

Chapter 78

TRAFFIC AND VEHICLES*

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***Cross references**—Vehicles crossing fire hoses, § 34-71; law enforcement, ch. 42; inoperable motor vehicles a nuisance, § 46-155; scavengers in vehicles, § 58-65; streets, sidewalks and other public places, ch. 66; vehicles for hire, ch. 90.

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ARTICLE I. IN GENERAL

Sec. 78-1. State traffic laws adopted.

(a) The Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., is hereby adopted and made a part of this chapter by reference and shall be applicable in the village.

(b) Any person who violates any provision of the Illinois Vehicle Code within the village shall be subject to the penalties provided by this chapter and this Code.

(Code 1977, § 41.01)

Sec. 78-2. Posting signs.

The chief of police or any other person designated by the board of trustees shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys, stop intersections, and parking regulations.

(Code 1977, § 41.02)

Sec. 78-3. Vehicles for sale.

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

(Code 1977, § 41.10)

Secs. 78-4—78-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

DIVISION 1. GENERALLY

Sec. 78-31. General penalties.

Any person violating any provisions of this chapter shall be fined not less than \$10.00 nor more than as provided in section 1-11.

(Code 1977, § 41.23(a))

Sec. 78-32. Arrests.

Any person arrested for a violation of any provision of this chapter shall be released upon

*Cross reference—Administration, ch. 2.

proper bail being furnished as required by state statute. The police officer in command at the station may, in the absence of a 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 a judge as provided by statute.

(Code 1977, § 41.23(b))

Sec. 78-33. Tickets.

For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle (and the name of the offender where possible) may issue a traffic violation ticket in accordance with the provisions of 625 ILCS 5/6-106 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.

(Code 1977, § 41.23(c))

Sec. 78-34. Prima facie proof.

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

(Code 1977, § 41.23(d))

Secs. 78-35—78-39. Reserved.

DIVISION 2. VEHICLE SEIZURE AND IMPOUNDMENT

Sec. 78-40. Definitions.

For purposes of this section, the following terms shall have the meanings stated in this section:

- (a) *Business day* means any day in which the office of the village clerk of the Village of Gurnee is open to the public for a minimum of seven hours.
- (b) *Motor vehicle* means every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles and motor scooters.

(c) *Owner of record* means the recorded title holder(s) of the vehicle.
(Ord. No. 2007-21, § I, 3-19-2007)

Sec. 78-41. Use of motor vehicles for unlawful purposes.

(a) *Conduct prohibited.* A motor vehicle that is used in connection with any of the following violations may be subject to seizure and impoundment by the village, and the owner of record of said vehicle may be liable to the village for an administrative penalty in the amount of \$500.00, plus any applicable towing and storage fees prior to the vehicle being released to the owner:

- (1) Driving under the influence, as provided in section 78-1 of the Gurnee Municipal Code or section 11-501(a) of the Illinois Vehicle Code (625 ILCS 5/11-501(a)), or
- (2) Driving with a suspended or revoked license, as provided in section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as a result of a conviction pursuant to section 11-501(a) of the Illinois Vehicle Code, section 78-1 of the Gurnee Municipal Code, or similar provision of another municipal ordinance, or suspension under 625 ILCS 5/11-501(a).

(Ord. No. 2007-21, § I, 3-19-2007)

Sec. 78-42. Seizure and impoundment.

(a) Whenever a police officer has reason to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer may provide for the towing of the vehicle to a facility approved by the chief of police. This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered.

(b) The police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of

the vehicle owner's right to request an administrative hearing to be conducted under this section.

(Ord. No. 2007-21, § I, 3-19-2007)

Sec. 78-43. Administrative hearing.

(a) Within five business days after a vehicle is seized and impounded pursuant to this section, the village shall notify, personally or by certified mail, the owner of record of the owner's right to request a hearing to challenge whether a violation of this section has occurred. The owner of record seeking a hearing must file a written request for a hearing with the village administrator or designee no later than ten business days after notice was issued. The hearing date must be no more than ten business days after a request for a hearing has been filed and shall be conducted pursuant to the administrative hearing procedures set forth in chapter 2, section 2-300 et seq. of this Code.

(b) All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. In a hearing on the propriety of impoundment of a vehicle any sworn or affirmed report, citation or ticket that (i) is prepared in the performance of a law enforcement officer's duties and (ii) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the vehicle owner's liability, unless rebutted by clear and convincing evidence to the contrary.

(c) If, after the hearing, the administrative hearing officer determines by a preponderance of evidence that the vehicle was used in violation of this section, the administrative hearing officer shall then enter an order finding the owner of record of the vehicle civilly liable to the village for the administrative penalty.

(d) If, after a hearing, the administrative hearing officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, the administrative hearing officer shall enter an order finding for the owner and for the return of the vehicle.

(e) If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and the administrative hearing officer shall enter a default order in favor of the village in the amount of the administrative penalty.

(f) If the owner pays the administrative penalty and the vehicle is returned to the owner, no default order need be entered if the owner is informed of his or her right to a hearing and signs a written waiver, in which case an order of liability shall be deemed to have been made when the village receives the written waiver.
(Ord. No. 2007-21, § I, 3-19-2007)

Sec. 78-44. Disposition of impounded vehicles.

An administrative penalty imposed pursuant to this section shall constitute a debt due and owed the village. A vehicle impounded pursuant to this section shall remain impounded until:

- (1) The administrative penalty as set forth herein is paid to the village and all applicable towing and storage fees are paid to the towing agent, in which case the owner of record shall be given possession of the vehicle; or
- (2) A bond in the amount of the administrative penalty is posted with the police department and all applicable towing and storage fees are paid to the towing agent, at which time the vehicle will be released to the owner of record; or
- (3) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

(Ord. No. 2007-21, § I, 3-19-2007)

Sec. 78-45. Posting of bond.

(a) If a bond is posted with the police department, the impounded vehicle shall be released to the owner of record. The owner of the vehicle shall still be liable to the towing agent for any applicable towing and storage fees.

(b) If an administrative penalty is imposed for violation of this section, the bond will be forfeited to the village; however if a violation of this section is not proven by a preponderance of the evidence, the bond will be returned to the person posting the bond.

