

TITLE VII TRAFFIC CODE

CHAPTER 70: GENERAL PROVISIONS

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Parkway Use and Maintenance

TITLE VII: TRAFFIC CODE

CHAPTER 70: GENERAL PROVISIONS

§ 70.01 ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE

For the purposes of regulating traffic and vehicles located or traveling on all highways, roads, streets, or other thoroughfares located within the Village limits, the Village adopts by reference the provisions of ILCS Ch. 625 as its ordinance regulating traffic and vehicles within the Village limits.

§ 70.02 COMPRESSION/RELEASE ENGINE BRAKING PROHIBITED

(A) *Definition.* **COMPRESSION/RELEASE ENGINE BRAKING** is defined as any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in excessive, loud, unusual, or explosive noise from such vehicle, or otherwise known as Jake-braking.

(B) *Compression/release engine brake use prohibited.* No person shall operate or cause to be used or operated within the Village any compression/release engine brake on any vehicle for any reason.

(C) *Posting locations.* This section hereby authorizes the posting of signs giving notice of the prohibition of compression/release engine braking within the Village. Signs shall be posted at locations within the Village where trucks enter the Village.

(D) *Penalties.* Any person, firm, or corporation violating any provision of this section shall upon conviction thereof, be subject to a fine of not less than \$50 not more than \$500 for each offense.

§ 70.03 DEFINITION

Whenever the term **MOTOR VEHICLE** is used in this section it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power, except traction engines and road rollers, the cars of electric and steam railways, and other motor vehicles running only upon rails or tracks, but nothing in this section shall be construed to affect bicycles or tricycles or other vehicles propelled exclusively by muscular power.

PARKING

§ 70.10 VEHICLES FOR SALE

It shall be unlawful to park any vehicle upon any street or in the area between the existing curb or gutter and the existing sidewalk (in other words, parkway), for the purpose of displaying it for sale, or to park any vehicle upon any business or residential street from which merchandise is peddled.

Penalty, see § 70.99

§ 70.11 PARKING IN LOADING ZONE

(A) It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes.

(B) It shall be unlawful for the driver of the vehicle to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload, and deliver materials, not to exceed 30 minutes, in any place designated by the Board of Trustees as a loading zone and marked as such, or in any of the following places:

(1) At any place not to exceed 75 feet along the curb before the entrance to a public building between 8:00 a.m. and 6:00 p.m. except on Sunday.

(2) Directly in front of the entrance to any theater at any time that the theater is open for business.

Penalty, see § 70.99

§ 70.12 ALL NIGHT PARKING

No person shall park any vehicle on any street between the hours of 2:00 a.m. and 6:00 a.m. of any day.

Penalty, see § 70.99

§ 70.13 PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than 15 feet to the width of the roadway for free movement of vehicular traffic on a two-way street or less than ten feet of the width of the roadway for free movement of vehicular traffic on a one-way street.

Penalty, see § 70.99

§ 70.14 STOPPING, STANDING, OR PARKING IN ALLEYS

(A) No person shall stop, stand, or park any vehicle in any alley for a period of time longer than is necessary for the reasonable expeditious loading or unloading of a vehicle.

(B) No person shall stop, stand, or park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(C) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

Penalty, see § 70.99

§ 70.15 PARKING IN CAB STANDS AND BUS STANDS

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand; and no vehicle other than a bus shall be parked in place so designated as a bus loading zone.

Penalty, see § 70.99

§ 70.16 TIME LIMITS PARKING

Except on Sundays or holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than that designated between the hours of 8:00 a.m. and 6:00 p.m. in any area designated as a limited parking area and so marked.

Penalty, see § 70.99

§ 70.17 CURB MARKINGS

Any area in which the curb is painted yellow shall be designated a no-parking zone, whether or not signs are posted to that effect.

Penalty, see § 70.99

§ 70.18 PARKING IN FIRE LANES

It shall be unlawful for any vehicle to occupy an area designated by the Board of Trustees as a fire lane and marked as such whether established on public property by ordinance or on private property by agreement.

Penalty, see § 70.99

§ 70.19 PARKING AFTER SNOWFALL

(A) It shall be unlawful to park any vehicle on any public street in the Village at any time within eight hours after a snowfall of two inches or more has occurred, as determined by the Village Director of Public Works, or his or her designee.

