

TITLE 16
TRAFFIC ORDINANCE

Subject	Chapter
Definitions	1
Obedience to Traffic Regulations	2
Through, Stop, One-Way Streets	3
Rules for Driving	4
Pedestrians	5
Parking Rules	6
Vehicle Condition	7
Drivers	8
Snowmobile Street Use	9
Violations; Arrests; Penalties	10
Savings Clause; Repeal; Amendment	11
Abandoned Vehicles	12
Non-Highway Vehicles	13

CHAPTER 1

DEFINITIONS

Section:

Definitions 16-1-1

16-1-1. DEFINITIONS

Whenever in this Chapter the following terms are used, they shall have the meanings respectively ascribed to them in this Division:

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

BICYCLE: Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than sixteen (16) inches in diameter.

BUSINESS DISTRICT: The territory within the Village contiguous to and including a street or highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings, which occupy at least three hundred feet (300') collectively on both sides of the street or highway.

CROSSWALK: That portion of the roadway included within the prolongation of the sidewalk lines at street intersection.

A. That part of a roadway at an intersection included within the connections of the lateral lines of the side walks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

B. 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.

EMERGENCY VEHICLE: Police vehicles, vehicles of the Fire Department, ambulances, vehicles carrying a State, County or Municipal officer or employee in the response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

EXPLOSIVE: Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that on ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gasses 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 degrees (70°) F. or less, as determined by tagliabue or equivalent closed cup test device.

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

INTERSECTION:

- A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two 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.
- B. The junction of an alley with a street or highway does not constitute an 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 material.

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 TIRES: Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard non-resilient material.

MOTORCYCLE: Every motor vehicle having a seat or a 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.

MOTOR VEHICLE: Every vehicle which is self-propelled.

PARK OR PARKING: Means 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.

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 or 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.

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 designed for the carrying of not less than ten persons, 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 school activities.

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

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by 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 each side 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 and each way set aside for public travel by vehicles.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either 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 AREA: An urban area is an incorporated or unincorporated area developed primarily for residential and/or business purposes.

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 feet (100') for a distance of one quarter (1/4) of a 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 moved 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, but when the roadway is clear may proceed into the intersection.

CHAPTER 2

OBEDIENCE TO TRAFFIC REGULATIONS

	SECTION:
Obedience to Marshal	16-2-1
Fleeing or Attempting to Elude Marshal	16-2-2
Scene of Fire	16-2-3
Signs and Signals	16-2-4
Traffic-Control Signal Legend	16-2-5
Flashing Signals	16-2-6
Unauthorized Signs	16-2-7
Interference With Official Traffic-Control Devices or Railroad Signs or Signals	16-2-8
Exemptions.....	16-2-9

16-2-1: OBEDIENCE TO MARSHAL:

Members of the Marshal Department and deputy marshals 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, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a marshal. Except in case of emergency it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

16-2-2: FLEEING OR ATTEMPTING TO ELUDE MARSHAL:

No driver or operator of a motor vehicle who having been given a visual or audible signal by a marshal directing such driver or operator to bring his vehicle to a stop, shall willfully fail or refuse to obey such direction, increase his speed, extinguish his lights or otherwise flee or attempt to elude the marshal. The signal given by the marshal may be by hand, voice, siren, red or blue light. Provided, the marshal giving such signal shall be in uniform, and, if driving a vehicle, such vehicle shall be marked showing it to be an official marshal vehicle.

16-2-3: SCENE OF FIRE:

The Fire Department officer in command, or any fireman designated by him, may exercise the powers and authority of a marshal in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as Fire Department equipment is on the scene, in the absence of or in assisting the police.

16-2-4: SIGNS AND SIGNALS:

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the Council or in accordance with the laws of the State of Illinois, excepting on direction of a marshal. All signs and signals established by direction of the governing body shall conform to the State Manual of Uniform Traffic Control Devices for Streets and Highways.

16-2-5: 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:

- A. Circular green (alone).
 1. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless a sign at such a 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.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal.

B. Steady yellow.

1. 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.
2. Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian control signal are thereby advised that there is insufficient time to cross the roadway, and no pedestrian shall start to cross.

C. Steady red indication.

1. 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.
2. 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. However, local authorities may by ordinance and state authorities may by rule or regulation prohibit any such right turn against a steady red signal at any intersection under their respective jurisdiction. Such ordinance or rule or regulation shall be effective when a sign is erected at such intersection giving notice of the ordinance or rule or regulation prohibiting the right turn.
3. Vehicular traffic on a one-way highway facing a steady red signal may, after stopping as required by paragraph (c) 1 of this Section, cautiously enter the intersection and make a left turn onto an intersecting one-way highway on which traffic travels to the left but shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. However, local authorities may by rule or regulation prohibit any such left turn against a steady red signal at any intersection within their respective jurisdiction. Such rule or regulation shall be effective when a sign is erected at such intersection giving notice of the ordinance or rule or regulation prohibiting the left turn.

16-2-6: 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 signals only with caution.

16-2-7: UNAUTHORIZED SIGNS:

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 effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal. Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any policeman.

16-2-8: INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL 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 part thereof.

16-2-9: EXEMPTIONS:

The provisions of this Chapter regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop signs or signals. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal. No driver of any authorized emergency vehicle shall assume any special privileges under the act 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. The provisions of this Chapter regulating the movement and parking of vehicles shall not apply to equipment or vehicles while actively engaged in installing, repairing or otherwise improving streets or street pavement.

