 12-36, Sec. 2, 12-20-12 – repealed by Ord. 14-12, Sec. 2, 6-19-14; Ord. 14-15, Sec. 1, 7-17-14)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-147. No-parking zones enumerated.

It shall be unlawful to park a vehicle or permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic-control device:

Beachway Avenue, on its south side, from Lincoln Avenue, west a distance of eighty (80) feet.

Bristol Lane, on its east side from the intersection of Bristol Lane and Foxmoor Road to a point, one hundred forty (140) feet south of the southwest corner of Bristol Lane and Foxmoor Road. (Ord. No. 2002-11, Sec. 1, 6-27-2002)

Doyle Road, west side of Doyle Road from Route 22 to twenty (20) feet south of the south side of the northernmost Route 22/Doyle Road strip mall entrance. (Ord. No. 11-25, Sec. 1, 11-17-11)

Highview, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

Illinois Street, on its east and west side, from Lucille Avenue to Opatrny Drive. (Ord. No. 2000-39, Sec. 1, 7-20-2000)

Johnson Street, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

Lincoln Avenue, on its east side from Crawford Lane to Opatrny Drive.

Lincoln Avenue, on both sides from the southernmost rail of the Chicago and Northwestern Railway to a point two hundred and twenty-five (225) feet south thereof

Lincoln Avenue, on its southeast side, within twenty (20) feet of the crosswalk located at the southwest corner of Lincoln Avenue and Beachway.

Midway Street, the east side of Midway between Ridgeland Avenue and School Drive. (Ord. No. 94-17, Sec. 1, 5-19-94)

Norge Parkway, on its south side from Ski Hill road to Barberry Trail.

North River Road, on its east side, between U. S. 14 and Crescent Road.

North River Road, north side abutting Lincoln Park, as posted for no parking.

Orchard Street, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

Old Hunt Road, on its south side of Hunters Way to Algonquin Road. (Ord. No. 96-36, Sec. 2, 9-19-96)

Opatrny Drive, on its south side, between Lincoln Avenue and Illinois Street, except on Sundays between 9:00 a.m. and 12:00 noon.

Pleasant Street, north and south sides from 901 Pleasant Street to Violet Street.

Ridgeland Avenue, on its south side, between Midway Street and Mound Street.

Route 14, on its north side, from Opatrny Drive west to the Village's corporate limits.

Route 14, on its south side, within the Village's corporate limits.

School Drive, on its north side, between U.S. 14 and Ski Hill Road.

Ski Hill Road, both sides, between Illinois Route 22 and School Street.

Ski Hill Road, both sides, between Oak Street to 101 Ski Hill Road. (Ord. of 1 1-9-70, Sec. 1; Ord. No. 74-9, Sec. 2, 9-11-74; Ord. No. 74-13, Sec. 1, 11-13-74; Ord. No. 78-2, Sec. 1, 1-18-78; Ord. No. 80-25, Sec. 1, 8-21-80; Ord. No. 85-11, Sec. 1, 10-16-85; Ord. 90-21, Sec. 4, 8-15-90)

Ski Hill Road, at the dead end. (Ord. No. 12-07, Sec. 1, 3-15-12)

South River Road, the southeast side of South River Road between Gladys Avenue and the point where South River Road begins to run in a north-south direction. (Ord. No. 96-30, Sec. 2, 8-15-96)

South River Road, from the corner of South River and Algonquin Road to the lot lines between 228 and 226 South River Road and from the corner of South River and Algonquin Road to the lot lines between 229 and 227 South River Road. (Ord. No. 07-18, Sec. 1, 4-19-07, Ord. No. 08-13, Sec. 1, 7-17-08)

Sec. 15-148. Limited no-parking zones enumerated.

It shall be unlawful for any person to park any vehicle or permit any vehicle to stand on:

Lincoln Avenue, on the east side of Lincoln Avenue from Crawford Lane to Opatrny Drive between the hours of 4: 00 p.m. to 6: 00 p.m. on each day of the week.

Public park areas. There shall be no parking in and around public park areas or streets adjoining said areas between the hours of 10:00 p.m. and 6:00 a.m.

U.S. 14, from the northeast corner of U.S. 14 and Lincoln Avenue to a point one hundred and seventy (170) feet east of the curb on Lincoln Avenue between the hours of 4:00 p.m. and 6:00 p.m. except on Saturdays, Sundays and legal holidays.

U.S. 14, on its north side, between Opatrny Drive and Algonquin Road between the hours of 6:00 a.m. and 6:00 p.m. except on Sundays and holidays, unless otherwise posted.

Doverton Lane, between Lexington Road and Bristol Lane, between the hours of 2:00 a.m. and 6:00 a.m. (Ord. of 11-9-70, Sec. 1; Ord. No. 85-1 1, Sec. 2, 10-16-85; Ord. No. 10-08, Sec. 1, 2-18-10)

Sec. 15-149. Restricted parking during winter months.

During the months of November, December, January, February and March there shall be no parking on any parkway or within six (6) feet of the edge of any roadway within the Village, except the 900 block of Ski Hill Road during a snow fall in which there is an accumulation of two (2) or more inches of snow and/or ice. The no parking period shall end twelve (12) hours after the time the snow fall ends.

(Ord. of 11-9-70, Sec. 1; Ord. No. 80-06, Sec. 1, 3-19-80; Ord. No. 88-13, Sec. 1, 7-20-88; Ord. No. 97-01, Sec. 1, 1-16-97; Ord. No. 97-02, Sec. 1, 2-20-97; Ord. No. 12-26, Sec. 1, 10-18-12; Ord. N. 13-04, Sec. 1, 3-21-13; Ord. No. 13-25, Sec. 1, 10-3-13)

Sec. 15-150. Time limits for parking on certain streets.

It shall be unlawful for any person to park any vehicle or permit any vehicle to stand on the following streets or portions of streets for a longer period of time than established by this Section:

Lincoln Avenue, on the north side, from Opatrny Drive to U.S. Route 14, two (2) hours

Lincoln Avenue, on the south side, from U.S. Route 14 to Center Street two (2) hours between the hours of 6:00 am and 6:00 pm

Beachway Avenue, from Lincoln Avenue to Grace Street, four (4) hours

Northwest Highway, on the north side, from Algonquin Road to Opatrny Drive, two (2) hours (Ord. No. 90-21, Sec. 3, 8-15-90; Ord. No. 2007-08, Sec. 1, 3-15-07).

Sec. 15-151. Parking during street cleaning.

It shall be unlawful to park any vehicle on any public street or portion thereof in the Village at any time when such street is being cleaned. Signs, indicating that a street or portion thereof is being cleaned, shall be posted immediately before the cleaning of the street and shall be removed after the cleaning of the street is finished. (Ord. of 2-8-65, Sec. 504)

Sec. 15-152. Parking near theater buildings.

The operator of a vehicle shall not park such vehicle on the same side of the street with and in front of any entrance or exit of any theater building, nor in any public way in which such theater building is located, during the hours such theater is open to the public for the uses permitted therein. (Code 1958, Sec. 16.1303)

Sec. 15-153. Stopping, standing and parking of buses regulated.

- (a) The driver of a bus shall not stand or park such vehicle upon any street unless unloading/loading passengers.
- (b) The bus shall not impede the movement of other vehicular traffic. (Code 1958, Sec. 16.1304; Ord. 2013-14, Sec. 1, 6-20-13)

Sec. 15-154. Vehicles for sale.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale. (Ord. of 2-8-65, Sec. 509)

Sec. 15-155. Loading zones.

In the following designated loading zones, it shall be unlawful for the driver of a passenger vehicle to park or stand the passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers and for the driver of a truck or other non-passenger vehicle to park or stand the vehicle for a period of time longer than necessary for the loading or unloading of the truck or other vehicle:

The north side of Route 14 from the intersection of Route 14 with Algonquin Road to a point eighty (80) feet west of the intersection Monday through Friday during the hours from 7:00 a.m. and 4:00 p.m. (Ord. No. 95-14, Sec. 1, 7-20-95)

Sec. 15-156. Parking in alleys restricted.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (Ord. of 2-8-65, Sec. 511)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-157. Parking in taxicab stands and bus loading zones.

No vehicle other than a licensed taxicab shall be parked in any area designated as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone. (Ord. of 2-8-65, Sec. 512)

Sec. 15-158. Parking on private property.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (Ord. of 2-8-65, Sec. 513)

Sec. 15-159. Manner of parking.