(c) All bond money posted pursuant to this section shall be held by the village until the administrative hearing officer issues a decision, a hearing has been waived, or, upon entry of a decision by the circuit court, if judicial review has been requested.

(d) The bond posted will be in the form of cash. Credit cards, personal checks, business checks or travelers checks will not be accepted.
(Ord. No. 2007-21, § I, 3-19-2007)

Sec. 78-46. Vehicle possession.

Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek judicial review of the village's action under this section, or the time at which a final judgment is rendered in favor of the village, or the time a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an unclaimed or abandoned vehicle as provided by law, provided, however, that where proceedings have been instituted under state or federal drug asset forfeiture laws, the subject vehicle may not be disposed of by the village except as consistent with those proceedings.

(Ord. No. 2007-21, § I, 3-19-2007)

Secs. 78-47—78-60. Reserved.

ARTICLE III. OPERATION OF VEHICLES

Sec. 78-61. Through streets and stop intersections.

The streets and intersections described in Schedule A of this section are hereby designated through streets and stop intersections and four-way stop intersections as described in such schedule. Where stop signs are erected in accordance with such schedule at the entrances to the through streets

Right-of-Way Streets

Delany Road
Delany Road
Delany Road
Delany Road
Delany Road

Stop Streets

Grove Avenue - Two-way
Jeffery Avenue
Kenwood Avenue (90-170)
Lake Park
Morrison Drive

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Right-of-Way Streets

Stop Streets

Right-of-Way Streets

Stop Streets

Hunt Club Road	Dada Drive	Lawson Boulevard	Rosemary Lane - Northbound
Hunt Club Road	Foxworth Lane	Lawson Boulevard	Stearn's School Road
Ill. Rte. 21	Woodlake Boulevard (north entrance and south entrance)	Lawson Boulevard	West Gatewood Drive
Ill. Rte. 132 (Grand Ave)	Tri-State Parkway	Lawson Boulevard	Winona Lane
Indian Trail Road	Quailhaven Court (89-120)	Lawson Boulevard	Windwood Court
Inglennook Lane	Dolcetto Lane	Lawson Drive	Pinewood Road
Inverness Drive	Muirfield Drive	Leonard Drive	Compton Court
Kilbourne Road	Emerald Avenue	Leonard Drive	Crossland Boulevard
Kilbourne Road	Old Grand Avenue	Leonard Drive	Darnell Lane
Kilbourne Road	Public Works Entrances	Leonard Drive	Dunhill Court
King's Way North	Concord Square	Leonard Drive	Eagle Ridge Drive
King's Way North	Covenant Court	Leonard Drive	Formoor Lane
King's Way North	Cross Road	Leonard Drive	Gloster Court
King's Way North	Mayflower Court	Leonard Drive	Golfview Drive
King's Way North	Pilgrim's Path	Leonard Drive	Pebble Creek Court
Kingsway Road	Fieldstone Drive	Longmeadow Drive	Angelo Avenue
Kingsway Road	Long Hill Road	Longmeadow Drive	Williamsburg Avenue
Kingsway Road	Providence Road	Madison Avenue	Constitution Avenue (90-48)
Knobb Hill Lane	Sleepy Hollow Lane	Magnolia	Atlantic Avenue
Knottingham Drive	Bentley Drive	Magnolia	Clearview Avenue
Knottingharn Drive	Bradley Drive	Magnolia	Grandmore - Two-way
Knottingham Drive	Camden Drive	Magnolia	Grandview
Knowles Road	Clavey Lane	Magnolia	Grandview - West Approach
Knowles Road	Scarborough Drive	Magnolia	Grove Avenue
Korbel Drive	Clem Drive	Magnolia	Highland Avenue - East
Korbel Drive	Dolcetto Lane	Magnolia	Keith Avenue
Korbel Drive	Inglennook Lane	Magnolia Avenue	Cheyenne Road - Two-way
Korbel Drive	Napa Drive	Magnolia Avenue	Pacific Avenue - Two-way
Lauren Court	Andrews Lane	Manchester Drive	Colby Road
Lawrence Avenue	University Avenue	Manchester Drive	Dunham Road
Lawson Boulevard	Acacia Court	Manchester Drive	Edington Court (88-94)
Lawson Boulevard	Adams Court	Maplewood Lane	Ashwood Lane
Lawson Boulevard	Adler Court	McClure Road	Gillings Drive
Lawson Boulevard	Barnwood Drive	Mendocino Drive	Garnacha Drive
Lawson Boulevard	Beechwood North Approach	Millstone Lane	Greenfield Court
Lawson Boulevard	Butternut Court	Milwaukee Avenue	Manchester Drive (87-132)
Lawson Boulevard	Constitution Avenue	Muirfield Drive	Doral Drive
Lawson Boulevard	Delaware Avenue	New Haven Avenue	Waterbury Avenue
Lawson Boulevard	East Gatewood Drive	North Straton Drive	Hillside Court
Lawson Boulevard	Franklin Court	Northridge Drive	Plaza Drive
Lawson Boulevard	Gatewood Court	Northwestern	Clearview Court
Lawson Boulevard	Hancock Lane	Northwestern	Country Club Avenue
Lawson Boulevard	Hollyhock Court	Northwestern	Florida Avenue
Lawson Boulevard	Ironwood Court	Northwestern	Keith Avenue
Lawson Boulevard	Liberty Lane	Northwestern	Pacific Avenue
Lawson Boulevard	Madison Avenue	Northwestern	Swanson Court - North
Lawson Boulevard	Maplewood Lane	Northwestern	Swanson Court - South
Lawson Boulevard	Oakview Lane	Notting Hill Road	Chancery Road
Lawson Boulevard	Pembroke Court	Notting Hill Road	Chapel Hill
Lawson Boulevard	Portage Lane	Notting Hill Road	Turnham Green Road
Lawson Boulevard	Quincy Court	Nursery Drive	Westminster Lane
Lawson Boulevard	Rockpointe Court	Nursery Drive (west inter-section)	Clavey Lane
Lawson Boulevard	Rosemary Lane - Southbound		Greystone Drive