CHAPTER 3

THROUGH, STOP, ONE-WAY STREETS

	Section:
Through Streets	16-3-1
One-Way Streets, Alleys	16-3-2
Stop Streets	16-3-3
Posting Signs	16-3-4

16-3-1: THROUGH STREETS:

The streets and parts of streets of the Village designated herein as through streets are hereby declared to be through streets. 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.

The following through streets are hereby designated:

16-3-2: ONE-WAY STREETS, ALLEYS:

It shall be unlawful to operate any vehicle on any street or alley designated as a one-way street or alley herein in any direction other than that so designated. The following one-way streets are hereby designated: Walnut Street from Brewster Street, running North to the grade school at the stop sign; Also, from the North end of Walnut Street where it abuts Brewster Street in a westerly direction to the grade school. (Amd. by Ord. No. 0-3-92-10-13, Published in Bureau Valley Chief 10-22-92)

16-3-3: STOP STREETS:

The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected at one or more entrances thereto and shall proceed cautiously yielding to the vehicles not so obliged 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. If a driver is involved in a collision at an intersection, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

16-3-4: POSTING SIGNS:

The marshal or any other person designated by the President or Board of Trustees shall post or cause to be posted suitable signs for all such through streets, one-way streets, or alleys, and stop intersections.

CHAPTER 4

RULES FOR DRIVING

	SECTION:
Position: Method of Turning at Intersections	16-4-1
Turning on Crest of Hill	16-4-2
Starting Parked Vehicle	16-4-3
Driver's Signal	16-4-4
Driving on Sidewalks, Safety Zones	16-4-5
Right-of-Way	16-4-6
Vehicle Turning Left	16-4-7
Limitations on Turning Around	16-4-8
"U" Turns	16-4-9
No Left Turn	16-4-10
Fire Department Vehicles; Fires	16-4-11
Driving on Right Side	16-4-12
Passing Vehicles	16-4-13
Overtaking Vehicles	16-4-14
Overtaking Vehicles on Right	16-4-15
Limitations on Overtaking on Left	16-4-16
Approach of Authorized Emergency Vehicles	16-4-17
Reckless Driving	16-4-18
Speed Restrictions	16-4-19
Obstructing Traffic	16-4-20
Unattended Motor Vehicles	16-4-21
Unattended Animals	16-4-22
Riding on Running Boards.....	16-4-23
Obedience to Signal Indicating Approach of Train	16-4-24
Funeral or Other Procession	16-4-25
Drivers in a Procession	16-4-26
Identify Funeral Processions	16-4-27
Backing	16-4-28
School Buses	16-4-29
Special Speed Limit While Passing Schools	16-4-30
Traffic Control Device	16-4-31

16-4-1: POSITION: METHOD OF TURNING AT INTERSECTIONS:

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

- A. Both the approach for a right turn and a left turn shall be made as close as practicable to the right hand curb or edge of the roadway.
- B. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of 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.
- C. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such 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 as nearly as practicable in the left lane lawfully available to traffic moving in such direction upon the roadway being entered. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of-way to all vehicles approaching on said highway.

16-4-2: TURNING ON CREST OF 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 feet (500').

16-4-3: STARTING PARKED VEHICLE:

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

16-4-4: DRIVER'S SIGNAL:

No driver of a vehicle shall suddenly start, slow down, stop or attempt to turn without first giving a suitable signal in such a manner as to apprise others who might be affected by his action.

- A. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.
- B. A signal of intention to turn right or left shall be given during not less than the last one hundred feet (100') traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device. 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.

16-4-5: DRIVING ON SIDEWALKS, SAFETY ZONES:

No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

16-4-6: RIGHT-OF-WAY:

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

16-4-7: 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.

16-4-8: LIMITATIONS ON TURNING AROUND: It shall be unlawful for the operator of any vehicle to turn such a 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.

16-4-9: "U" TURNS:

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.

16-4-10: NO LEFT TURN:

It shall be unlawful for the operator of any motor vehicle to turn left at any place where such turns are prohibited by ordinance.

16-4-11: FIRE DEPARTMENT VEHICLES; FIRES:

Upon the approach of a Fire Department vehicle, drivers of vehicles shall comply with the provisions of Section 16-4-17 of this Chapter relating to the approach of authorized emergency vehicles. It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within the block where the fire apparatus has stopped to answer a fire alarm. It shall be further unlawful for the driver of any vehicle to drive over any unprotected hose of the Fire Department without the consent of the Fire Chief or the assistant in command.

16-4-12: DRIVING ON RIGHT SIDE:

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:

- A. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- B. When the right half of a roadway is closed to traffic while under construction or repair;
- C. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or
- D. Upon a roadway designated and sign posted for one-way traffic;
- E. 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.

16-4-13: PASSING VEHICLES:

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one 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.

16-4-14: OVERTAKING VEHICLES:

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

- A. 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.
- B. 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.

16-4-15: OVERTAKING VEHICLES ON RIGHT:

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
- B. The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lanes of moving traffic when such movement can be made safe. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.
- C. The driver of a vehicle may overtake and pass another vehicle upon the right on a one-way street, or on any street on which traffic is restricted to one direction of movement where the roadway is free from obstructions and of sufficient width for two (2) or more lanes of moving vehicles.