- (a) No vehicle shall be parked with the left side of such vehicle next to the curb or edge of the roadway, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curbway, and with the two (2) right wheels of the vehicle within twelve (12) inches of the regularly established curb line or edge of the roadway, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.
- (b) On one-way streets where parking is permitted on the left side of the street vehicles shall be parked parallel with the curb or edge of the roadway with the two (2) left wheels of the vehicle within twelve (12) inches of the regularly established line or edge of the roadway. (Ord. of 2-8-65, Sec. 508)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

State law reference--For similar provisions, see 625 ILCS 5/11-1304

Sec. 15-160. Duties when leaving vehicle unattended.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine and removing the ignition key, and when standing upon any perceptible grade, without effectively setting the brake and turning the front wheels to the curb or side of the highway. (Ord. of 2-8-65, Sec. 326)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

State law reference--For similar provisions, see 625 ILCS 5/11-1401

Sec. 15-161. Starting parked vehicles.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (Ord. of 2-8-65, Sec. 303)

State law reference--For similar provisions, see 625 ILCS 5/11-1304

Sec. 15-162. Towing away illegally parked vehicles; expenses.

- (a) The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of twenty-four (24) consecutive hours.
- (b) Cars so towed away shall be stored on any Village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicles. (Ord. of 2-8-65, Sec. 326)

Sec. 15-163. Unauthorized use of parking spaces reserved for persons with disabilities and disabled veterans.

- (a) It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1 of the Illinois Vehicle Code, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2 of the Illinois Vehicle Code, or to a disabled veteran pursuant to Section 3-609 of the Illinois Vehicle Code as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301 of the Illinois Vehicle Code, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301 Illinois Vehicle Code, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. Any motor vehicle properly displaying a disability license plate or a parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized as a valid license plate or device and receive the same parking privileges as residents of Illinois.
- (b) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Sections 3-616, 11-1301.1 or 11-1301.2 of the Illinois Vehicle Code or to a disabled veteran under Section 3-609 of the Illinois Vehicle Code is in violation of this Section if (i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to

or from the parking location and (ii) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices under this Code or the Illinois Vehicle Code.

- (c) Notwithstanding any other provision of this Code, the fine for violation of this Section 15-163 shall be not less than two hundred fifty (\$250.00) dollars for each offense. (Ord. No. 96-43, Sec. 1, 10-17-96; Ord. No. 2006-03, Sec. 1, 2-16-06)

Sec. 15-164. Restrictions on parking and operation of vehicles in municipal parking lots.

- (a) As used in this Section and in Section 15-165 a "municipal parking lot" is any parking lot for motor vehicles owned, operated or managed by or on behalf of the Village of Fox River Grove.
- (b) The following restrictions shall apply to the parking and operation of motor vehicles in municipal parking lots:
 - (1) No person shall park a vehicle in a municipal parking lot between the hours of 2:00 a.m. and 4:00 a.m.;
 - (2) If a municipal parking lot is marked so as to identify separate parking spaces, no person shall park a vehicle in the municipal parking lot except in a designated parking space.
- (c) If a fee is charged for parking in a municipal parking lot pursuant to Section 15-165, no person shall park a vehicle in the municipal parking lot without paying the applicable fee.
- (d) No person shall operate a motor vehicle within a municipal parking lot or when exiting or entering a municipal parking lot in violation of any directional signs posted within the parking lot or at the entrance or exits to the parking lot.

Editor's Note: Sec. 15-164(e) repealed by Ord. 96-01, Sec. 2, 1-18-96.

Sec. 15-165. Fee for parking in certain municipal parking lots.

Those who park in the parking lots located north of the Union Pacific Railroad tracks, and south of U.S. Route 14 (Northwest Highway) between Algonquin Road and Lincoln Avenue, and the Metra Parking Lot may choose to pay in accordance with Section 15-165(a) or Section 15-165 (b).

- (a) **Daily Parking – Metra**
The fee for parking in the municipal parking lot located north of the Union Pacific Railroad tracks, and south of U.S. Route 14 (Northwest Highway), between Algonquin Road and Lincoln Avenue, and the Metra Parking Lot shall be one dollar fifty cents (\$1.50) per day per vehicle except on Saturdays and Sundays and as allowed in Section 15-165 (b). There is no fee for Saturdays and Sundays. A separate fee shall be paid for each time a vehicle enters the municipal parking lots, except as listed in Section 15-165(b).
- (b) **Monthly Parking – Metra**
The fee for parking in the municipal parking lot located north of the Union Pacific Railroad tracks, and south of U.S. Route 14 (Northwest Highway), between Algonquin Road and Lincoln

Avenue, and the Metra Parking Lot shall be thirty dollars (\$30) per month, paid for the month prior to the permitted parking. Participants are required to properly display a Village-issued hang tag to indicate payments are valid. A separate fee shall not be paid for each time a vehicle enters the municipal parking lots. (Ord. No. 94-08, Sec. 4, 3-17-94; Ord. No. 09-28, Sec. 1, 11-19-09; Ord. No. 13-20, Sec. 1, 9-5-13; Ord. No. 15-07, Sec. 1, 4-16-15)

Sec. 15-166. Permit parking only zones enumerated.

It shall be unlawful for any person to park a motor vehicle, other than a motorcycle or motorbike, or permit any such vehicle to stand in the following locations during the times indicated, unless there is affixed in the lower corner of the operator's side of the windshield of the vehicle, a permit issued by the Village Clerk which indicates that it is permissible for the vehicle to park and stand at such location:

Adams Street from Crescent Road to Opatrny Drive during the period from 10:00 p.m. until 6:00 a.m.

On the north side of Opatrny Drive adjacent to the property with a street address of 200 N. Opatrny during the period from 7:00 a.m. until 6:00 p.m. on Monday through Friday.

The permits provided for in this Section shall be issued only for vehicles (1) which are registered to addresses located along a street, or that section of a street, where a permit is required in order for a vehicle to be lawfully parked on the street or (2) which are owned or used by persons employed at or who are tenants of a building located along that section of a street where a permit is required in order for a vehicle to be lawfully parked on the street. No permit shall be issued to a vehicle unless a current license has been issued by the Village for the vehicle, if such license is required. The Village Clerk may charge a fee of up to five (\$5.00) dollars for the issuance of a permit. (Ord. No. 96-42, Sec. 1, 10-17-96; Ord. 08-01, Sec. 1, 2-21-08)

Secs. 15-167--15-172. Reserved

Sec. 15-173. Resident Only Parking

There shall be no parking on any parkway or within six (6) feet of any roadway with the exception of vehicles with a valid Village sticker in accordance with Article VI, titled "Vehicle Licenses" on any of the following sections of streets:

South River – from the property line between 213 and 215 to Algonquin Road, both sides

Gladys – from the property line between 213 and 215 to Algonquin Road, both sides

Millard – from the property line between 213 and 215 to Algonquin Road, both sides

Birch Lane – entire street, both sides (Ord. 12-27, Sec. 1, 10-18-12; Ord. 16-21, Sec. 1, 9-15-16)

ARTICLE V. MOTOR VEHICLES

DIVISION 1. GENERALLY

Sec. 15-174. Driving unsafe, unequipped vehicles.

It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required by state law, or which is equipped in any manner in violation of state law. (Ord. of 2-8-65, Sec. 604)

Sec. 15-175. Obstructions to 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 with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind him. (Ord. of 2-8-65, Sec. 601)

Sec. 15-176. Lights generally.

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, provided that vehicles may be parked at nighttime without lights on any street or portion thereof designated by Ordinance as a place where vehicles may be so parked at nighttime. (Ord. of 2-8-65, Sec. 609)

State law reference--Lights required, 625 ILCS 5/12-201 et seq.

Sec. 15-177. Lights on firemen's vehicles.

Any motor vehicle owned or fully operated by a fireman may be equipped with not to exceed two (2) lamps which shall emit a blue light without glare. One (1) such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such fireman is responding to a fire call. (Ord. of 2-8-65, Sec. 608, 616)

Sec. 15-178. Signal lamps and signal devices.

- (a) Every vehicle other than an antique vehicle displaying an antique plate operated in this Village shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times such antique vehicle must be equipped with stop lamps meeting the requirements of this Section.
- (b) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when

signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

- (c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.
- (d) Turn signal lamps must be visible from a distance of not less than three hundred (300) feet in normal sunlight.
- (e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment. (Ord. of 2-8-65, Sec. 613)

State law reference--For similar provisions, see 625 ILCS 5/12-208.

Sec. 15-179. Unnecessary noise.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise. (Ord. of 2-8-65, Sec. 603)

Sec. 15-180. Gas and smoke.

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 as to endanger the drivers of other vehicles. (Ord. of 2-8-65, Sec. 602)

Sec. 15-181. Mufflers, prevention of noise.

Every motor vehicle driven or operated upon the highways of this Village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section. (Ord. of 2-8-65, Sec. 610)

State law reference--For similar provisions, see 625 ILCS 5/12-602

Sec. 15-182. Horns and warning devices.