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<i>Right-of-Way Streets</i>	<i>Stop Streets</i>	<i>Right-of-Way Streets</i>	<i>Stop Streets</i>
Nursery Drive (east inter-section)	Greystone Drive	Presidential Drive	Patriot Court
Nursery Drive	Sutton Place	Providence Road	Calvin Court
O'Plaine Road	Blackstone Avenue	Providence Road	Cole Court
O'Plaine Road	Brookhaven Drive - Two-way (88-78)	Providence Road	Cross Court
O'Plaine Road	Brookhaven Drive	Providence Road	Cross Road
O'Plaine Road	Cornell Avenue	Providence Road	Lexington Square East
O'Plaine Road	Country Trails	Providence Road	Majestic Court
O'Plaine Road	Eastwood	Red Pine	Plymouth Court
O'Plaine Road	Elm Road	Red Pine Avenue	Ravine Drive
O'Plaine Road	King's Way North	Revere Court	Castlewood Court
O'Plaine Road	McClure Road - Two-way	Riverside Drive	(Il. 21) Boulder Drive
O'Plaine Road	North Avenue - Two-way	Riverside Drive	Spinney Run Drive
O'Plaine Road	Providence Road	Rivinia Drive	Rippling Ridge Court
O'Plaine Road	Russell Road - Two-way	Rivinia Drive	Vista Drive
Oakmont Lane	Inverness Drive	Rogers Road	Ridge Road
Oakmont Lane	Southridge Drive	Rolling Green	Brookstone Place
Oakview Lane	Parkside Court	Rollins Road	Scarborough Drive
Old Farm Lane	Foxboro Lane	Route 21	Adele Drive
Old Farm Lane	White Barn Lane	Route 21	Boulder Drive
Old Grand Avenue	Emerald Avenue	Route 21	Des Plaines Court
Old Walnut Circle	Clarewood Lane	Route 21	Glendale Drive
Old Walnut Circle	Brentwood Lane	Route 21	Gages Lake Road
Old Walnut Circle	Prescott Lane	Route 21	Heather Ridge Drive
Pacific Avenue	Bay Place	Route 21	Milwaukee Avenue
Pennsbury Lane	Arlington Lane	Route 21	Prairie Oaks Road
Pennsbury Lane	Millstone Lane	Route 21	Ridge Road
Pine Grove Street	Grandview Avenue (89-31, 91-131)	Route 21	South Avenue
Pinetree Drive	Balsam Court	Route 41	Blackburn
Pinetree Drive	Cypress Circle	Route 41	Blackstone - Two-way
Pinetree Drive	Ebony Court	Route 41	Depot Road
Pinetree Drive	Joshua Court	Route 41	Dorchester
Pinetree Drive	Mahogany Court	Route 41	Drexel Avenue
Pinetree Drive	Norfolk Court	Route 41	Estes
Pinetree Drive	Sequoia Court	Route 41	Ferndale - Two-way
Pinetree Drive	Virginia Court	Route 41	Grandview
Pinewood Road	Acorn Court	Route 41	Grandville Avenue
Pinewood Road	Cedarwood Court	Route 41	Kilbourne Road
Pinewood Road	Fernwood Court	Route 132	St. Paul Avenue
Pinewood Road	Hazelwood Court	Route 132	University Avenue
Pinewood Road	Monterey Court	Route 132	Belle Plaine - Two-way
Pinewood Road	Pinetree Drive	Route 132	Boulevard Street
Pinewood Road	Pauly Drive - North Approach	Route 132	Dilley's Road - Two-way
Pinewood Road	Sherwood Court	Route 132	Elsie Avenue
Pinewood Road	Yew Court	Route 132	Estes - Two-way
Plainview Court	Knobb Hill Lane	Route 132	Ferndale Two-way
Portsmouth Circle	Castlewood	Route 132	First Street - Two-way
Prairie Oaks Road	Carriage Drive East	Route 132	Fuller Road - Two-way
Prairie Oaks Road	Carriage Drive West	Route 132	Grand Avenue, West End
Prairie Oaks Road	Deer Run - Two-way	Route 132	Grand - East End
Prairie Oaks Road	Oak Lane	Route 132	Greenleaf - Two-way
Presidential Drive	Capital Lane	Route 132	Greenview
			Juniper
			Kilbourne Road

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Right-of-Way Streets

Stop Streets

Right-of-Way Streets

Stop Streets

Route 132	Lawrence Avenue	Washington Street	Buckingham Drive
Route 132	Magnolia	Washington Street	Cemetery Road
Route 132	Milwaukee Avenue	Washington Street	Churchill Lane
Route 132	Pine Grove	Washington Street	Frontage First Street
Route 132	Rogers Road	Washington Street	Hillview Drive
Route 132	Spruce Street	Washington Street	Kingsport Drive
Route 132	Waveland - Two-way	Washington Street	Old Walnut Circle
Scranton Drive	Nursery Drive (east intersection)	Washington Street	Washington Street Frontage Road
Scranton Drive	Scarborough Drive	Waterbury Avenue	Chatham Avenue
Sierra Drive	Hillview Drive	Waterbury Avenue	Longmeadow Drive
Sierra Place	Crystal Place	Waterbury Avenue	Waterford Way
Sierra Place	Geneva Drive (N)	Waveland Avenue	Grandmore Avenue
Sierra Place	Milan Way	Westminster Lane	Bayswater Circle
Sierra Place	Rivinia Drive	Westminster Lane	Downing Circle
Sierra Place	Waterfall Court	Wildflower Lane	Big Terra Court
South Avenue	Rogers Road	Wildflower Lane	Estate Circle
South Ridge Drive	Indian Trail Road	Wildflower Lane	Hill-N-Dale (93-10, 1/25/93)
South Ridge Drive	Wildflower Lane	Wildflower Lane	Plainview Road
South Fork Drive	Barn Swallow Court	Wildflower Lane	Saratoga Court
South Fork Drive	Habitat Court	Wildflower Lane	South Fork Drive
South Fork Drive	Lone Tree Court	Williamsburg Avenue	Cornell Avenue
South Avenue	Darlene Drive East	Woodbury Circle	Almaden Lane (west)
South Avenue	Darlene Drive West	Woodbury Circle	Lenox Court
South Ridge Drive	Cemetery Road	Woodbury Circle	Pennsbury Lane
South Ridge Drive	Old Farm Lane	Woodlawn	Briar Avenue - Two-way
South Ridge Drive	Sleepy Hollow Lane	Woodlawn	Estes - South approach
South Stratton Lane	Auburn Lane	Woodlawn	Ferndale
St. Paul Avenue	Lee Avenue	Woodlawn Avenue	Hawthorne
Stearns School Road	Conifer Lane	Woodlawn Avenue	Lawrence
Stearns School Road	Lawson Boulevard	Woodlawn Avenue	Magnolia - Two-way
Stearns School Road	Notting Hill Road	Woodlawn Avenue	Pine Grove - Two-way
Stearns School Road	Westfield Drive		
Stonebrook Drive	Camden Drive		
Strawberry Fields	Abbey Road		
Suffolk Drive	Foxworth Lane		
Suffolk Drive	Hartford Drive		
Sutton Place	Nursery Drive		
Sunnyside Avenue	Crabtree Court		
Sunnyside Avenue	Tanglewood Drive		
Sunset	Northwestern		
Tanglewood Drive	Almaden Lane		
Tri-State Parkway	Centerpoint Court		
Tri-State Parkway	Lakeside Drive		
U.S. Route 45	Dada Drive		
U.S. Route 41	Ambrogio Drive		
Vineyard Drive	Almaden Lane		
Vineyard Drive	Bittersweet Drive		
Vineyard Drive	Korbel Drive		
Vineyard Drive	Mendocino Drive (N & S)		
Vista Drive	Canyon Court		
Vista Drive	Panorama Drive		
Washington Street	Almond Road		
Washington Street	Arbrogio Drive		