16-4-16: LIMITATION ON OVERTAKING ON 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 the right hand side of the roadway before coming within one hundred feet (100') 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 feet (100') 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 center line is marked, which distinctive line also directs traffic as declared in the Sign Manual adopted by the State Department of Public Works and Buildings.
 - 4. The limitations in subsections B.1 and 2 of this Section 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.

16-4-17: APPROACH OF AUTHORIZED EMERGENCY VEHICLES:

Upon the immediate approach of an authorized emergency vehicle making use of an audible or visual signal meeting the requirements of this code, or a marshal 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 or marshal vehicle has passed, except when otherwise directed by a marshal. 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.

16-4-18: RECKLESS DRIVING:

Any person who drives any vehicle with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

16-4-19: SPEED RESTRICTIONS:

It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the Department of Public Works and Buildings, State of Illinois, or the County, in an urban area or urban district within the Village at a speed in excess of thirty (30) miles per hour, or in an alley at a speed in excess of ten (10) miles per hour. If the Board of Trustees, by ordinance, sets other limits as provided by State Statute, after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinance. The Village Marshal shall post appropriate signs showing such speed limits. The speed of all vehicles of the second division, as defined by State Statute, having two (2) or more solid tires shall not exceed ten (10) miles per hour. 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 hillcrest, 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. It shall be unlawful to drive any vehicle on any street or highway within the Village under the jurisdiction of the State Department of Public Works and Buildings, or of the County, at a speed exceeding that lawfully set for such street.

16-4-20: 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.

16-4-21: UNATTENDED MOTOR VEHICLES:

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. Whenever any police officer finds a vehicle unattended where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

16-4-22: UNATTENDED ANIMALS:

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

16-4-23: RIDING ON RUNNING BOARDS:

It shall be unlawful for any person to ride upon the fenders, running board, or outside step of any privately owned vehicle.

16-4-24: 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.

16-4-25: FUNERAL OR OTHER PROCESSION:

No driver of a vehicle shall drive between the vehicles comprising a funeral or such other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

16-4-26: DRIVERS IN A PROCESSION:

Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as close as practicable and safe.

16-4-27: IDENTIFY FUNERAL PROCESSIONS:

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia and by having the lights of each vehicle lighted.

16-4-28: BACKING:

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.

16-4-29: SCHOOL BUSES:

The driver of a vehicle on a street or 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 such school bus when there is in operation on the bus a visible signal as required by Statute for operation while the bus is transporting pupils; provided that the driver of a vehicle upon a street or highway of which the roadway for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicle traffic need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway.

16-4-30: SPECIAL SPEED LIMIT WHILE PASSING SCHOOLS:

No person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on any public thoroughfare on or across which children pass along to or from school during school days when school children are present.

16-4-31: TRAFFIC CONTROL DEVICE:

No person operating a vehicle shall leave the roadway and travel across private property to avoid an official traffic control device.

CHAPTER 5

PEDESTRIANS

SECTION:

Right-of-way	16-5-1
Pedestrians Crossing Roadway	16-5-2
Signals	16-5-3
Pedestrian Crossing	16-5-4
Pedestrians Walking Along Roadways	16-5-5
Blind Pedestrians	16-5-6

16-5-1: RIGHT-OF-WAY:

Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk. Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between an intersection the pedestrian shall have the right-of-way over drivers of vehicles; and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

16-5-2: PEDESTRIAN CROSSING ROADWAY:

At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right-of-way to all vehicles upon the roadway. No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

16-5-3: SIGNALS:

At intersections where traffic is directed by a marshal 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.

16-5-4: PEDESTRIAN CROSSING: Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

16-5-5: PEDESTRIANS WALKING ALONG ROADWAYS:

- A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic, and upon meeting a vehicle shall step off to the left.
- C. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

16-5-6: 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, 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 carrying such a cane or walking stick or being guided by a guide dog when walking on streets, highways or sidewalks; and shall not be considered evidence of contributory negligence.

CHAPTER 6

PARKING RULES

	SECTION:
Stopping, Standing or Parking Prohibited in Specified Places	16-6-1
Parking at Curb	16-6-2
Vehicle for Sale	16-6-3
Alleys	16-6-4
Parking Limitations; Snow Removal	16-6-5
Signs	16-6-6

16-6-1: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES:

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:
1. Stop, stand, or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - f. Upon any bridge or other elevated structure or within a highway tunnel, underpass, or subway;
 - g. On any railroad tracks;
 - h. At any place where official signs prohibit stopping.
 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
 - a. In front of a public or private driveway;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - e. Within 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 75 feet of such entrance (when property sign-posted);
 - f. At any place where official signs prohibit standing.
 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
 - a. Within 50 feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking.
 4. Park any recreational vehicle, boat, tow behind trailer, or any other vehicle that exceeds 24 feet in length on any Village right-of-way or street for more than three consecutive days or more than three days in a seven day period. (Amd. by Ord. 0-3-16-11-8)
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic, and upon meeting a vehicle shall step off to the left.
- C. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

16-6-2: PARKING AT CURB:

No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line, 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.

16-6-3: VEHICLES FOR SALE:

It shall be unlawful to park any vehicle upon any roadway for the purpose of displaying it for sale, or to park any vehicles upon any business street from which vehicle merchandise is peddled.

16-6-4: ALLEYS:

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') 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.