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when

reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet, but such siren, whistle or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in which events the driver of such vehicle shall sound said siren, whistle or bell, when necessary to warn pedestrians and other drivers of the approach thereof.
- (c) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. (Ord. of 2-8-65, Sec. 607)

State law reference--For similar provisions, see 625 ILCS 5/12-601

Sec. 15-183. Width, length, height, and load of vehicles.

- (a) The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois State Traffic Law.
- (b) No passenger type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof
- (c) No combination of vehicles coupled together shall consist of more than two (2) units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.
- (d) No part of the load of a vehicle shall extend more than three (3) feet in front of the extreme front portion of the vehicle. (Ord. of 2-8-65, Sec. 612)

State law reference--Vehicle size, weight load, 625 ILCS 5/15-101 et seq.

Sec. 15-184. Weight.

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the State Traffic Law for driving on improved highways, or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by Ordinance and signposted. (Ord. of 2-8-65, Sec. 615)

State law reference-For similar provisions, see 625 ILCS 5/15-111

Sec. 15-185. Brakes.

It shall be unlawful to drive any motor vehicle upon a street unless such 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 mechanics operating the brakes of such vehicles. (Ord. of 2-8-65, Sec. 606)

State law reference--Brakes required, 625 ILCS 5/12-301

Sec. 15-186. Tires.

It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the State Traffic Law. (Ord. of 2-8-65, Sec. 614)

State law reference--Restrictions as to tire equipment, 625 ILCS 5/12-401

Sec. 15-187. Nonskid devices.

It shall be unlawful to operate upon any street any motor vehicle equipped with any nonskid device so constructed that any rigid or nonflexible portion thereof comes into contact with the pavement or roadway. (Ord. of 2-8-65, Sec. 611)

Sec. 15-188. Spilling loads.

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the Village. (Ord. of 2-8-65, Sec. 605)

Sec. 15-189. Required equipment on motorcycles.

- (a) No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat or saddle occupied by the operator.
- (b) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with permanent handgrips on the seat or saddle carrying such passenger, and with footrests adjusted to fit such passenger.

State law reference--For similar provisions, see 625 ILCS 5/11-1405

Sec. 15-190. Protective wear for motorcyclists and passengers.

The operator of a motorcycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield, as provided by Section 11-1404 of the Illinois Vehicle Code. (Ord. No. 87-19, Sec. 1, 8-19-87)

State law reference--For similar provisions, see 625 ILCS 5/11-1404

Sec. 15-191. Equipment on bicycles.

- (a) Every bicycle, when in use during the period when lighted lamps are required under Section 625 ILCS 5/12-102, shall be equipped on the front with a lamp which shall be emitting a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Secretary of State. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in lieu of a red reflector.

- (b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (c) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use any siren or whistle upon a bicycle.
- (d) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this Article. (Ord. of 2-8-65 Sec. 618)

Sec. 15-192. Parking or operating a vehicle with expired Illinois registration prohibited.

- (a) It shall be unlawful for any person to operate a motor vehicle, or permit a vehicle to be operated within the Village upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of the Illinois Motor Vehicle Code (625 ILCS 5/3-414. 3-414.1).
- (b) It shall be unlawful for any person to stop, park, or leave standing upon a public street, highway or roadway within the Village a vehicle upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of the Illinois Motor Vehicle Code (625 ILCS 5/3-414. 3-414.1).
- (c) Police officers of the Village of Fox River Grove shall enforce the provisions of Sections 15-192(a) and 15-192(b).
- (d) Any person violating the provisions of Section 15-192(a) and Section 15-192(b) shall, upon a determination that a violation has occurred, be subject to a fine of twenty-five (\$25.00) dollars. (Ord. No. 2000-48, Sec. 1, 9-21-2000)

Secs. 15-193--15-197. Reserved.

DIVISION 2. ABANDONED VEHICLES*

Sec. 15-198. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Abandoned vehicle shall mean all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

* State law reference – Abandoned vehicles, 625 ILCS 5/4-201

Antique vehicle shall mean any motor vehicle or other vehicle twenty-five (25) years of age or older.

Highway shall mean any street, alley, or public way within the Village. (Ord. of 7-26-71, Sec. 1)

Sec. 15-199. Prohibited.

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this village is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Village is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police after a waiting period of seven (7) days or more has expired. (Ord. of 7-26-71, Sec. 2)

Sec. 15-200. Possession by other than owner.

When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this Village, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this division. (Ord. of 7-26-71, Sec. 3)

Sec. 15-201. Removal.

- (a) When a motor vehicle or other vehicle is abandoned on a highway in this Village ten (10) hours or more, its removal by a towing service may be authorized by order of the Chief of Police.
- (b) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police.
- (c) When a vehicle removed from either public or private property is authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs. (Ord. of 7-26-71, Sec. 4)

Sec. 15-202. Record of towed vehicles.

When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series number, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location

towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (Ord. of 7-26-71, Sec. 5)

Sec. 15-203. Determination of ownership

- (a) When the Police Department does not know the identity of the registered owner or other legally entitled person, it will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
- (b) The Police Department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.
- (c) When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner. (Ord. of 7-26-71, Sec. 6, 7)

Sec. 15-204. Redemption by owner.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid. (Ord. of 7-26-71, Sec. 8)

Sec. 15-205. Sale of vehicles seven years old or newer.

- (a) Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a

complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

- (b) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.
- (c) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this division, the vehicle may be sold as provided herein or disposed of in the manner authorized by this division without notice to the registered owner or other person legally entitled to the possession of the vehicle. (Ord. of 7-26-71, Sec.10)

Sec. 15-206. Disposal of vehicles over seven years old.

When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this division, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only, and will not require the issuance of a junking certificate of title by the Secretary of State. (Ord. of 7-26-71, Sec. 10)

Sec. 15-207. Exemption for antique vehicles.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this division. (Ord. of 7-26-71, Sec. 10)

Sec. 15-208. Report of sale or disposal.

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this division, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal. (Ord. of 7-26-71, Sec. 11)

Sec. 15-209. Use of proceeds of sale or disposal.

When a vehicle located within the corporate limits of this Village is authorized to be towed away by the Chief of Police and disposed of as set forth in this division, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village treasury. (Ord. of 7-26-71, Sec. 12)

Sec. 15-210. Declaration of nonliability.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this division. (Ord. of 7-26-71, Sec. 13)

Secs. 15-211--15-216. Reserved.

DIVISION 3. INOPERABLE VEHICLES

Sec. 15-217. Defined.

For the purposes of this division, the term "inoperable motor vehicle" shall mean any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. (Ord. of 7-26-71, Sec. 1; Ord. No. 82-02, Sec. 1, 2-17-82; Ord. 89-19, Sec. 1, 8-16-89)

Sec. 15-218. Exemptions from division.

The provisions of this division shall not apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. (Ord. of 7-26-71, Sec. 1)

Sec. 15-219. Declared a nuisance.

An inoperable motor vehicle on the property of the owner or bailee of such vehicle in the Village is hereby declared to be a nuisance. (Ord. of 7-26-71, Sec. 2)

Sec. 15-220. Duty to dispose of inoperable vehicles upon notice from Village.

All inoperable motor vehicles under any person's control shall be disposed of by such person upon receipt of a notice from the Village to dispose of such vehicle. (Ord. of 7-26-71, Sec. 3)

Sec. 15-221. Removal by Village upon failure of owner to remove; costs.

If an inoperable motor vehicle is not disposed of within seven (7) days after the receipt of the notice required by Section 15-220, the Village may, without further notice, enter upon the premises where such inoperable motor vehicle is standing and dispose of such inoperable motor vehicle. The costs incurred by the Village in removing and disposing of said inoperable motor vehicle shall be charged to the person who has control of such inoperable motor vehicle. (Ord. of 7-26-71, Sec. 4)

Sec. 15-222. Penalty.