THREE-WAY STOPS

- Belle Plaine and Grandmore (all traffic stops) (86-101)
- Blackstone and Greenleaf (all traffic stops)
- Cemetery Road and Tri-State Parkway (93-10)
- Colby Road and Manchester Drive (92-161)
- Grandville and Northwestern (all traffic stops) (86-56)
- Heather Ridge Drive at Leonard and Manchester
- Lawson Boulevard and Pauly Drive (all traffic stops) (88-78)
- Long Hill Road and Middle Road (93-158)
- Manchester Drive (right-of-way street) at Heather Ridge Drive - Two-way stop and Leonard Drive - Stop

Mendocino Drive and Vineyard Drive
Pauly at Pinewood
Red Pine Avenue and Lawson Boulevard (90-41)
St. Paul at Grove
Woodhill Drive and Dilley's Road (89-94)

Washington Street and Greenleaf
Washington Street and Marriott Entrance
Washington Street and O'Plaine Road
Washington Street and Route 21

(Code 1977, § 41.03; Ord. No. 82-39, 8-16-1982; Ord. No. 82-54, 12-6-1982; Ord. No. 83-21, 6-20-1983; Ord. No. 84-34, 9-4-1984; Ord. No. 84-42, 11-26-1984; Ord. No. 85-36, 8-26-1985; Ord. No. 86-56, 7-31-1986; Ord. No. 86-72, 8-25-1986; Ord. No. 86-101, 11-24-1986; Ord. No. 87-126, 9-28-1987; Ord. No. 87-132, 10-19-1987; Ord. No. 88-16, 2-22-1988; Ord. No. 88-78, 9-12-1988; Ord. No. 88-94, 10-3-1988; Ord. No. 89-31, 3-6-1989; Ord. No. 89-94, 6-6-26-89; Ord. No. 89-120, 8-28-1989; Ord. No. 90-41; Ord. No. 90-48, 4-16-1990; Ord. No. 90-157, 11-19-1990; Ord. No. 90-170, 12-3-1990; Ord. No. 91-41, 5-6-1991; Ord. No. 91-131, 10-7-1991; Ord. No. 92-104, 8-3-1992; Ord. No. 92-105, 8-3-1992; Ord. No. 92-106, 8-3-1992; Ord. No. 92-161, 11-23-1992; Ord. No. 93-10, 1-25-1993; Ord. No. 93-144, 10-18-1993; Ord. No. 93-158, 12-6-1993; Ord. No. 94-42, 3-28-1994; Ord. No. 95-73, § 1, 8-21-1995; Ord. No. 95-90, § 1, 9-25-1995; Ord. No. 96-144, § 1, 11-25-1996; Ord. No. 97-20, § 1, 2-3-1997; Ord. No. 97-28, §§ 1, 2, 3-17-1997; Ord. No. 97-39, § 1, 3-24-1997; Ord. No. 97-123, § 1, 10-27-1997; Ord. No. 98-92, §§ 1, 2, 8-3-1998; Ord. No. 98-151, § 1, 12-21-1998; Ord. No. 99-81, § 1, 7-12-1999; Ord. No. 2000-59, § 1(41.03), 5-1-00; ; Ord. No. 2000-124, § 1(41.03), 10-16-00; Ord. No. 2001-13, § 1(41.03), 2-19-01; Ord. No. 2001-37, § 1(41.03), 5-7-01; 2001-58, § 1(41.03), 7-16-01; Ord. No. 2001-77, § 1(41.03), § 9-17-01; Ord. No. 2002-12, § 1, 2-4-2002; Ord. No. 2002-16, § 1, 2-18-2002; Ord. No. 2002-102, § 2, 11-4-2002; Ord. No. 2004-20, § I, 4-12-2004; Ord. No. 2004-43, § I, 6-7-2004; Ord. No. 2004-69, § I, 10-4-2004; Ord. No. 2005-6, § I, 2-7-2005; Ord. No. 2005-81, § I, 9-12-2005; Ord. No. 2005-91, § I, 10-10-2005; Ord. No. 2006-39, § I, 5-15-2006)

FOUR-WAY STOPS

Adele	Deer Run (86-56)
Almond Road	Dada Drive (93-158)
Atlantic Avenue	Belle Plaine Street (89-120)
Belle Plaine	Woodlawn
Belle Plaine Street	Florida Avenue (93-144)
Delany Road	Harper Avenue (92-104)
Delany Road	Oglesby
Drexel Avenue	Estes Street
First Street	Blackstone
First Street	Woodlawn
Glen Flora	Belle Plaine
Glen Flora	Magnolia (86-101)
Grand Avenue	O'Plaine Road
Grandview	Waveland
Grandville	Magnolia
Halifax Road	Andover Road (93-158)
King's Way North	Cross Road (92-106)
King's Way West	Middle Road (93-158)
Lawson Boulevard	Beechwood Avenue (85-36)
Leonard Drive	Adderly Lane
Providence Road	Cross Road (92-105)
Rivinia Drive	Cascade Way

SCHEDULE A
TRAFFIC CONTROL INTERSECTIONS

The following intersections are designated traffic control intersections:

Cedar Avenue and Great America Parkway
Delany Road and Sunset Avenue
Delany Road and Porett Drive
Delany Road and Route 41
O'Plaine Road and Route 120
Route 21 and Route 41
Route 132 and Great America Parkway
Route 132 and O'Plaine Road
Route 132 and Route 21
Route 132 and Route 41

Cross reference—Streets, sidewalks and other public places, ch. 66.