16-6-5: PARKING LIMITATIONS:

It shall be unlawful to park or leave unattended any vehicle on Main Street between Galena and State Streets at any time between midnight and 6:00 A.M.

A. The parking of vehicles in excess of 10,000 pounds along the East side of Galena Street for a distance of 400 feet North of North Street is hereby prohibited and appropriate signs shall be placed along said no parking area. (Amd. by Ord. No. 0-3-00-8-15)

16-6-6: SIGNS:

The Village Marshal and 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.

CHAPTER 7

VEHICLE CONDITION

	SECTION:
Obstruction of Driver's View or Driving Mechanism	16-7-1
Signal Lamps	16-7-2
Unnecessary Noise	16-7-3
Horn	16-7-4
Gas and Smoke	16-7-5
Projecting Loads	16-7-6
Brakes	16-7-7
Mufflers, Prevention of Noise	16-7-8
Lights	16-7-9
Volunteer Firemen	16-7-10
Tires	16-7-11
Weight	16-7-12
Spilling Loads	16-7-13
Bicycles	16-7-14

16-7-1: OBSTRUCTION OF DRIVER'S VIEW OR DRIVING MECHANISM:

- A. No person may drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- B. No passenger in a vehicle may ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
- C. No passenger on a school bus may ride or stand in a position as to interfere with the driver's view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus.

16-7-2: SIGNAL LAMPS:

Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet (14'). The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

16-7-3: UNNECESSARY NOISE:

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

16-7-4: HORN:

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

16-7-5: 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.

16-7-6: PROJECTING LOADS:

The maximum width and height of any vehicle and its load shall not exceed the limits expressed in the State traffic law. 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 inches (6") beyond the line of the fenders on the right side thereof. No vehicle, unladen or with load, shall exceed a length of forty-two feet (42') extreme over all dimensions. No combination of vehicles coupled together shall consist of more than two (2) units, and no such combination of vehicles, unladen or with load, shall exceed a total length of fifty feet (50'); but such length limitations 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. No part of the load of a vehicle shall extend more than three feet (3') in front of the extreme front portion of the vehicle.

16-7-7: 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 a vehicle.

16-7-8: MUFFLERS, PREVENTION OF NOISE:

Every motor vehicle driven or operated upon the highways of this State 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.

16-7-9: LIGHTS:

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the State law, 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 park at nighttime.

16-7-10: VOLUNTEER FIREMEN:

Any motor vehicle owned or usually operated by a volunteer fireman may be equipped with not to exceed two (2) lamps which shall emit a blue light without glare. One such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such a fireman is responding to a fire call.

16-7-11: 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.

16-7-12: 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.

16-7-13: SPILLING LOADS: No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the municipality.

16-7-14: BICYCLES:

A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a reflector on the rear of a type which shall be visible from all directions from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle that is not equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100'), except that a bicycle shall not be equipped with, nor shall any person on a bicycle, any siren or whistle.

C. Every bicycle shall be equipped with a good and adequate brake.

CHAPTER 8

DRIVERS

SECTION:

Liquor or Drugs 16-8-1

Drag Racing 16-8-2

Accidents 16-8-3

16-8-1: LIQUOR OR DRUGS:

It shall be unlawful for the habitual user of narcotic drugs to operate any motor vehicle on any street, and it shall be unlawful for any intoxicated person or any person under the influence of alcohol or of a narcotic drug, to operate or attempt to operate any motor vehicles on any street.

16-8-2: DRAG RACING:

No person operating a motor vehicle shall engage in drag racing. “Drag racing” means the act of two or more individuals competing or racing on any street or highway in this Village in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway in this Village.

16-8-3: 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 to 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 Village Marshal within twenty four (24) hours after the accident.

CHAPTER 9

SNOWMOBILE STREET USE

	SECTION:
Route	16-9-1
Speed Limit	16-9-2
Traffic Laws	16-9-3
Spacing	16-9-4

16-9-1: ROUTE:

The following route is established for snowmobiles traveling through the Village of Tiskilwa: Entering from the east end of Tiskilwa on the Bottom Road to First Street or southeast end of Tiskilwa on Boundary Street, proceeding to First Street; thence proceeding to State Street, then north on State Street to Main Street, thence west on Main Street to High Street, thence north on High Street to Owen Street, thence west on Owen Street to Jefferson Street, thence North on Jefferson Street to Brewster Street, thence west on Brewster Street and out over the cemetery hill. No snowmobile may travel on any other street in the Village of Tiskilwa except that people residing in the Village may take the shortest route to and from their home to the snowmobile route described above.

16-9-2: SPEED LIMIT:

No snowmobile shall travel through the Village of Tiskilwa at a speed limit greater than fifteen (15) miles per hour.

16-9-3: TRAFFIC LAWS:

All snowmobiles operating in the Village of Tiskilwa shall observe all traffic laws of the Village of Tiskilwa.

16-9-4: SPACING:

All snowmobiles traveling through the Village of Tiskilwa in one direction shall be spaced one block apart and there shall be no overtaking and passing. This provision is made to cut down on noise emitted by said snowmobiles.