Any person failing to dispose of an inoperable motor vehicle shall be deemed to be in violation of this Code and shall be subject to the penalty prescribed in Section 1-8. A separate offense shall be deemed committed for each inoperable motor vehicle that is not disposed of by the person who has control of such inoperable motor vehicle. The fine provided for in this Section shall be in addition to, and shall not be diminished by, the costs of disposing of the inoperable motor vehicle that might be incurred by the Village. (Ord. of 7-26-71, Sec. 5)

DIVISION 4. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM VIOLATIONS**Sec. 15-223. Definitions.**

- (a) *Automated traffic law enforcement system* means a device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (“Vehicle Code”), 625 ILCS 5/11-306, or similar violation of the Village Municipal Code.
- (b) *Disregard a traffic control device* means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-206 of the Vehicle Code. When making a right turn on red, a vehicle must first come to a complete stop before making that turn as provided in Section 11-306(c)(3) of the Vehicle Code.
- (c) *No turn on red* means stopping and remaining stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating “No turn on red,” or other similar language, and a red signal as provided for in Section 11-306 of the Vehicle Code.
- (d) *An illegal right hand turn* means a right hand turn in violation of a sign prohibiting such a turn as further defined in Section 11-306(c)(3).
- (e) *Recorded images* means images produced by the automated traffic law enforcement system, which consist of either: (1) 2 or more photographs; (2) 2 or more microphotographs; (3) 2 or more electronic images; or, (4) a video recording showing a motor vehicle and, on at least one image or portion of the records, clearly identifying the registration plate number of the motor vehicle. (Ord. 08-24, Sec. 2, 11-20-08)

Sec. 15-224. Violation

It shall be a violation of this Division for a vehicle to disregard a traffic control device or conduct an illegal right hand turn in violation of Section 11-306 of the Illinois Vehicle Code (“Vehicle Code”), 625 ILCS 5/11-306. Violations recorded by an automated traffic law enforcement system must be reviewed and approved by a law enforcement officer of the Village. Violations recorded by an automated traffic law enforcement system may not be given when a vehicle comes to a complete stop or does not enter the intersection, even if the vehicle stops at a point past a stop line or crosswalk except when one or more pedestrians or bicyclists are present. Violations of an automated traffic law enforcement system shall be

adjudicated under Section 2-350 through 2-363 of the Village's Code of Ordinances. A police officer that witnesses a violation of this Section may prosecute the matter through either the Court system or under the provisions of Sections 2-350 through 2-363 of the Village's Code of Ordinances. (Ord. 08-24, Sec. 2, 11-20-08; Ord. 10-26, Sec. 1, 12-16-10)

15-225. Penalty

The owner or lessee of a vehicle violating Section 15-224 shall be fined one hundred dollars (\$100) for each offense. Failure to pay the original fine within fourteen (14) days of the issuance of the Notice of Final Determination shall result in an additional one hundred dollar (\$100) late payment fee. (Ord. 08-24, Sec. 2, 11-20-08)

Secs. 15-226--15-233. Reserved.

ARTICLE VI. VEHICLE LICENSES

Sec. 15-234. "Motor vehicle" defined.

Whenever the term "motor vehicle" is used in this Article it shall be construed to include automobiles, locomobiles and all other vehicles propelled otherwise than by muscular power, except traction engines and rollers, the cars of electric and steam railways, other motor vehicles running only upon rails or tracks, bicycles, tricycles or such other vehicles as are propelled exclusively by human muscular power. (Ord. of 1-24-69, Sec. 15.101)

Sec. 15-235. Tax or license fee imposed.

Every owner or operator of a motor vehicle or motor bicycle who resides within the Village shall pay to the Village Clerk a tax or license fee for the use of each motor vehicle or motor bicycle used on any public street or highway in the Village as provided in Section 15-238. Any person who fails to pay such tax or license fee when due as provided in this Article VI, in addition to being liable for the payment of the tax or license fee, also shall be punished by a fine or not less than One Hundred (\$100) dollars or more than Five Hundred (\$500) dollars upon conviction of violating the provisions of this Section 15-235. (Ord. 93-16, Sec. 1, 9-15-93; Ord. 04-09, Sec. 2, 3-18-04)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-236. Application for license; issuance.

- (a) Every owner or operator of a motor vehicle or motor bicycle desiring a license for a motor vehicle or motor bicycle shall file an application with the Village Clerk, upon a form provided by the Village Clerk, setting forth the name and address of the applicant, and a description of the motor vehicle or motor bicycle for which a license is desired.
- (b) Upon the payment by the applicant of the fee prescribed by this Article, the Village Clerk shall issue a license which shall be attested by him, authorizing the operation of such motor vehicle or motor bicycle within the Village until the expiration of the license. (Ord. of 1-24-69, Sec. 15.105)

Sec. 15-237. Issuance of vehicle license sticker or tag; affixing to vehicle.

Every motor vehicle licensee shall be given a receipt and a serially numbered motor vehicle license sticker or tag upon payment of the required fee. The vehicle license sticker or tag shall bear a designation showing its expiration date or the period or fiscal year for which it is issued. It shall be permanently affixed on the inside front window of the licensed vehicle so that is publicly legible as soon as possible after issuance, except that in the case of a motorcycle or properly equipped non-highway vehicle, the tag shall be permanently affixed to some publicly visible part of the motorcycle or non-highway vehicle. (Ord. No. 93-16, Sec. 2, 9-15-93; Ord. No. 2003-11, Sec. 1, 4-17-03; Ord. No. 15-01, Sec. 3, 1-15-15)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 15-238. When tax or fee is due; amount.

(a) The fee to be paid for a vehicle license shall be payable on or before the last day of June of each year. Such tax or fee shall be as follows for each vehicle:

Automobiles and recreational vehicles	\$20.00
Automobiles and RV's (senior citizens)	\$2.00
Motorcycles.....	\$10.00
Properly Equipped Non-Highway Vehicles.....	\$10.00
Trucks, classified according to the vehicle's class for purposes of determining the state flat weight tax:	
Class A and B	\$26.00
Classes C and above.....	\$60.00

(Ord. No. 93-16, Sec. 3, 9-15-93; Ord. No. 2003-11, Sec. 2, 4-17-03; Ord. No. 15-01, Sec. 3, 1-15-15)

Sec. 15-239. Increased tax or fee when paid late.

If the annual vehicle license tax or fee required by Section 15-238 is not paid before the last day of June of any year, the tax or fee shall be increased by fifty (50%) percent when such license is obtained after the last day of June but before the first day of August of such year and shall be increased by one hundred (100%) percent when the license is obtained after the last day of July of any year. (Ord. No. 93-16, Sec. 5, 9-15-93; Ord. No. 2000-21, Sec. 1, 4-27-2000; Ord. No. 2003-11, Sec. 3, 4-17-2003)

Sec. 15-240. Applicability of senior citizens rate.

The senior citizen rate for automobiles and recreational vehicles specified in Section 15-238 will be applicable to an automobile or recreational vehicle owned by a resident of the Village who is 65 years of age or older, and at the time of applying for the license presents his or her current Illinois driver's license which verifies age and proof of ownership of the vehicle. No more than one (1) senior citizen vehicle license shall be issued per household. (Ord. No. 93-16, Sec. 7, 9-15-93)

Sec. 15-241. Expiration date.

All vehicle licenses required by this Article shall expire on the last day of May following the date of their issuance. (Ord. of 11-24-69, Sec. 15.103; Ord. No. 93-16, Sec. 8, 9-15-93)

Sec. 15-242. When vehicle is acquired or residence in village commences after the first day of June.

Those persons who become vehicle owners, operators or residents of the village after the first day of June of any year but before the first day of December of the same year shall pay the vehicle tax or fee set forth in Section 15-238, provided such license is obtained within thirty (30) days after such vehicle ownership is acquired, such vehicle operation is commenced or village residency is commenced. If the vehicle license is obtained more than thirty (30) days, but less than sixty (60) days after any of such events, the license fee set forth in Section 15-238 shall be increased by an additional fifty (50%) percent. If the vehicle license is obtained sixty (60) or more days after any of such events, the license fee set forth in section 15-238 shall be increased by an additional one hundred (100%) percent.

Sec. 15-243. When vehicle is acquired or residence in village commences after the first day of December.

Those persons who become vehicle owners, operators or residents of the village after the first day of December of any year, shall pay a vehicle license fee equal to fifty (50%) percent of the fee set forth in Section 15-238, provided such license is obtained within thirty (30) days after such vehicle ownership is acquired, such vehicle operation is commenced or village residency is commenced. If the vehicle license is obtained more than thirty (30) days but less than sixty (60) days after any of such events, the fifty (50%) percent license fee shall be increased by an additional fifty (50%) percent thereof. If the vehicle license is obtained sixty (60) or more days after any of such events, the fifty (50%) percent license fee shall be increased by an additional one hundred (100%) percent thereof. (Ord. No. 93-16, Sec. 12, 9-15-93)

Sec. 15-244. Replacement vehicle license sticker or tags.

Upon the loss, destruction or mutilation of any vehicle license sticker or tag issued pursuant to this Article, or upon the sale and replacement of a vehicle licensed by the Village, the license shall obtain a replacement vehicle license sticker or tag from the Village Clerk for a replacement fee of twelve (\$12.00) dollars and shall affix it in the manner heretofore described. (Ord. of 11-24-69, Sec. 15.107; Ord. No. 2000-21, Sec. 2, 4-27-2000; Ord. No. 2003-11, Sec. 4, 4-17-03)

Sec. 15-245. Reserved.

Editor's note—Section 15-245 regarding vehicle replacement fees changed by Ord. 11-24-69, Sec. 15.107)

Sec. 15-246. Transferability.

Village vehicle licenses are not transferable to subsequent owners. (Ord. of 1 1-24-69, Sec. 15.103)

Sec. 15-247. Dealer's license.