Sec. 78-62. Yield intersections.

(a) The intersections described in Schedule B of this section are hereby designated as yield intersections as described in such schedule. Where yield signs are erected in accordance with such schedule at the entrances to the yield intersec-

tions the operator of a vehicle approaching a yield sign shall reduce speed and yield the right of way as required by law.

(b) In accordance with this section the following are designated yield intersections:

**SCHEDULE B
 YIELD INTERSECTIONS**

<i>Right-of-Way Street</i>	<i>Yield Street</i>
Greenleaf Street	Rt. 132 Exit to Grand Avenue
Greenleaf Street	Grandview - Two-way
Dorchester	Gould - Two-way
Hickory Haven West	Hickory Haven East
Lee Avenue	Bay Place - Two-way
Sherman Avenue	Bay Place - Two-way

(Code 1977, § 41.04, Sched. B)

Sec. 78-63. Speed limits.

(a) No vehicle may be driven upon any street or road within the village at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the street or road, or which endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or road conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the roadway in compliance with legal requirements and the duty of all persons to use due care.

(b) No person may drive a vehicle at a speed greater than 25 miles per hour on any street or road under the local jurisdiction of the village, except as provided on the attached schedule 1.

**Schedule 1
 Speed Limits**

<i>Street</i>	<i>MPH</i>	
Cemetery Rd	30	From Tri-State Parkway to Washington Street
Almond Road	35	From Route 132 to Washington Street
Kilbourne Road	30	
St. Paul Avenue	30	
Grove Avenue	30	From Estes Street to St. Paul Avenue
Depot Road	30	
Northwestern Avenue	30	
Delany Road	30	From Route 41 to Old Grand Avenue
Tri-State Parkway	30	
Lakeside Drive	30	
Fuller Road	30	From Route 132 to Stearns School Road
Woodlake Boulevard	25	

(2000-126, § 1(41.05), 10-16-2000; Ord. No. 2001-34, § 1(41.05), 4-16-2001)

Editor's note—Ord. No. 2001-34, § 1(41.05), adopted April 16, 2001 repealed former § 78-63, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 78-63, pertained to similar subject matter and derived from Ord. No. 97-142, § 1, adopted Dec. 15, 1997; Ord. No. 96-117, § 1, adopted Oct. 7, 1996; Ord. No. 96-94, § 1, adopted Aug. 26, 1996; and the 1977 Code, § 41.05.

Sec. 78-64. Reckless, careless or negligent driving.

It shall be unlawful to operate any vehicle in the village in a reckless or wanton manner in violation of 625 ILCS 5/11-503, or in a careless manner, or in a negligent manner, so as to endanger or likely to endanger any person or property. (Code 1977, § 41.06)

Sec. 78-65. Riding on fenders, running boards or outside steps.

It shall be unlawful for any person to ride upon the fenders, running board or outside step of any vehicle. (Code 1977, § 41.18)

Sec. 78-66. Weight limits.

(a) *Generally.* It shall be unlawful to drive on any village street any motor vehicle, unladen, or with load, when the gross weight on the road's surface through any axle thereof exceed six tons.

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(b) *Limited load streets.* Whenever the weight of vehicles permitted on a street is limited by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street,

except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose. (Code 1977, § 41.19)

Sec. 78-67. Truck routes established.

(a) It shall be unlawful to drive any truck, except for the purpose of making a delivery and then for one block only on any street in the village except upon those streets designated in this section. All trucks passing in and through the village shall be limited to the use of:

<i>Truck Routes</i>	<i>From</i>	<i>To</i>
US HIGHWAYS		
US Route 41	Southern Village Limits	Northern Village Limits
US Route 45	Southern Village Limits	Northern Village Limits
STATE HIGHWAYS		
IL Route 21	Southern Village Limits	Northern Village Limits
IL Route 120	Western Village Limits	Eastern Village Limits
IL Route 132	Western Village Limits	Eastern Village Limits
COUNTY HIGHWAYS		
Delany Road	US Route 41	Northern Village Limits
Dilley's Road	IL Route 132	Northern Village Limits
Gages Lake Road	Western Village Limits	IL Route 21
Greenleaf Street	Southerly Village Limits	Washington Street
Hunt Club Road	IL Route 120	Northern Village Limits
Hutchins Road	IL Route 132	Northern Village Limits
O'Plaine Road	Southerly Village Limits	Old Grand Avenue
Rollins Road	Western Village Limits	IL Route 132
Stearns School Road	Western Village Limits	Eastern Village Limits
Sunset Avenue	Delany Road	Eastern Village Limits
Washington Street	Western Village Limits	Eastern Village Limits
VILLAGE STREETS		
Ambrogio Drive	Entire Length	
Clearview Court	Entire Length	
Cornell Avenue	Western end of road	O'Plaine Road
Estes Street	US Route 41	Grove Avenue
Grandville Avenue	US Route 41	Northwestern Avenue
Grove Avenue	St. Paul Avenue	Estes Street
Lakeside Drive	Entire Length	
Lee Avenue	Grove Avenue	St. Paul Avenue
Morrison Drive	Entire Length	

<i>Truck Routes</i>	<i>From</i>	<i>To</i>
Nations Drive	Entire Length	
Northwestern Avenue	Sunset Avenue	Grandville Avenue
Porett Drive	Entire Length	
Ryan Road	Delany Road	Eastern Limits
St. Paul Avenue	US Route 41	Delany Road
Swanson Court	Entire Length	
Tri-State Parkway	IL Route 132	Washington Street

(b) Signs shall be posted in accordance with this section.
(Code 1977, § 41.20; Ord. No. 2002-86, § 1, 9-23-2002; Ord. No. 2005-16, § I, 3-21-2005)

Sec. 78-68. Fire lane, fire hydrant and fire connection violations.