CHAPTER 10

VIOLATIONS; ARRESTS; PENALTIES

SECTION:

General Penalty	16-10-1
Arrests	16-10-2
Tickets	16-10-3

16-10-1: GENERAL PENALTY:

Any person violating any provisions of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense or by imprisonment in the County Jail for not less than ten (10) days nor more than six (6) months or both. (Amd. by Ord. No. 0-3-82-3-9)

16-10-2: ARRESTS:

Any person arrested for a violation of any provision of this Ordinance shall be released upon proper bail being furnished as required by Statute. The police officer in command may, in the absence of a police judge, prescribe the amount of bail or bond in each instance. Provided that any arrested person may at his own request, have the amount of such bond set by the proper officer as provided by Statute.

16-10-3: TICKETS:

For offenses other than driving while intoxicated or reckless driving, marshalls, 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 and/or record owner of said vehicle to appear in court at the time designated for hearing such cases. Such an officer may sign a complaint for the issuance of a warrant if the offender or record owner of said vehicle does not appear at the time and place so specified, and if the offender is not personally identified, the marshal may assume that the record owner is the offender.

CHAPTER 11

SAVINGS CLAUSE REPEAL; AMENDMENT

SECTION:

Separability	16-11-1
Ordinances Repealed	16-11-2
Amendments	16-11-3
Effective Date	16-11-4

16-11-1: SEPARABILITY:

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

16-11-2: ORDINANCES REPEALED:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

16-11-3: AMENDMENTS:

Most of this ordinance is adopted from Chapter 95 1/2 of Illinois Revised Statutes of 1977 entitled "Motor Vehicles". In the event said State of Illinois Statute is amended in any particular matter covered by this ordinance, then this ordinance adopts said amendment and it is made a part hereof, unless the Village of Tiskilwa shall pass an ordinance making said State of Illinois ordinance inapplicable.

16-11-4: EFFECTIVE DATE:

This ordinance shall take effect upon its passage and publication as provided by Statute.

CHAPTER 12

ABANDONED VEHICLES

	SECTION:
Authority	16-12-1
Short Title	16-12-2
Definitions	16-12-3
Storing, Parking or Leaving Dismantled or Other Such Motor Vehicle Prohibited	16-12-4
Notice To Remove	16-12-5
Responsibility For Removal	16-12-6
Notice Procedure	16-12-7
Content of Notice	16-12-8
Request For Hearing	16-12-9
Procedure For Hearing	16-12-10
Removal of Motor Vehicle From Property	16-12-11
Vehicle in Temporary Possession or Custody of Non-Owner	16-12-12
Vehicle on Roadway or Causing Traffic Hazard	16-12-13
Notice of Removal	16-12-14
Disposition of Unclaimed Vehicles	16-12-15
Contents of Public Sale Notice	16-12-16
Public Sale	16-12-17
Redemption of Impounded Vehicles	16-12-18
Liability	16-12-19
Penalty	16-12-20
Ordinances Repealed	16-12-21
Separability	16-12-22
Effective Date	16-12-23

16-12-1: AUTHORITY:

This Ordinance is promulgated pursuant to the Statutory authority contained in Sections 11-40-3 and 11-60-2 of Chapter 24 and Section 4-200 et seq. of Chapter 95 1/2 of the Illinois Revised Statutes.

16-12-2: SHORT TITLE:

This Ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance.

16-12-3: DEFINITIONS:

- A. CHIEF OF POLICE is the Chief of Police of the Village of Tiskilwa.
- B. MOTOR VEHICLE is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-karts, golf carts, campers and trailers.
- C. JUNKED MOTOR VEHICLE is any motor vehicle, as defined by subsection B. of Section 16-12-3, which does not have lawfully affixed thereto an unexpired license plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.
- D. PRIVATE PROPERTY shall mean any real property within the Village which is privately owned and which is not public property as defined in this section.

- E. PUBLIC PROPERTY shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

16-12-4: STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLE PROHIBITED AND DECLARED NUISANCE: EXCEPTIONS:

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the Village for a period of time in excess of ten (10) days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Ordinance. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the Village and properly operated in the appropriate business zone, pursuant to the zoning laws of the Village, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

16-12-5: NOTICE TO REMOVE:

Whenever it comes to the attention of the Chief of Police that any nuisance as defined in Section 16-12-4 of this Ordinance exists in the Village, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Ordinance.

16-12-6: RESPONSIBILITY FOR REMOVAL:

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where the same is located, shall be liable for the expenses incurred.

16-12-7: NOTICE PROCEDURE:

The Chief of Police of the Village shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address.

16-12-8: CONTENT OF NOTICE:

The notice shall contain the request for removal within the time specified in this Ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

16-12-9: REQUEST FOR HEARING:

The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the Board of Trustees of the Village or its designee within the ten (10) day period of compliance prescribed in Section 16-12-7 for the purpose of defending the charges by the Village.

16-12-10: PROCEDURE FOR HEARING:

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearings at least five (5) days in advance thereof.

At any such hearing, the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

16-12-11: REMOVAL OF MOTOR VEHICLE FROM PROPERTY:

If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Board of Trustees of the Village or its designee, the Chief of Police or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purposes of removing a vehicle under the provisions of this Ordinance.

16-12-12: VEHICLE IN TEMPORARY POSSESSION OR CUSTODY OF NON-OWNER:

Whenever such nuisance exists and the vehicle is in the temporary possession or custody of a person not the owner of the vehicle, such person shall notify the Chief of Police. Upon receipt of such notification, the Chief of Police or his designee shall have the right to take possession of the vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purposes of removing a vehicle under the provisions of this Ordinance.