(B) (1) The Director of Public Works is hereby authorized and directed to erect signs indicating the regulations herein established.

(2) Whenever any vehicle is parked on any public street in the Village in violation of this section, the Director of Public Works, or his or her designee, is authorized to have the vehicle removed from the area at the sole expense of the vehicle owner. Prior to having any such vehicle removed, the Director of Public Works, or his or her designee, shall make a reasonable attempt to locate the vehicle owner to request that the vehicle be removed.

(C) It is unlawful to park any vehicle for a period of time longer than 30 minutes for loading or unloading of passengers or 30 minutes for loading or unloading of property in any place, whether designated as a loading zone or not so designated on the paved portion of any roadway, at any time after snow begins to fall and for a period of eight hours after snow stops falling, if the

snow on the street exceeds two inches in depth, provided that the eight hour parking restriction shall continue during snow-removal operations until completed.

Penalty, see § 70.99

§ 70.20 PARKING FOR REPAIR OF VEHICLE

No person shall park a vehicle upon any roadway for the principal purpose of washing, greasing, or repairing such vehicle except when such repairs are necessitated by an emergency.

Penalty, see § 70.99

§ 70.21 AUTHORITY TO IMPOUND VEHICLES

Members of the Village police department are hereby authorized to remove a vehicle from any street or highway to the Village vehicle pound or authorized garage as determined and designated by the Chief of Police under the circumstances hereinafter enumerated:

(A) When a vehicle upon any street or highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(B) When any vehicle is left unattended upon any street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(C) When any abandoned vehicle is found on any street or highway.

(D) When any vehicle is parked in violation of this chapter.

(E) When any vehicle is parked in violation of official signs indicating that parking, standing, or stopping is prohibited at all times or during hours or prohibited for a longer time than indicated on such sign.

§ 70.22 SIGNS

The Chief of Police or any other person authorized by the President and Board of Trustees shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

Penalty, see § 70.99

§ 70.23 REMEDIES FOR PARKING VIOLATIONS

(A) Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, or parking in a metered area without putting a coin in the meter to cover the required time, may settle and compromise the claim against him or her for such illegal parking by paying to the municipality the sum of \$25 within 10 days of the time such alleged offense was committed. Such payment may be made at the police station, and a receipt shall be issued for all money so received, and

such money shall be promptly turned over to the Treasurer to be used in the manner provided for the disposition of fines for traffic violators.

(B) The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved, upon payment of the parking violation fine.

(C) This section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police, fire department apparatus, or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; not to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.

ROLLER SKATES AND SKATEBOARDS

§ 70.50 ROLLER SKATING, SKATEBOARDING, AND OTHER SIMILAR DEVICES

No person shall roller skate, roller blade, ride a skateboard, or ride in or by means of any coaster, toy, vehicle, or other similar device upon the sidewalks, streets, or upon any roadway or parking lots within any area zoned B-1 through B-3, ML or M, and O, or any street or roadway while crossing a street in a crosswalk and when so crossing, such person shall be granted all the rights and be subject to all the duties applicable to pedestrians.

Penalty, see § 70.99

GOLF CARTS

§ 70.60 GOLF CARTS AUTHORIZED ON CERTAIN ROADWAYS

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. Any other terms shall have the meaning as set forth in the Illinois Vehicle Code.

GOLF CART. A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

(B) Subject to the terms of this section, it shall be lawful for any person who is a licensed driver to drive or operate a golf cart upon the following roadways:

(1) The roadway network contained within Del Webb's Sun City located in the Village, unless specifically designated to the contrary.

(2) The streets and roadways within Regency Square Development as designated in the following list:

(a) Regency Parkway; and

(b) Farm Hill Drive.

(C) The operation of a golf cart on the roadways described in this section, including operation of a golf cart after sunset and before sunrise, shall be in compliance with the provisions of the Illinois Rules of the Road and the Illinois Vehicle Code.

(D) The Village shall post appropriate signs for the safe operation of the golf carts on the aforesaid roadways.

(E) The provisions contained in this section shall be enforced in accordance with the terms and provisions of the Illinois Rules of the Road and the Illinois Vehicle Code (ILCS Ch. 625, Act 5, § 1-100 et seq.), as may be amended from time to time.