(a) *Designation of fire lanes.* Fire department officials may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.

(b) *Purpose.* Designated fire lanes shall be identified by the posting of signs that identify a particular path of egress alongside of or to a public and/or private building, on public or private property, that shall be maintained free of obstructions and vehicles and so marked as prescribed by the village fire department.

(c) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fire department connection means a connection on a building for fire department use in supplementing or supplying water for standpipes and sprinkler systems.

Fire hydrant means any water pressurized system, device or connection used for the attachment of fire hose, such hydrant being placed in the ground and connected to the city water system, and such hydrant being located on either public or private property.

Fire lane means the path of egress whether on public roads and highways, or on private property, that is a continuous path of travel from any one point at a building or structure, to any other point along that structure, so posted and marked as a fire lane.

(d) *Blocking access to fire hydrant.* It shall be unlawful to park any vehicle on any egress area, whether on public or private property, in the village so as to block access to any functioning fire hydrant.

(e) *Blocking fire lane.* It shall be unlawful to park any vehicle contrary to posted signs, blocking a fire lane on public or private property in the village.

(f) *Blocking access to fire department connection.* It shall be unlawful to park any vehicle on any egress area, whether on public or private property in the village, so as to block access to any functioning fire department connection attached to or adjacent to any structure.

(g) *Fire lanes designated.* The following areas are designated and marked as fire lanes:

- (1) Entrance Drive, 930 Taylor.
- (2) Entrance Drive, 917 Vose.
- (3) Entrance Drive, 920 Vose.
- (4) Entrance Drive, 690 Chandler.
- (5) Entrance Drive, 650 Whitney.
- (6) Drury Court and Avery Court except designated parking.
- (7) Abbington Court except designated parking.
- (8) Farwell Court except designated parking.
- (9) Chase Court except designated parking.
- (10) Clark between Taylor and Leonard except designated parking.

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- (11) Circle Drive on the north and south side of the main recreation center (Heather-Ridge).
- (12) Reserved.
- (13) Shepard Court except designated parking.
- (14) Colby Court except designated parking.
- (15) Beth Court except designated parking.
- (16) Mitchell Court except designated parking.
- (17) Whitney from Dunham to south west parking lot.
- (18) Dunham west of Colby.
- (19) Chip Court except designated parking cul-de-sac only.
- (20) Reserved.
- (21) Woodview Apartments, 1820 and 1840 Delany main entrances.
- (22) Wedgewood Apartments, 1600, 1700 and 1800 circle drives at main entrances.
- (23) Spinney Run, service drive around building.
- (24) Grand Mill Shopping Center, 4949 Grand Avenue, service drive around building.
- (25) Reserved.
- (26) Gowe Park, service drive.
- (27) Viking Park, service drive.
- (28) Wal-Mart, 6590 Route 132, west, east and north side within 18 feet of building.
- (29) Sam's Club, 6570 Route 132, west, east and south side within 18 feet of building, except designated loading docks.
- (30) Gurnee Mills, 6170 Route 132, entire interior ring road around Gurnee Mills.
- (31) Hampton Inn, 5550 Route 132, north side within 18 feet of building.
- (32) Pembroke Corners, 5250 Route 132, north and east sides within 18 feet of building.
- (33) Riverside Plaza, 4949 Washington Street, east, west, south and north sides within 18 feet of building.
- (34) Saratoga Square, 6101 Washington Street, east, west, south and north sides within 18 feet of building.
- (35) Warren Township High School, 500 N. O'Plaine Road, within 18 feet of curb bordering south and southeast sides of building; main drive along east side of building, except loading and unloading of bus and automobile passengers permitted.
- (36) 3701 Route 132, east and west sides within 18 feet of building.
- (37) 3620 Route 132, west side of building within 18 feet of building.
- (38) 3550 Grand Avenue, along the east side of building beginning at the northernmost public access to east loading dock; also entire south side of building within 18 feet.
- (39) Pine Grove, from Route 132 north to where two-way traffic resumes.
- (40) Spaulding School, 3638 Florida Avenue, along the south and west sides of building within 18 feet.
- (41) Delany Square, 1810 Delany, within 18 feet of all sides of building.
- (42) Emergency Service Drive, from St. Paul to 1600 Wedgewood.
- (43) Gurnee Grade School, 940 Kilbourne Road, within 18 feet of building, beginning at the southernmost public access to the southwest corner of the gym.
- (44) Chesapeake Court, except designated parking area.
- (45) East Wellsley Court, except designated parking area.
- (46) West Wellsley Court, except designated parking area.
- (47) Hampton Court, except designated parking area.
- (48) Nantucket Court, except designated parking area.
- (49) Roanoake Court, except designated parking area.

- (50) Buchanan Drive from the west property line of Gurnee Dodge east to Arlington Road.
 - (51) Woodland Middle School, 7000 Washington Street, site except designated parking areas.
 - (52) Kaiser's Pizza, 1801 Route 21, north, south, and east side of building.
 - (53) Gurnee Towne Center, 7105 Grand Avenue, west, east, and south of building.
 - (54) Entire length of Sunrise Lane.
 - (55) Entire length of Carol Lane.
 - (56) University Avenue between 3495 and 3555 Grand Avenue, except designated parking area.
 - (57) 6641 Grand Avenue, 80 feet, along the east side of the building.
 - (58) 6409 and 6411 Grand Avenue, 30 feet, along the west side of the building.
 - (59) Arbor Court, except designated parking areas.
 - (60) Buckeridge Court, except designated parking areas.
 - (61) Canterbury Court, except designated parking areas.
 - (62) Independence Court, except designated parking areas.
 - (63) Newport Court, except designated parking areas.
 - (64) Oxford Circle, except designated parking areas.
 - (65) Princeton Court, except designated parking areas.
 - (66) Salem Court, except designated parking areas.
 - (67) Somerset Court, except designated parking areas.
 - (68) Windsor Court, except designated parking areas.
- (Code 1977, § 41.25; Ord. No. 99-53, § 1, 4-19-1999; Ord. No. 99-79, § 1, 4-19-1999; Ord. No. 2000-105, § 1(41.25), 8-21-2000; Ord. No. 2003-08,

§ 1, 2-17-2003; Ord. No. 2003-72, §§ I, II, 10-13-2003; Ord. No. 2005-27, § I, 5-2-2005; Ord. No. 2006-18, § I, 3-6-2006; Ord. No. 2006-42, § I, 6-5-2006)

Cross reference—Fire prevention and protection, ch. 34.