The motor vehicle license sticker or tag issued to dealers in motor vehicles held for sale and used only for demonstrations may be transferred to any other vehicle so held and used by the same dealer in the Village; provided that such dealer shall procure one (1) license sticker for each motor vehicle so held by him at any one (1) time during the year. (Ord. of 11-24-69, Sec. 15.104)

Sec. 15-248. Records and reports of fees collected.

The Village Clerk shall keep a duplicate of all receipts issued for vehicle license sticker fees and shall report the amount that is collected each month to the Board of Trustees and Village Treasurer. (Ord. of 11-24-69, Sec. 15.108)

Sec. 15-249. Use of funds.

All fees collected from the issuance of such vehicle license sticker shall be used for the purpose of improving, paving, repairing, or maintaining the streets and other public ways within the Village, provided that the actual cost of the collection of such fees and the disbursement thereof may be deducted from the total amount collected. (Ord. of 11-24-69, Sec. 15.108; Ord. No. 2000-21, Sec. 3, 4-27-2000)

Sec. 15-250. Mandatory insurance.

The owner of any properly equipped non-highway vehicle registered under this Article shall continuously maintain liability insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois. (Ord. No. 15-01, Sec. 3, 1-15-15)

Sec. 15-251. Inspection of properly equipped non-highway vehicles.

All properly equipped non-highway vehicles registered, or proposed to be registered, pursuant to this Article shall be subject to inspection by the Chief of Police, or his/her designee(s), at any time to determine that said properly equipped non-highway vehicle meets, and continues to meet, the definition thereof as set forth in this article, particularly the provisions for maintenance in operating condition of required safety systems and equipment. (Ord. No. 15-01, Sec. 3, 1-15-15)

Secs. 15-252--15-259. Reserved.

**ARTICLE VII. RESTRICTION
CERTAIN VEHICLES***

Sec. 15-260. Findings of fact.

The President and Board of Trustees find that because of deterioration, rain, snow and other climatic conditions, the operation of any motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of ten thousand (10, 000) pounds (any vehicle required by State law to display license plates in any of the Classes D through VDB inclusive), upon any street within the Village of Fox River Grove, except those set forth in section 15-262, will cause such streets to be seriously damaged or destroyed. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-261. Operation of vehicles in excess of gross weight of ten thousand pounds prohibited during certain months.

* Cross reference – Vehicle load weight restrictions, Sec. 15-280 et seq.

The operation of any motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of ten thousand (10,000) pounds, (any vehicle required by State law to display license plates in any of the Classes D through VDB inclusive), upon any street within the Village of Fox River Grove, except those set forth in Section 15-262, is prohibited during the period from February 15th through May 15th of each year. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-262. Certain streets excepted from article provisions.

The following streets are specifically excepted from the provisions of this Article VII:

- (1) U.S. Route 14 (Northwest Highway);
- (2) State Route 22;
- (3) Lincoln Avenue, from the intersection of Opatrny Drive to Beachway;
- (4) Algonquin Road from Route 14 to Lexington Avenue;
- (5) Lexington Avenue from Algonquin Road to Old Hunt Road;
- (6) Opatrny Drive from Lincoln Avenue to Route 14. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-263. Article provisions not applicable to certain vehicles.

The provisions of this Article VII shall not be applicable to emergency vehicles, vehicles of the Village of Fox River Grove, vehicles belonging to other governmental agencies, vehicles that are being used for garbage removal, and vehicles for which a special permit has been issued pursuant to Section 15-265. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-264. Erection, maintenance of signs.

The Village President or his designates are authorized and directed to erect and maintain signs designating the provisions of this Article VII at each end of that part of the Village street system affected hereby and that this Article VII shall not be effective unless such signs are erected and maintained. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-265. Special permit.

Each vehicle exceeding the weight limitations of Section 15-261 may be operated on the roads and streets under the jurisdiction of the Village only with a special written permit issued from the office of the Village Clerk in accordance with the following procedure:

- (a) *Application for special permit.* Application for a special permit shall be made in writing to the Police Department and shall:

- (1) State if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Act; if so, its certificate, registration or permit number issued by the Illinois Commerce Commission;
 - (2) Specifically describe the vehicle or vehicles and the load to be operated or moved, and whether such permit is requested for a single trip or for limited continuous operation;
 - (3) State the points of origin and destination of the vehicle or vehicles to be operated under the special permit;
 - (4) State if the vehicles or loads will be transported for hire.
- (b) *Issuance of permit.* The Village Clerk, or Deputy Clerk, is authorized to issue permits hereunder subject to the following conditions:
- (1) When a vehicle or combination of vehicles, unladen or with load, shall exceed the gross weight of twelve thousand (12,000) pounds per axle on the road's surface, or exceeds a maximum weight of thirty-six thousand (36,000) pounds, regardless of the number of axles, no permit shall be issued until the applicant shall have supplied the Village Clerk with a surety bond to compensate for any injury to any road or road structure. The amount of said bond shall be determined by the product of five thousand (\$5,000.00) dollars multiplied by the number of miles the vehicle, or vehicles, proposes to travel on the Village roads or streets.
- (c) *Permit to be in writing and carried in vehicle; inspection.* Every permit shall be in writing and shall be carried in the driving compartment of the vehicle or combination of vehicles to which it refers, and shall be open to inspection by any police officer or authorized agent of the village.
- (d) *Report of number and nature of permits issued.* The Village Clerk shall report the number and nature of all permits issued each month to the Board of Trustees.
- (e) *Operation in violation of permit.* It shall be unlawful to operate a motor vehicle for which a special permit has been issued in violation of such permit. (Ord. No.79-15, Sec. 1, 6-20-79)

Sec. 15-266. Authority of police to cause vehicle and load to be weighed.

Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest public scales. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-267. Authority of police officer to require removal of portion of load.

Whenever an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle

to such limit as permitted under this Article, and shall forthwith arrest the driver. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-268. Failure of driver to stop and submit load and vehicle to weighing.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this Article, shall be guilty of a violation of this Article VII. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-269. Both owner and driver held responsible for violation of section 15-261 or 15-265.

When any vehicle is operated on the roads and streets under the jurisdiction of the Village in violation of the provisions of Section 15-261 or 15-265, the owner or driver, or both, of such vehicle shall be deemed guilty of such violation, and the owner or driver, or both, of such vehicle may be prosecuted for such violation. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-270. Penalty for violation of section 15-261.

Any person convicted of any violation of Section 15-261 shall be fined as follows:

<i>Excess Weight Amount</i> (pounds)	<i>(per pound)</i>
2,000 or less	\$ 0.02
Above 2,000 and 3,000 or less	\$0.04
Above 3,000 and 4,000 or less	\$0.06
Above 4,000 and 5,000 or less	\$0.08
Above 5,000	\$500.00

(Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-271. Penalty for violation of Section 15-265 or 15-268.

Any person convicted of any violation of Section 15-265 or 15-268 shall be fined as follows:

First conviction: Not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars.

Second conviction within one year thereafter: Not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars.

Third or subsequent conviction within one year after the first conviction: Not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars. (Ord. No. 79-15, Sec. 1, 6-20-79)

Secs. 15-272-15-279. Reserved.

**ARTICLE VIII. VEHICLE LOAD AND WEIGHT
REGULATIONS***

Sec. 15-280. Width of vehicles.

No vehicle and its load shall have a maximum width exceeding eight (8) feet, except loads of loose hay, straw, corn fodder, or other similar farm products; agricultural implements, vehicles operated by a public utility when required for the installation or repair of public service facilities or properties, fire apparatus, equipment for snow and ice removal owned or operated by a government body, garbage or refuse equipment, equipment while actually engaged in work upon the surface of the roadway or highway, or vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-281. Length of vehicles.

- (a) No vehicle, unladen or with load, shall exceed a length of forty-two (42) feet extreme overall length.
- (b) No truck tractor and semi-trailer, unladen or with load, shall exceed a length of fifty-five (55) feet extreme overall length.
- (c) Said length restrictions shall not apply to vehicles operated by a public utility when required for installation or repair of public service facilities or properties, and shall not apply to fire apparatus, equipment designed for snow and ice removal owned or operated by a government body, garbage or refuse equipment, vehicle operated in the daytime when transporting poles, machinery, or other objects of a structural nature eighty (80) feet or less in length, except upon Saturdays, Sundays or legal holidays; nor to vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-282. Axle loads and gross weights.

- (a) No vehicle, unladen or with load, or any combination of vehicles, unladen or with load, shall exceed gross weight of twelve thousand (12,000) pounds per axle transmitted to the road surface.
- (b) No vehicle or combination of vehicles, unladen or with load, regardless of the number of axles shall exceed a maximum gross weight of thirty-six thousand (36,000) pounds whether said vehicle or combination of vehicles is unladen or with load.
- (c) Said weight limitations shall not apply to vehicles operated by a public utility when required for the installation or repair of public service facilities or properties or to vehicles operated by a home heating supply company, and shall not apply to fire apparatus, equipment designed for snow and ice removal, owned or operated by a government body, garbage or refuse equipment or

* Editors note – Ord. No. 80-29, Sec. 1, enacted Oct. 15, 1980, amended Art. VIII to read as herein set out. Prior to amendment said article was derived from Ord. No. 79-32, Sec. 1, adopted Oct. 17, 1979.