16-12-13: VEHICLE ON ROADWAY OR CAUSING TRAFFIC HAZARD:

Whenever a vehicle is abandoned or left unattended on a highway for 24 hours or more, the Chief of Police or his designee shall have the right to take possession of the vehicle and remove it from the highway. Whenever an abandoned, unattended, wrecked, burned or partially dismantled 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, the Chief of Police or his designee shall have the right to immediately take possession of the vehicle and remove it from the highway or private property adjacent to the highway.

16-12-14: NOTICE OF REMOVAL:

Within forty-eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle or vehicles has been impounded and stored for violation of this Ordinance. The notice shall give the location of where the vehicle or vehicles is stored and the costs incurred by the Village for removal.

16-12-15: DISPOSITION OF UNCLAIMED VEHICLES:

A. When a vehicle removed under the provisions of Sections 16-12-11, 16-12-12, or 16-12-13 and which is seven (7) years or age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to possession for a period of thirty (30) days after notice has been given under the provisions of Section 16-12-14, the Chief of Police shall cause the vehicle to be sold at public sale. The Chief of Police shall cause notice of the public sale to be posted in a conspicuous place on the premises where the vehicle is impounded for not less than ten (10) days before the date of the proposed sale. Not less than ten (10) days before the sale, the Chief of Police shall cause notice of the sale to be sent by certified mail to the registered owner, lienholder, or other persons known to be legally entitled to possession of the vehicle.

B. When a vehicle removed under the provisions of Section 16-12-11, 16-12-12, or 16-12-13 and which is more than seven (7) years of age remains unclaimed by the registered owner or lienholder for a minimum of ten (10) days after notice has been given under the provisions of Section 16-12-14, the Chief of Police shall authorize the disposal of the vehicle as junk. However, if such a vehicle is appraised at a value of Two Hundred Dollars (\$200.00) or more and can be restored to operating condition, the Chief of Police may cause its sale as salvage. A vehicle classified as an antique may be sold to a person desiring to restore it.

16-12-16: CONTENTS OF PUBLIC SALE NOTICE:

The notice of sale shall state:

- A. The sale is of abandoned property in the possession of the village.
- B. A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle.
- C. The terms of the sale.
- D. The date, time, and place of the sale.
- E. Procedure to reclaim prior to sale.

16-12-17: PUBLIC SALE:

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the Clerk of the Village. Should the sale for any reason be invalid the Village's liability shall be limited to the return of the purchase price.

16-12-18: REDEMPTION OF IMPOUNDED VEHICLES: The owner of any vehicle seized under the provisions of this Ordinance, the lienholder, or any other person legally entitled to possession of the vehicle may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Chief of Police of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed Twenty-five Dollars (\$25.00) plus Three Dollars (\$3.00) per day for storage for each vehicle redeemed.

16-12-19: LIABILITY:

A. Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the Village to pay the unrecovered expenses incurred by the Village in such removal, a lien shall be placed upon the property for the amount of such expenses.

B. The Chief of Police or his designee, the towing service owner, operator, or employee shall not be held liable for damages in any action brought by the registered owner, former registered owner, lienholder, or any other person legally entitled to possession of the vehicle when the vehicle was processed and disposed of as provided for in this Ordinance.

16-12-20: PENALTY:

Any person violating any of the provisions of this Ordinance shall upon conviction be subject to a fine of not more than Fifty Dollars (\$50.00). Each act in violation of any of the provisions hereof and each day the act continues shall be deemed a separate offense.

16-12-21: ORDINANCES REPEALED:

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

16-12-22: SEPARABILITY:

It is the intention of the Village Board that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

16-12-23: EFFECTIVE DATE:

This Ordinance shall take effect ten (10) days after passage as required by law. Presented, passed, and approved on a roll call vote on this 9th day of July, 1985. (Ord. No. 0-5-85-7)

CHAPTER 13

NON-HIGHWAY VEHICLES

	Section:
Definitions	16-13-1
Rules and Regulations	16-13-2
Registration Fees and Sticker Placement	16-13-3
Use Under the Influence	16-13-4
Denial, suspension or revocation of permit; hearing	16-13-5
Penalties and Violations	16-13-6

16-13-1 DEFINITIONS:

ATV: (All terrain Vehicle). A Vehicle that travels on tires with a seat that is straddled by the operator, along with handlebars for steering control.

UTV: (Utility Task Vehicle). Also known as a side by side or ROV, (Recreational Off Road Vehicle), small 2-4 person off road vehicle with seats and steering much like an automobile.

Golf Cart: A small vehicle 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 as defined by 625 Illinois Compiled Statutes 5/1-123.9 and 11-1426.1(a)(2) of the Illinois Vehicle Code.

Low Speed Vehicle: Shall mean any four-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that conforms with the federal motor vehicle safety standard set forth in 49 C.F.R. Part 571.500.

Manufacturer: Company that originally manufactured the vehicle including any aftermarket parts applied by the original manufacturer that appear as standard or optional equipment, not including aftermarket items added by a retailer, or subsequent purchaser of the vehicle.

Non-Highway Vehicle: Any recreational off-highway vehicle not specifically designed to be used on a public highway. For purposes of this article, non-highway vehicles shall not include golf carts, as such terms are defined in the Illinois Vehicle Code.

Qualified applicant: Any governmental unit, government agency or organization, not for profit charitable, civic or religious corporation or organization, or fraternal organization. The Village shall be entitled to request proof of documentation, including but not limited to tax-exempt status, from any person or entity purporting to be a qualified applicant.