Sec. 78-69. One-way streets and alleys.

(a) The streets and alleys described in subsection (b) of this section are hereby designated one-way streets and alleys, When signs indicating the direction of traffic are erected at each intersection where movement in the opposite direction is prohibited, vehicular traffic shall move only in the indicated direction.

(b) The following streets or portion thereof are designated one-way streets:

Anderson Lane, between Illinois Route 132 and Grand Avenue, northbound.

Cedar Avenue between Great America Parkway and Elsie Avenue, westbound.

Dilley's Road, between Northridge Drive and Woodhill Drive, northbound.

Grandville Avenue westbound from Northwestern Avenue to a point 268 feet west of the centerline of Waveland Avenue.

Plaza Drive, between Dilley's Road and Northridge Drive.

(Code 1977, § 41.26; Ord. No. 94-41, § 1, 3-28-1994)

Cross reference—Streets, sidewalks and other public places, ch. 66.

Sec. 78-70. Turning restrictions.

(a) It shall be unlawful to operate a vehicle so as to turn right at the intersection of Belle Plaine Street and Grandmore Avenue when proceeding southbound on Belle Plaine Street.

(b) It shall be unlawful to operate a vehicle so as to turn left from southbound Northwestern Avenue onto eastbound Country Club Avenue between the hours of 3:30 p.m. and 5:30 p.m., Monday through Friday.

(c) It shall be unlawful to operate a vehicle so as to turn left from southbound Northwestern Avenue onto eastbound Florida Avenue between the hours of 3:30 p.m. and 5:30 p.m., Monday through Friday.

(d) It shall be unlawful to operate a vehicle so as to turn left from eastbound Andover Drive onto northbound Halifax Road.

(Code 1977, § 41.40; Ord. No. 94-64, § 1, 6-6-1994; Ord. No. 2006-11, § I, 2-6-2006; Ord. No. 2006-12, § I, 2-6-2006; Ord. No. 2009-35, § I, 5-4-2009)

Sec. 78-71. Use of safety belts in motor vehicles.

(a) Each driver and front seat passenger of a motor vehicle operated on a roadway in the village shall wear a properly adjusted and fastened seat belt, except that a child under the age of six years shall be protected as required pursuant to the Child Passenger Protection Act (625 ILCS 25/1 et seq.). Each driver of a motor vehicle transporting a child between the ages of six years and 16 years of age in the front seat of a motor vehicle shall secure the child in a properly adjusted and fastened safety belt.

(b) The provisions of this section shall not apply to any of the following:

- (1) A driver or passenger frequently stopping and leaving the vehicle for roadway maintenance or roadway construction, if the speed of the vehicle between stops does not exceed 15 miles per hour.
- (2) A driver or passenger possessing a written statement from a physician that such a person is unable, for medical or physical reasons, to wear a safety belt.
- (3) A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a safety belt.
- (4) A driver operating a motor vehicle in reverse.

(5) A motor vehicle with a model year prior to 1965.

(6) A motorcycle.

(7) A motor vehicle which is not required to be equipped with safety belts under federal law.

(c) Violation of any provision of this section is hereby declared to be a petty offense, and any operator or passenger of a passenger motor vehicle convicted of a violation under this section shall be fined up to \$75.00.

(d) Failure to wear a safety belt in violation of this section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance or operation of a motor vehicle.

(e) Any village police officer may stop any motor vehicle, or driver or passenger of such vehicle solely on the basis of a violation or suspected violation of this section while such a vehicle is being operated on any roadway within the village.

(Ord. No. 98-110, § 1(41.41), 9-21-1998)

Sec. 78-72. Unlicensed motorized vehicles prohibited.

(a) It shall be unlawful for any person to operate an unlicensed motorized vehicle upon any public alley, highway, street, bicycle path, pedestrian path, sidewalk, park, school or other public property.

(b) For purposes of this section, "unlicensed motorized vehicle" shall be defined as a mechanical device designed to transport human beings which is powered by a combustion engine or electric power, and is not registered with the State of Illinois, and for which a valid license plate is not displayed as required by the Illinois Vehicle Code, 625 ILCS 5/3-400 et seq. The definition of "unlicensed motorized vehicles" shall not include any electric wheelchairs occupied by a handicapped person or any other mechanical device used and occupied by a handicapped person, vehicles which are used in community parades or bona fide public activities sponsored or authorized by any federal, state, or local government

agency, vehicles which are used in the operation or in the course of the business or activities of an amusement park or golf course, or any motor driven vehicle which is legally licensed and registered with the State of Illinois.
(Ord. No. 2002-98, § 1, 10-7-2002)

Secs. 78-73—78-100. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

Sec. 78-101. Loading zone.

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, or for the driver 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 designated places:

- (1) At any place not to exceed 75 feet along the curb before the entrance to any hospital or hotel at any time.
- (2) 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.
- (3) Directly in front of the entrance to any theater at any time that the theater is open for business.

(Code 1977, § 41.11)

Sec. 78-102. Overnight parking prohibited.

It shall be unlawful for the driver or owner of any vehicle to park any vehicle or to permit any vehicle to be parked on any street in the village between the hours of 2:00 a.m. and 6:00 a.m. of any day, except that emergency vehicles and physicians on emergency calls are hereby exempt from these provisions.

(Ord. No. 2007-12, § I, 2-12-2007)

Editor's note—Ord. No. 2007-12, adopted Feb. 12, 2007, amended § 78-102 in its entirety to read as herein set out. Former § 78-102 pertained to all night parking and derived from section 41.12 of the 1977 Code.

Sec. 78-103. Parking in 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 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.

(Code 1977, § 41.13)

Sec. 78-104. Cab stands; bus stands.

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

(Code 1977, § 41.14)

Sec. 78-105. Parking restrictions.