Cross reference – Restriction on certain vehicles, Sec. 15-260 et seq.

vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80; Ord. No. 81-27, Sec. 1, 12-16-81)

Sec. 15-283. Height of vehicles.

- (a) The maximum height for all vehicles shall not exceed thirteen (13) feet, six (6) inches from the underside of the tire to the top of the vehicle and load.
- (b) Said height limitations shall not apply to vehicles operating under a special permit as provided for in this Article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-284. Special permits; fees; exempted streets; signs.

- (a) *Special permits required.* Each vehicle exceeding the size, weight and load limitations of this Article may be operated on the roads and streets under the jurisdiction of this Village only with a special written permit issued by the Village Clerk, Chief of Police or his designee. A special permit issued pursuant to this Section may provide authorization for more than one (1) vehicle to be operated on the streets and roads under the jurisdiction of the Village if the destination of all vehicles covered by this special permit is the same building, structure or contiguous parcel of land and if all vehicles covered by the permit follow the same route, except that where a vehicle or combination of vehicles is used to transport materials, equipment, fill or debris used in or resulting from the construction or demolition of a building or other structure, a separate special permit shall be required for each building or demolition permit that has been issued or is otherwise required.
- (b) *Application for permit.* Application for a special permit shall be in writing and shall:
 - (1) State if the applicant is an authorized carrier under the Illinois Motor Carrier or Property Act; if so, his certificate, registration or permit number issued by the Illinois Commerce Commission.
 - (2) Specifically describe (i) the vehicle or vehicles and the load to be operated or moved, (ii) the number and the period of time or trips necessary to complete the job and (iii) whether the load to be operated or moved, is being operated or moved in connection with the construction or renovation of residential property.
 - (3) State the point of origin and destination of the vehicle or vehicles to be operated under the special permit.
 - (4) State if the vehicle or loads will be transported for hire.
 - (5) State whether the debris or material to be transported pursuant to the special permit is to be transported in connection with construction activity or other work for which a building permit is required pursuant to Section 6-32 of this Code. (Ord. No. 94-19, Sec. 2, 6-16-94)

- (c) *Issuance of permit.* The Village Clerk, Chief of Police or his designee, is authorized to issue permits hereunder subject to the following conditions:
- (1) When a vehicle or combination of vehicles, unladen or with load, shall exceed the gross weight of twelve thousand (12,000) pounds per axle on the road surface, or exceeds the maximum gross weight of thirty-six thousand (36,000) pounds, regardless of the number of axles.
 - (2) When a vehicle or combination of vehicles shall exceed fifty-five (55) feet, extreme overall dimension unladen or with load.
 - (3) When a vehicle or combination of vehicles shall exceed a height of thirteen (13) feet, six (6) inches, unladen or with load.
 - (4) In establishing the routes to be traveled, the Village Clerk, Chief of Police or his designee, shall establish the most direct and shortest route consistent with the public safety, taking into consideration existing traffic, the character of the road or roads, and the configuration of the terrain.
 - (5) Every permit shall be in writing and shall be open for inspection by any police officer or authorized agent of the Village.
 - (6) No permit shall be issued where the debris or material to be transported pursuant to the permit is to be transported in connection with construction activity or other work for which a building permit is required under Section 6-32 of this Code, unless the applicant for the permit has applied for a building permit and the issuance of the building permit has been approved by the Office of Building & Zoning. (Ord. No. 94-19, Sec. 3, 6-16-94)
- (d) *Special permit is a legal document.* A permit is a legal document authorizing the grantee to move an oversize vehicle or load upon or across a street or highway within the jurisdictional boundaries of the Village of Fox River Grove. It is issued as a result of an agreement between the grantee and the Village of Fox River Grove. The agreement is based upon the information contained in the written application, upon the applicant being legally competent, upon the conditions and restrictions stated in the permit, and upon the applicable provisions of this policy.
- (e) *Acceptance of the permit.* Acceptance of the permit by the grantee shall be prima facie evidence of an unequivocal allegation by the grantee that:
- (1) He is in compliance with all operational requirements.
 - (2) All dimensions and weight limitations specified in the permit shall not be exceeded.
 - (3) All operation, registration and license requirements have been met.
 - (4) All financial responsibility obligations and other legal requirements have been met.

- (5) He assumes all responsibility for injury to persons or damage to public or private property, including that of his own, or to the object being transported, caused directly or indirectly by the transportation of vehicles and objects authorized under the permit. He agrees to hold the Village of Fox River Grove harmless from all suits, claims, damages or proceedings of any kind and indemnify the Village of Fox River Grove for any claim it may be required to pay arising from the movement.

Undertaking the move is deemed prima facie evidence of acceptance of the permit.

- (f) *Streets and highways exempted from weight limitations.* The following streets and highways are specifically exempted from the provisions of Section 15-282:

- (1) U.S. Route 14 (Northwest Highway).
- (2) State Route 22.
- (3) Lincoln Avenue from the intersection of Opatrny Drive to Algonquin Road.
- (4) Algonquin Road from U.S. Route 14 to Lincoln Avenue.
- (5) Ski Hill Road from State Route 22 to School Street.
- (6) Opatrny Drive from U.S. Route 14 to Lincoln Avenue.

- (g) *Fees for special permits and types of permits.* The fee for a special permit shall be based on the length of the period for which the permit is to be valid except where the special permit is being issued in connection with the construction of residential dwelling units or the renovation or construction of an addition to residential property. Except as provided below in this Subsection (g), fees for special permits and types of permits shall be as follows:

- (1) One-day permit: forty (\$40.00) dollars.
- (2) One-week permit: one hundred twenty (\$120.00) dollars.
- (3) One-month permit (for thirty (30) calendar days): four hundred (\$400.00) dollars.
- (4) Six-month permit (for one hundred eighty (180) calendar days): one thousand (\$1,000.00) dollars.
- (5) One-year permit (for three hundred sixty-five (365) calendar days): two thousand (\$2,000.00) dollars.
- (6) For New Residential Construction: four hundred eighty (\$480.00) dollars per dwelling unit.

- (7) For renovation or additions to residential property: forty (\$40.00) dollars plus ten (\$.10) cents per square foot based on the area being renovated and/or the size of the addition. (Ord. No. 94-19, Sec. 4, 6-16-94)

The amount of the fee specified above shall be doubled if the permit to be issued will allow a vehicle to transport materials or items to or from a location outside the Village of Fox River Grove where the shortest route to and from such location is over the railroad grade crossing located at Foxmoor Road and Union Pacific Railroad tracks.

- (h) *Payment of fees.* Payment of fees authorized by this Article shall be made to the Village Clerk, Chief of Police or his designee. No permit(s) shall be issued until such fee has been paid. All money received shall be deposited in the general corporate fund. No permit shall be issued if the debris or material to be transported pursuant to the permit is being transported in connection with construction activity or other work for which a building permit is required under Section 6-32 of this Code, unless the applicant for the permit has applied for and received approval for the building permit and has paid any fees which may be required pursuant to Section 6-37 of this Code. (Ord. No. 94-19, Sec. 5, 6-16-94)
- (i) Posting of signs. Signs shall be erected giving notice of the weight limitations on the streets and highways under the jurisdiction of the Village of Fox River Grove. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-285. Violations of permits.

- (a) When any vehicle or combination of vehicles is operated on the streets or highways of the Village Fox River Grove in violation of the provisions of this Article, the owner or driver, or both of such vehicle or combination of vehicles shall be deemed guilty of such violation and the owner or driver, or both, may be prosecuted for such violation. (Ord. No. 90-03, Sec. 4, 3-21-90).
- (1) It shall be deemed unlawful to operate or cause to be operated any vehicle or combination of vehicles upon or across any street or highway within the jurisdiction of Fox River Grove without having the original permit issued within the cab of the vehicle or combination vehicles.
- (2) It shall be deemed unlawful to operate or cause to be operated any vehicle or combination of vehicles upon or across any street or highway within the jurisdiction of Fox River Grove without having the original or copy of a permit (when such permit is for multiple vehicles) within the cab of the vehicle or combination of vehicles.
- (b) *Operating vehicle or combination of vehicles on multiple vehicle permit without authority.*
- (1) It shall be deemed unlawful for any driver of a vehicle or combination of vehicles to operate under a multiple vehicle permit if such vehicle or combination of vehicles is not so listed on the permit or notification in writing has not been made to the Village.