Exhaust Modification: The addition or modification of the exhaust system of the vehicle which results in the noise being produced by the engine that exceeds that of the original manufacturer.

Vehicle: For the purposes of this ordinance no dragsters or race car shall be considered a vehicle permitted to be operated on village roadways pursuant to this ordinance.

16-13-2 RULES AND REGULATIONS:

- A.** The use of Golf carts on the streets, roadways and alleys of the Village shall be permissible subject to the provisions of this article. Golf Carts may not be used on any controlled access highway or other highway or road under the jurisdiction of the state, except through permitted crossings as set forth in this article. Any other Non-Highway Vehicle is not permitted on any roadway, street or alleyway in the Village.
- B.** The use of Golf Carts on streets, roadways and alleys of the Village shall be permissible if operated in accordance with the provisions set forth in section 11-1426.2 of the Illinois Vehicle Code and such other provisions applicable to low-speed vehicles are set forth in this article.
- C.** When authorized by and pursuant to the provisions of this article, Golf carts may be operated within the Village in compliance with all traffic rules and regulations established by the Illinois Vehicle Code or by Village Ordinance, and only those vehicles that comply with the equipment requirements of the Illinois Vehicle Code may be operated when otherwise authorized pursuant to this article. Nothing herein shall be interpreted or construed to permit a person who does not possess a valid drivers license to operate a Golf Cart. A valid driver's license means a license issued in the name of the operator by the state or a foreign jurisdiction and in force at the time of operation of the vehicle.
- D.** Golf Carts shall be permitted to operate within the Village 24 hours a day.
- E.** Golf Carts are strictly prohibited from any park within the Village.
- F.** Golf Carts shall not be allowed on the Village sidewalks and Village right-of-way. Golf Carts are not allowed on any private property unless permitted by the owner of said property.
- G.** A person may not operate a Golf Cart upon any street, highway, roadway, alleyway unless he or she is 16 years of age or older; and has a valid drivers license issued in his or her name by the Illinois Secretary of State or such other applicable foreign jurisdiction. All passengers in the Golf cart must be at least eight (8) years of age.
- H.** Golf Carts shall not be allowed to be driven on County Highway 4, County Highway 23. Golf Carts shall be allowed to cross a county highway if the operator of the Golf Cart makes a direct crossing provided:
 - a.** The crossing is made at an angle approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing.
 - b.** The Golf cart is brought to a complete stop before attempting a crossing.
 - c.** The operator of the Golf Cart yields to the right of way to all pedestrian and vehicular traffic which constitutes a hazard.
 - d.** That when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or alleyway.
- I.** A Golf Cart shall not be operated on any street or roadway unless, at a minimum, it has the following:
 - a.** Brakes;
 - b.** A steering Apparatus;
 - c.** Tires;
 - d.** A rearview mirror;
 - e.** Amber reflectorized warning devices in the front and red reflective warning devices in the rear;
 - f.** A slow-moving emblem (as required of other vehicles in section 12-709 of the Illinois Vehicle Code) on the rear of the non-highway vehicle;
 - g.** A headlight that emits a white light visible from a distance of 500 feet to the front;
 - h.** A tail lamp that emits a red light visible from 100 feet from the rear;
 - i.** A horn;
 - j.** A full windshield;
 - k.** Seat belts for all seat positions;
 - l.** Brake Lights; and
 - m.** Turn Signals.
- J.** When operated on a roadway, a non-highway vehicle shall have its headlights and tail lamps lighted as required by section 12-201 of the Illinois Vehicle Code.

- K. A person who drives or is in actual physical control of the non-highway vehicle on a roadway while under the influence is subject to sections 11-500 through 11-502 of the Illinois Vehicle Code and all other applicable laws.
- L. The operation of a non-highway vehicle upon any street, roadway or alley is subject to the provisions of Chapter 11 of the Illinois Vehicle Code concerning the Rules of the Road and all applicable Village ordinances, as the same may be amended from time to time.
- M. Non-highway vehicles shall not be operated on any Village sidewalk or other surfaces other than Village streets, alleys and roadways.
- N. Non-highway vehicles shall at all times be operated in accordance with the standards set forth in section 11-1426.2 of the Illinois Vehicle Code.
- O. Any person who operates a non-highway vehicle on the street, roadway or alley shall be subject to the mandatory insurance requirements and the minimum liability insurance set forth in article VI of Chapter 7 of the Illinois Vehicle Code.
- P. The operator and all passengers shall wear a seatbelt at all times during the operation of the non-highway vehicle.
- Q. No aftermarket enhancements shall be done on the vehicles that causes for the original make of the Vehicle to be altered or changed which enhances the sound the vehicle originally makes.