STREET CONDITIONS

§ 70.70 STREET OBSTRUCTIONS PROHIBITED; SNOW, LEAVES, AND THE LIKE

(A) It shall be unlawful for any person to cause, create, or maintain any unauthorized obstruction of any public street, driveway, curb, gutter, alley, parkway, sidewalk, or other public way.

(B) It shall be unlawful to deposit grass, leaves, yard waste, or snow from a private lot, private driveway, street, or parking lot in a manner causing or creating obstruction of any other such private facilities or any public street, driveway, alleyway, or sidewalk.

(C) It shall be unlawful to obstruct any drain in any public street, alley, parkway, or property easement.

(D) It shall be unlawful for any person to:

(1) Plow or otherwise remove accumulated snow from a private parking lot and deposit same on a Village street or right-of-way;

(2) Plow snow from a private driveway and deposit same on a Village street in such a manner as to decrease the drivable width of any such street;

(3) Plow snow from a private driveway and deposit same in such a manner as to block or decrease the useable width of any other private driveway or to block a fire hydrant;

(4) Rake, blow, or otherwise deposit grass, leaves, or yard waste from private property onto a Village street or right-of-way.

(E) It is unlawful for any person to obstruct, harass, prevent, or otherwise interfere with any employee of the Village engaged in snow removal service or to obstruct, cause damage to, or otherwise interfere with any Village-owned, leased or contracted vehicle used in conjunction with any removal services.

(F) Use, encroachment, obstruction, and maintenance of parkways (defined as that area adjacent to any lot or parcel between the property line and any street shoulder or curb) by each owner of adjacent private property within the Village shall be subject to the provisions of Section 155.032 of the Village Subdivision Regulations. It shall be unlawful for any property owner or occupant: (i) to use, obstruct, or encroach upon any adjacent public parkway except as permitted under Section 155.032; and (ii) to fail to maintain adjacent public parkways and any landscaping and private improvements thereon in the manner required by Section 155.032.

Penalty, see § 70.99

§ 70.71 DEBRIS AND MUD ON STREET PROHIBITED

(A) No vehicle shall be operated or moved on any street, highway, or public alley in such a way as to deposit or leave any mud or debris upon the surface of the street, highway, or public alley, or to create any unreasonable or unsightly accumulation of such material on the street, highway, or public alley. No person shall be deemed to have violated this section if the person immediately removes or causes the removal of any such mud or other debris deposited on the street, highway, or public alley.

(B) Any person owning any vehicle which is operated in violation of division (A) of this section and any person who operates such vehicle shall be liable for a violation.

(C) In addition to any other penalties, any person who is found to have violated the provisions of this section shall be liable for all reasonable costs incurred by the Village in removing from any street, highway, or public way any mud or debris.

Penalty, see § 70.99

Bicycles and Low-Speed Electric or Gas Bicycles and Scooters

§ 70.80 DEFINITIONS

For purposes of this chapter, all terms shall have the meanings set forth in the Illinois Vehicle Code unless otherwise expressly provided.

§ 70.81 TRAFFIC LAWS APPLY

Every person riding or operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter on any street, roadway, alley, sidewalk, or parking lot or on other public property within the Village shall be subject to all of the duties applicable to the driver of a vehicle, except as to special regulations for the use of such devices as set forth in this Chapter or in the Illinois Vehicle Code. Additionally, every person operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter shall comply with all special regulations set forth in Chapter 11 (Rules of the Road), Article XV (Bicycles) of the Illinois Vehicle Code (625 ILCS 5/11-1501 through 11-1518, inclusive, and as amended from time to time) and all additional regulations and restrictions provided in this chapter.

§ 70.82 APPLICATION

(A) It is unlawful for a person to do any act forbidden, or fail to perform any act required, by any provision of this chapter or any applicable provision of the Illinois Vehicle Code while riding or operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter within the Village.

(B) It is unlawful for a person to permit any minor child of which they are a parent or guardian to violate any provision of this chapter or any applicable provision of the Illinois Vehicle Code while riding or operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter within the Village.