- (2) Vehicles or combination of vehicles not listed on the permit, or where no notification has been made to the Village of Fox River Grove regarding such vehicle or combination of vehicles operating under a multiple vehicle permit, shall be subjected to the weight and load limitations set forth in this policy.
- (c) *Compliance with State permit where both State and Village permit issued.* When any vehicle or combination of vehicles makes a move upon or across any street or highway in the Village of Fox River Grove, and said vehicle or combination of vehicles is operating under a special permit from both the Village of Fox River Grove and the Illinois Department of Transportation, such driver of said vehicle or combination of vehicles shall comply with all provisions listed in the Department of Transportation permit (pertaining to form #BT993 of the Illinois Department of Transportation) when such operation is upon any street or highway within the jurisdiction of the Village of Fox River Grove.
- (d) *Alteration of permit.* When any special permit issued by the Village of Fox River Grove is found to have been altered in any manner whatsoever, such permit shall be deemed as void and such vehicle or combination of vehicles shall be subjected to the weight and load limitations set forth in this policy. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-286. Fines.

- (a) When any vehicle or combination of vehicles is operated upon or across any street or highway within the jurisdictional boundaries of the Village of Fox River Grove in violation of this Article, the owner, driver, or both, of such vehicle or combination of vehicles may be prosecuted for such violation(s).
- (b) Any person in violation of any of Sections 15-280, 15-281, 15-283 and 15-285 shall be fined in the amount of twenty-five (\$25.00) dollars plus ten (\$10.00) dollars court costs.
- (c) It shall be unlawful to operate or cause to be operated, any motor vehicle or combination of vehicles for which a permit has been issued in violation of such permit. Any person convicted of any violation of this Chapter pertaining to overweight on permit shall be fined as follows:

<i>Excess Weight (pounds)</i>	<i>Amount (per pound)</i>
2,000 or less	\$ 0.04
Above 2,000 and 3,000 or less	0.06
Above 3,000 and 4,000 or less	0.08
Above 4,000 (total fine)	500.00

(Ord. No. 90-03, Sec. 5, 3-21-90).

- (d) It shall be unlawful to operate or cause to be operated any motor vehicle or combination of vehicles for which a special permit has been issued in violation of such permit. Any person found guilty of any violation of this Article pertaining to overweight on permit shall be fined as follows:

<i>Pounds in Excess Weight</i>	<i>Amount (per pound)</i>
2,000 or less	\$ 0.04
2,001 to 3,000	0.06
3,001 to 4,000	0.08
4,001 and above	500.00 (maximum total fine)

(Ord. No. 80-29, Sec. 1, 10-15-80)

Sec.15-287-299. Reserved.

ARTICLE IX. TOWING OF VEHICLES

Sec. 15-300 Towing for violations of Section 5/11-501 of the Illinois Vehicle Code and for combined and/or multiple violations of Sections 5/11-501 or 5/6-303 of the Illinois Vehicle Code or similar local ordinances.

- (a) Whenever a Village law enforcement officer reasonably believes that a person under arrest for a violation of Section 5/11-501 of the Illinois Vehicle Code, titled “Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or combination thereof,” or Section 15-39 of the Village Code is likely, upon release, to commit a subsequent violation of either Section 5/11-501 of the Illinois Vehicle Code or Section 15-39 of the Village Code, the arresting officer shall have the vehicle which the person was operating at the time of the arrest towed and impounded for a period of not more than twelve (12) hours after the time of arrest.
- (b) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 5/11-501 of the Illinois Vehicle Code, titled “Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or combination thereof,” Section 15-39 of the Village Code, Section 5/6-303 of the Illinois Vehicle Code, titled “Driving while driver’s license, permit or privilege to operate a motor vehicle is suspended or revoked,” or Section 15-121(5) of the Village Code, a law enforcement officer may have the vehicle immediately towed and impounded for a period not less than:
 - (1) twenty-four (24) hours for a second violation of Section 5/11-501 of the Illinois Vehicle Code, Section 15-39 of the Village Code, Section 5/6-303 of the Illinois Vehicle Code, or Section 15-121(5) of the Village Code or a combination of these offenses; or
 - (2) forty-eight (48) hours for a third violation of Section 5/11-501 of the Illinois Vehicle Code, Section 15-39 of the Village Code, Section 5/6-303 of the Illinois Vehicle Code or Section 15-121(5) of the Village Code or a combination of these offenses.
- (c) Any vehicle towed subparagraphs (a) and (b) of this Section 15-300 shall be released by the arresting law enforcement agency prior to the towing or the end of the impoundment period if:

- (1) the motor vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of either the Illinois Vehicle Code or Village Ordinance; or
- (2) the motor vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code or Village Ordinance. (Ord. No. 12-05, Sec. 2, entire Article IX, 2-16-12)

Sec. 15-301. Towing for violations of Section 5/7-601 of the vehicle Code in combination with a violation of either Sections 5/6-303 or 5/6-101 of the Illinois Vehicle Code or similar local ordinances.

- (a) Any person in violation of Section 5/6-303 of the Illinois Vehicle Code, titled "Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked," or Section 15-121(5) of the Village Code, who is also in violation of Section 7-601 of the Illinois Vehicle Code, titled "Required liability insurance policy," shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer.
- (b) Any person in violation of Section 5/6-101 of the Illinois Vehicle Code, titled "Drivers must have licenses or permits" or Section 15-121(1) of the Village Code, who is also in violation of Section 7-601 of the Illinois Vehicle Code, titled "Required liability insurance policy," shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer.
- (c) Any vehicle towed subparagraphs (a) and (b) of this Section 15-301 shall be released by the arresting law enforcement agency prior to the towing or the end of the impoundment period if:
 - (1) the motor vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of either the Illinois Vehicle Code or Village Ordinance; or
 - (2) the motor vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license, proof of insurance for the vehicle and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code or Village Ordinance.

Sec. 15-302. Towing of vehicles subject to seizure and forfeiture pursuant to Section 36-1 of the Illinois Criminal Code.

A Village law enforcement officer may cause the towing, removal and impound any motor vehicle located within the Village which was operated or used in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code (720 ILCS 5/36-1). The Sherriff of the County of the seizure shall be notified and the vehicle delivered forthwith to said Sherriff in the manner requested by said Sherriff. If the Sherriff requests that the Village hold the vehicle, the Village shall not release the vehicle to the owner, lease or lienholder until such time as the Sherriff, State's Attorney or other County or State official directs the Village to release the vehicle.

Sec. 15-303. Towing of vehicles that jeopardize public safety and the efficient movement of traffic.

- (a) In order to maintain public safety and the efficient movement of vehicular or pedestrian traffic, a Village law enforcement officer may authorize a towing service to tow and remove any motor vehicle located within the Village that cannot otherwise be timely relocated pursuant to Section 15-303(b) under any one of the following hazardous circumstances:
- (1) the location of the motor vehicle impedes traffic, obstructs the normal movement of traffic or creates a traffic hazard because of its position in relation to any public highway, street or public way;
 - (2) the location of the motor vehicle blocks or disrupts visual lines of sight that are beneficial to the safe flow of traffic;
 - (3) the location of the motor vehicle blocks access to the public way from any driveway or private road without the consent of the owner of the driveway or private road;
 - (4) the condition of the motor vehicle is such that its location on or near any public highway, street or public way can reasonably be expected to impede safe traffic flow because other drivers may divert their attention to the vehicle;
 - (5) the motor vehicle is located on a sidewalk or otherwise impedes pedestrian travel;
 - (6) the motor vehicle is blocking a pedestrian cross-walk;
 - (7) the motor vehicle is located on the side of a two lane road where parking is not permitted;
 - (8) the location of the motor vehicle blocks or reduces lines of sight to traffic control signals or signs;

- (9) the motor vehicle has left the public highway, street or way and has come to rest on public property or private property, not owned by the driver, that is not intended to be utilized for the movement or parking of motor vehicles;
 - (10) the motor vehicle must be left in a location where the motor vehicle could not be legally parked or at any hazardous location identified in any subsection of this Section 15-303(a) because of the arrest and removal of the driver from the vehicle;
 - (11) the motor vehicle is located in a tow zone.
- (b) A Village law enforcement officer shall not authorize a towing service to tow and remove any motor vehicle located within the Village under Section 15-303(a) if either the owner of the motor vehicle, or an individual with the consent of the owner (including a towing service contacted by the Owner), is able to provide for the speedy and efficient elimination of the hazardous condition by removing the motor vehicle to a safe location provided, the owner or driver possesses a valid operator's license, proof of ownership or consent from the Owner to operate the vehicle, proof of insurance for the vehicle and would not, as determined by the law enforcement officer, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code.

Sec. 15-304. Towing of vehicles operated or used in the commission of other violations.