16-13-3 REGISTRATION FEE AND STICKER PLACEMENT:

- A. No person shall operate a Golf Cart on the Village streets, roadways or alleys without first obtaining an annual permit from the Village as provided herein. Permits for Golf carts shall be limited to qualified applicants only.
- B. A permit shall be valid, unless suspended or revoked, from April 1st of the year of issuance until May 30th of the following year.
- C. The cost of the annual permit shall be \$100.00. Every non-highway vehicle shall be required to have a permit and such permit shall not be transferable. Annual renewal stickers shall be displayed in the proper location as indicated on the registration plate.
- D. Every application for a permit shall be made on a form supplied by the Village and shall contain, at a minimum, the following information:
 - 1. Name and address of applicant
 - 2. Name of insurance carrier and policy number and or a photocopy of applicable liability insurance coverage issued specifically for the golf cart to be operated by the pursuant to the permit;
 - 3. The serial number, make, model and description of the Golf cart;
 - 4. A certification from the applicant that the Golf Cart satisfies the requirements of this article and the Illinois Vehicle Code; and
 - 5. Such other information as the Village may require, including a release and waiver of liability signed by the applicant releasing the Village and its employees, and agreeing to indemnify and hold the Village harmless, including the costs of defense, from any and all claims, penalties, costs, judgements, settlements or causes of action resulting or arising from the operation of applicant's golf cart or non-highway vehicle on Village streets, roadways or alleys.
- E. No application shall be approved until the chief of the police, police officer or a qualified designee, has conducted an investigation into the application, and shall have caused an inspection of the vehicle or vehicles for which permit is sought to be obtained. Following completion of the inspection and investigation, the chief or his or her designee shall report their findings to the mayor, and upon satisfactory inspection the mayor shall direct the city clerk to issue the permit. The inspection conducted by the chief or his or her designee shall be to ascertain:
 - 1. That the vehicle or vehicles comply with all applicable laws and regulations concerning equipment required to be installed under the article;

2. The name or names of the persons who shall be operators of the vehicles;
 3. That said persons possess the required driver's license;
 4. That the vehicle or vehicles are insured to meet or exceed the requirements of the Illinois Vehicle Code; and
 5. That the applicant is otherwise qualified to hold a permit hereunder.
 - 6.
- F. The Village shall issue each permitted Golf Cart a numbered license plate, sticker or other identifier which shall be affixed to the rear of such vehicle. Every Golf cart shall be required to have such identification and shall not be transferable. There shall be a fee of \$25.00 for any replacement.
- G. The Mayor may deny issuance of a permit to any applicant if:
1. The inspection reveals that any equipment required by this article does not exist;
 2. The operators do not possess the required license;
 3. The applicant or any of the proposed operators of the vehicle have previously been found to be in violation of the provisions of this article or have previously had a permit issued pursuant to this article revoked; or
 4. The applicant would otherwise not qualify for the issuance of a permit hereunder.

16-14-4 USE UNDER THE INFLUENCE:

A person who drive or is in actual physical control of a vehicle under this chapter on a roadway in the Village of Tiskilwa while under the influence of alcohol or drugs, is subject to the provisions of sections 11-500 through 11-502 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/11-500 through 11-502. Further, a violation of the provisions of this section shall be cause for the Village of Tiskilwa to revoke the permit of the authorized vehicle.

16-14-5 DENIAL, SUSPENSION OR REVOCATION OF PERMIT; HEARING:

An appeal for refusal to grant a permit must be submitted in writing to the mayor and filed in the office of the Village clerk within ten days following the issuance of the denial of the application by the mayor. Notice of the date and time of the hearing shall be given in the writing by the mayor to the party appealing the decision at least five days prior to the hearing.

For any proposed revocation or suspension of a permit issued pursuant to this article a notice of hearing on such a proposal shall be given in writing by the mayor setting forth the grounds for the proposed revocation or suspension, and the time and place of hearing. Such notice shall be sent certified mail, return receipt requested, at the address of the applicant set forth in the application for the permit, and shall be sent at least five days prior to the date set for the hearing. If, prior to the hearing, the appellate requests a continuance of the date of hearing, the mayor may impose a suspension of the permit pending the final hearing, and the final hearing shall be rescheduled for a date not later than 14 days following the request for continuance.

Hearings shall be conducted by the mayor. At the hearing, the Village attorney shall present the complaint on behalf of the Village and shall offer evidence sufficient to justify the revocation or suspension, as applicable. ON appeal of the denial of a permit, the appellant shall be required to produce evidence to rebut the basis for denial. The appellant in either case shall be allowed counsel and shall have the right to submit evidence and cross examine witnesses. The mayor shall preside over the hearing and shall render a written decision to the appellant within 30 days following the conclusion of the hearing.

Following the written decision of the mayor, the appellant shall have the right to appeal to the ordinance and license committee of the Village council. Such appeal shall be taken by filing with the city clerk a request to appeal within ten days after notice of the written decision by the mayor. The committee shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this section. The hearing shall be held at a date not earlier than five days after the notice is given, and may not be held at a regular scheduled meeting of the committee. The decision of the committee on such appeal

shall be final and shall constitute a final administrative ruling, subject to review under the provisions of the state administrative review law (735 ILCS 5/3-101 et.seq.).

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16-14-6 PENALTIES AND VIOLATIONS:

Any person who violated any provision of this ordinance shall be punished by a fine of \$100.00 plus court costs.

A second or subsequent offense by any person who violated any provision of this ordinance shall be guilty of a petty offense and shall be punished by a fine of no less than \$250.00 but no more than \$750.00, plus court costs.

Any second or subsequent offense shall result in the revocation of the permit for a period of not less than one(1) nor more than three (3) years.

To the extent that any violation of this ordinance also constitutes a violation of a criminal statute of the State of Illinois then the violator shall also be subject to criminal prosecution.

Non-Highway Vehicles or Golf Carts shall be subject to impoundment to the same extent as other vehicles as set forth in Chapter 12, of the Tiskilwa Village Code.