§ 70.83 ADDITIONAL REGULATIONS AND RESTRICTIONS

(A) The following additional regulations and restrictions shall apply to the operation of a low-speed electric bicycle, low-speed gas bicycle, or low-speed electric scooter on any street, roadway, alley, sidewalk, bicycle path, multi-use path, or parking lot or on other public property within the Village:

a. A person may operate a low-speed electric bicycle (including a Class 1, Class 2, or Class 3 low-speed electric bicycle) or low-speed gas bicycle only if the person is at least 16 years of age. This limitation does not apply to a Class 1 or Class 2 low-speed electric bicycle that is being operated under manual power only and without utilizing motorized propulsion or assistance.

b. A person may operate a low-speed electric scooter only if the person is at least 18 years of age.

c. A person may not operate a low-speed electric bicycle (including a Class 1, Class 2, or Class 3 low-speed electric bicycle), low-speed gas bicycle, or low-speed electric scooter within the Village on any public sidewalk, bicycle path, or multi-use path or on any other public property or public way where the use of motor vehicles is not permitted; provided, however that a Class 1, Class 2, or Class 3 low-speed electric bicycle may be operated on a bicycle path or multi-use path under manual power only and without utilizing motorized propulsion or assistance.

d. Nothing in this section shall be construed to prohibit the use of a motorized wheelchair or similar personal mobility device that is designed for and used by a person with disabilities on any sidewalk, multi-use path, or other public way consistent with the rights and duties applicable to pedestrians.

(B) No person may operate any bicycle that is equipped with an electric-powered motor of 750 watts or more, or any off-highway motorcycle on any street, roadway, alley, sidewalk, bicycle path, multi-use path, or parking lot or on other public property within the Village.

§ 70.99 PENALTY

(A) *Fines.* Any person, firm, association, copartnership, or corporation violating any provision of this chapter for which another penalty is not provided, shall be fined no less than \$25 no more than \$1,000 for each offense.

(B) *Arrests.* Any person arrested for a violation of any provision of this subchapter shall be released upon proper bail being furnished as required by statute.

(C) *Tickets.*

(1) For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle (and name of the offender where possible) may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

(2) A judgment of a fine imposed upon an offender may be enforced in the same manner as a judgment entered in a civil action; provided, however, that in such judgment imposing until the fine is paid or satisfied at the rate of \$5 per day of imprisonment; provided, further, however, that no persons shall be imprisoned under the first provision hereof for a longer period than six months.

(D) *Penalty for all other parking offenses.* The penalty for parking offenses shall be \$25. Notices of non-payment shall be sent to offenders. If, after receipt of three such notices, payment is still not made, the fine is subject to division (A) of this section. (Ord. 2011-05.23, passed 5-12-11)

(E) *Prima facie proof.* The fact that a motor vehicle which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the motor vehicle at the time of such violation.

(F) *Deposits.* All penalty fees collected by the Village Clerk, shall be deposited with the Treasurer of the Village and credited to the general fund.

(G) *Ten or more violations.*

(1) Any person who has failed to satisfy any fine or penalty imposed by final judgment for ten or more violations of local standing and parking ordinance will be sent notice of impending drivers license suspension pursuant to ILCS Ch. 625, Act 5, § 6-306.5.

(2) Notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State. Such notice shall specify that failure to pay the fine or penalty owing, within 45 days of the date of the notice, will result in the Village notifying the Secretary of State that the person's drivers license is eligible for suspension pursuant to ILCS Ch. 625, Act 5, § 6-306.5.

(3) Upon expiration of 45 days from the time notice is sent to the defendant, if the defendant has not paid all fines and penalties owed, notice will be sent to the Secretary of State that the person's drivers license is eligible for suspension. (Ord. 92-8-5, passed 8-13-92)

(H) Any person, firm, or corporation found in violation of this section shall be fined not less than \$50 nor more than \$1,000 for each offense in addition to any towing expenses incurred under § 70.19(B).

(I) Any person violating the provisions of § 70.70 shall be fined an amount of \$50.

(J) Any person, firm, or corporation violating the provisions of § 70.71 shall be fined not less than \$50 nor more than \$500 for each offense.

(K) Late Fee: If a fine is not paid within 10 days of the ticket being issued, the minimum penalty is double the amount of the original fine. (Ord. 2011-05.23, passed 5-12-11)