- (a) A Village law enforcement officer may, upon the arrest of the driver or occupant of a motor vehicle, authorize the towing, removal and impoundment of any motor vehicle located within the Village that cannot otherwise be timely relocated pursuant to Section 15-304(b) from one (1) or more of the hazardous locations itemized in subsections (a)(1) through and including (a)(11) of Section 15-303 for the following violations:
- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony; or
 - (2) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a violation of the Cannabis Control Act (720 ILCS 550/1 *et.seq.*); or
 - (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 *et.seq.*); or
 - (4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1 (Unlawful Use of Weapons), 24-1.5 (Reckless Discharge of a Firearm), or 24-3.1 (Unlawful Possession of Firearms and Firearm Ammunition) of the Illinois Criminal Code (720 ILCS 5/24-1, 5/24-1.5 and 5/24-3.1); or

- (5) Driving while a driver's license, permit, or privilege to operate a motor vehicle is revoked pursuant to Section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303); or
 - (6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended pursuant to Section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), but only if the suspension is not for an unpaid parking or moving citation or not due to the failure to comply with emissions testing; or
 - (7) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act (720 ILCS 550/1 *et.seq.*) or the Illinois Controlled Substances Act (720 ILCS 570/100 *et.seq.*); or
 - (8) Operation or use of a motor vehicle with an expired driver's license in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), if the period of expiration is greater than one year; or
 - (9) Operation or use of a motor vehicle without ever having been issued a driver's license or permit in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), or operating a motor vehicle without ever having been issued a driver's license or permit due to the person's age; or
 - (10) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a Circuit Clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code (625 ILCS 5/6-101, 5/6-303 or 5/11-501); or
 - (11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 (Theft and Related Offenses) or Article 16A (Retail Theft) of the Illinois Criminal Code (720 ILCS 5/16-1 *et.seq.* or 720 ILCS 5/16A-1 *et.seq.*).
- (b) A Village law enforcement officer shall not authorize the towing, removal and impoundment of any motor vehicle located within the Village under Section 15-304(a) or any of its subsections if either the owner of the motor vehicle, or an individual with the consent of the owner (including a towing service contacted by the Owner), is able to provide for the speedy and efficient elimination of the hazardous location of the vehicle by removing the motor vehicle to a safe location provided, the owner or driver possesses a valid operator's license, proof of ownership or consent from the Owner to operate the vehicle, proof of insurance for the vehicle and would not, as determined by the law enforcement officer, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of the Illinois Vehicle Code.

Sec. 15-305 Location of towed vehicle.

Any vehicle towed pursuant to this Article shall be relocated to a facility approved by the Village.

Sec. 15-306. Record of towed vehicles.

When a motor vehicle or other vehicle is authorized to be towed under this Article, the police department shall keep and maintain a record of the vehicle towed, listing the color; year of manufacture; manufacturer's trade name; manufacturer's series name; body style; vehicle identification number; license plate year and number displayed on the vehicle; and any registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

Sec. 15-307. Determination of ownership.

When a Village law enforcement officer does not know the identity of the registered owner or other legally entitled person entitled to the possession of a vehicle that has been towed or is otherwise subject to being towed under this Article, he/she will cause the motor vehicle registration records of the state to be searched for the purpose of obtaining the required ownership information. The law enforcement officer will also cause the stolen motor vehicle files of the state police to be searched by a directed communication to the state police for stolen or wanted information on the vehicle. When the state police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the state police. The information determined from these record searches will be used to send notification by certified mail to the registered owner of record, lienholder of record and other person of record legally entitled to possession of the vehicle. When the registered owner, lienholder or other person legally entitled to the possession of a motor vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the police department shall notify the state police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle.

Sec. 15-308. Notice of Vehicle Impoundment Hearing.

At the time the vehicle is towed, the officer shall make a reasonable attempt to provide the person found to be in control of the Vehicle at the time of the tow with a Notice of Vehicle Impoundment Hearing that is in compliance with this Section. In addition, within (ten)10 days after the vehicle is impounded, a Notice of Vehicle Impoundment Hearing that is in compliance with this Section shall be served by personal service or by first class mail to the addresses for the owner(s) or lessee and any lienholders of record as registered with the Secretary of State. The Notice shall identify the color; year; make; model; Vehicle Identification Number; license plate year and number displayed on the vehicle; the registration sticker year and number displayed on the vehicle; the date and hour of tow; location towed from; location towed to; all the reasons for the tow; the procedure and costs for obtaining release of the towed vehicle and include the date upon which the Notice of Vehicle Impoundment Hearing was mailed. The Notice shall also inform the owner, lienholder or other persons legally entitled to possession of the towed vehicle of:

- (1) the date time and location of an administrative hearing which hearing shall be scheduled and convened no later than forty-five (45) days after the date of the mailing of the Notice of Vehicle Impoundment Hearing; and
- (2) that the vehicle will remain impounded pending the completion of the administrative hearing unless the owner of record, lessee of record or lienholder of record posts a five hundred (\$500.00) dollar bond with the Village and pays the towing company for all towing and storage charges;

If the vehicle has dealer plates, the above notice shall also be sent to the dealer.

Sec. 15-309. Vehicle Impoundment Hearing.

The Vehicle Impoundment Hearing shall be held before the Village's Hearing Officer, who shall be an Attorney that has been licensed to practice law in the State of Illinois for a minimum of three (3) years. At the hearing, the Owner, lienholder or other person legally entitled to possession of the vehicle may represent themselves or be represented by an attorney and shall be allowed to cross-examine all witnesses. The hearing shall be tape-recorded. At the hearing, the hearing officer shall determine whether, by a preponderance of the evidence, the impoundment was made in compliance with this Article and prepare a written decision either sustaining or overruling the vehicle impoundment. A copy of the decision shall be given to the owner, lessee or lienholder appearing. If the basis for the vehicle impoundment is sustained, any administrative fee posted to secure the release of the vehicle shall be forfeited to the municipality or otherwise paid to secure the release of the vehicle. If the impoundment is sustained, the vehicle shall not be released by the Village until the administrative fee is paid. If the impoundment is not sustained, the vehicle shall be released without the payment of any administrative fee. Or, if the impoundment has not been sustained and the vehicle has previously been released upon payment of the Village fee and fees owed the towing company, the Village shall reimburse the administrative fee, the towing fee and one day's storage charge.

Sec. 15-310. Release of vehicle/Administrative Fee.

A vehicle impounded pursuant to this Article shall be released to the owner of record, lessee, lien holder of record or any person legally entitled to possession of the vehicle upon the payment of an Administrative fee in the amount of five hundred (\$500.00) dollars. The Village's administrative fee may be paid in cash, by certified check or by credit card at the Village's police department during normal business hours. Upon receipt of the Administrative fee, the Village shall, unless a hold has been placed on the vehicle, give the owner a receipt that will allow them to obtain a release of the vehicle from the towing company upon the payment of the towing company's charges and storage fees. The administrative fee shall be in addition to: (1) any other penalties that may be assessed by a Court of law for the underlying violations; and (2) any storage and/or towing fees charged by the towing company. Any storage or towing fees charged by the towing company shall be collected by and directly paid to the towing company. In order to obtain release of a vehicle, the owner must provide evidence of ownership in the form of a Title, Vehicle registration or Bill of Sale and picture identification. For leased vehicles, the lessee must provide the lease agreement naming them as lessee and picture identification. The administrative fee shall be waived upon receipt of verifiable proof that that the vehicle was stolen at the time the vehicle was impounded.

A hold may be placed upon the release of a towed motor vehicle if it is subject to forfeiture under State and/or Federal law until such time that the Federal or State authorities decide not to pursue forfeiture of the vehicle. If the Federal and/or State authorities decide to pursue forfeiture of the vehicle, Federal and/or State procedures must be followed to obtain a release of their vehicle. A hold may also be placed upon the release of a towed vehicle if possession of the vehicle is necessary for an ongoing investigation.

Sec. 15-311. Administrative review of the Hearing Officer's determination.

The final decision of the Hearing Officer on whether a vehicle impoundment is sustained or not sustained shall be subject to judicial review in the Circuit Court pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101 *et.seq.*)

Sec. 15-312. Enforcement.

Unless stayed by a Court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Article which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law (735 ILCS 5/3-101 *et.seq.*) may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

Sec. 15-313. Vehicles subject to forfeiture under federal or state law.

Nothing in this Article shall be deemed as precluding the seizure of a motor vehicle that is subject to forfeiture under Federal or State law.

Sec. 15-314. Vehicles seized in furtherance of a criminal investigation.

Nothing in this Article shall be interpreted as precluding the legal seizure of a motor vehicle that is necessary to further a criminal investigation.

Sec. 15-315. Report of sale or disposal.

When a motor vehicle or other vehicle is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold or otherwise disposed of as provided by State law, a report of the transaction will be maintained by the police department for a period of one (1) year from the date of the sale or disposal. (Ord. No. 12-05, Sec. 2, entire Article IX, 2-16-12)