(a) *No parking, snow removal.* It shall be unlawful to park any vehicle on any public street or alley in the village at any time within 12 hours after a snowfall of two inches or more has occurred, or until the snow has been removed. Whenever any police officer shall find an unattended vehicle violating the terms of this section, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. The following sign shall be erected in notifying the public of the provisions hereof:

NO PARKING ON ANY PUBLIC STREET
WITHIN 12 HOURS AFTER A 2 INCH SNOW-
FALL, OR UNTIL SNOW IS REMOVED.

MOTOR VEHICLES IN VIOLATION WILL
BE TOWED AWAY AT OWNER'S EXPENSE.

(b) *No parking, street cleaning or oiling.* It shall be unlawful to park any vehicle on any public street or portion thereof in the village at any time when such street is being cleaned or oiled. Signs indicating that a street or portion thereof is being cleaned or oiled shall be posted immediately before the cleaning or oiling of the street, and shall be removed after the cleaning or oiling of the street is finished or the oil has penetrated.

(c) *Parking prohibited in specified places.* No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk; and
- (6) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet.

(d) *Parking prohibited at all times on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described below:

- (1) Almond Road, both sides, from Washington Street to Woodland Terrace.
- (2) Arlington Lane, both sides, from Illinois Route 132 to Buchanan Drive.
- (3) Auburn Lane, both sides, from South Stratton Lane to Pennsbury Lane.
- (4) Belle Plaine Avenue, both sides, from University Avenue to Crescent Avenue.
- (5) Blackstone Avenue, both sides, from O'Plaine Road to West Street.
- (6) Blackstone Avenue, both sides, from First Street to Greenleaf Street.
- (7) Brookhaven Road, both sides, from O'Plaine Road east to its eastern terminus.
- (8) Brookside Drive, both sides, from Illinois Route 132 to a point 200 feet north of Salisbury Drive.
- (9) Buchanan Drive, both sides, from South Stratton Lane to Hamilton Drive.
- (10) Buckingham Drive, both sides.
- (11) Cedar Avenue, both sides.

- (12) Crescent Avenue, both sides, from Belle Plaine Avenue to Bay Place.
- (13) Dada Drive, both sides, from Hunt Club Road to Illinois Route 45.
- (14) Depot Road, both sides.
- (15) Elm Road, south side, from O'Plaine Road to Birch Drive.
- (16) Elsie Avenue, west side, from Cedar Avenue to its southern terminus.
- (17) Emerald Avenue, both sides.
- (18) Estes Street, both sides, from Grove Avenue to U.S. Route 41.
- (19) Ferndale Street, both sides, from U.S. Route 41 south 100 feet.
- (20) First Street, both sides, from Old Grand Avenue to Blackstone Street.
- (21) Florida Avenue, south side, from Magnolia Avenue to Belle Plaine Avenue, Monday through Friday, Between 7:30 a.m. and 3:30 p.m.
- (22) Fuller Road, east side, from South Road to 200 feet north of South Road.
- (23) Gages Lake Road, both sides, from Colby Road to Illinois Route 21.
- (24) Gillings Drive, both sides, from Meadowlark Court to North Avenue.
- (25) Grandville Avenue, both sides, from U.S. Route 41 to Magnolia Avenue.
- (26) Great America Parkway, both sides, from Illinois Route 132 to Cedar Avenue.
- (27) Greenhaven Lane, both sides, from Brookhaven Road to Minthaven Court.
- (28) Greenleaf Street, both sides, from Washington Street to Blackstone Avenue.
- (29) Grove Avenue, south side, from Lee Avenue east for a distance of 200 feet.
- (30) Hamilton Drive, both sides, from South Stratton Lane to Camden Drive.
- (31) Hawthorne Avenue, both sides, from Ellis Avenue to University Avenue.
- (32) Hickory Haven Drive, both sides.

- (33) Illinois Route 21, both sides.
- (34) Illinois Route 132, both sides.
- (35) Kensington Court, both sides.
- (36) Kilbourne Road, east side, from Illinois Route 132 to U.S. Route 41.
- (37) Kilbourne Road, west side, from Emerald Avenue to U.S. Route 41.
- (38) King's Way North, both sides, from O'Plaine Road to Covenant Court.
- (39) Lakeside Drive, both sides.
- (40) Lawrence Avenue, both sides, from Illinois Route 132 south 350 feet.
- (41) Lawson Boulevard, both sides, from Illinois Route 132 to Beechwood Avenue.
- (42) Manchester Drive, north side, from Glen Way to Drury Court.
- (43) Manchester Drive, north side, from Illinois Route 21 to Dunham Road.
- (44) McClure Avenue, both sides, from O'Plaine Road west to the Des Plaines River.
- (45) Milwaukee Avenue, both sides, from Illinois Route 132 to Illinois Route 21.
- (46) Morrison Drive, south side.
- (47) North Avenue, both sides.
- (48) Northridge Drive from Dilleys Road to its southerly terminus.
- (49) Northwestern Avenue, both sides, from Grandville Avenue to Sunset Avenue.
- (50) Oglesby Avenue, both sides, east of Greenleaf Street.
- (51) Oglesby Avenue, both sides, from Delany Road to Greenleaf Street.
- (52) Old Grand Avenue, south side, from O'Plaine Road to the Canadian Pacific Railroad.
- (53) Old Grand Avenue, south side, from the west intersection of Illinois Route 132 east 300 feet.
- (54) Old Grand Avenue, north side, commencing 600 feet west of the centerline of O'Plaine Road to 50 feet east of the centerline of Depot Road.
- (55) Old Grand Avenue, north side, from 300 feet east of the centerline of First Street to Illinois Route 132 at Greenleaf Street.
- (56) Old Grand Avenue, south side, from 390 feet west of the centerline of Depot Road to 220 feet east of the centerline of Depot Road.
- (57) Old Grand Avenue, south side, from 200 feet west of First Street to Illinois Route 132 at Greenleaf Street.
- (58) O'Plaine Road, both sides, from Illinois Route 120 to Old Grand Avenue.
- (59) Pauly Drive, both sides, from Lawson Boulevard to Pinewood Road.
- (60) Pembroke Court, both sides, beginning 190 feet east of Lawson Boulevard to the east end of Pembroke Court.
- (61) North side of Pinetree Drive between Pinewood Road and Mahogany Court.
- (62) Pinewood Road, both sides, from Lawson Boulevard to Dilley's Road.
- (63) Porett Drive, both sides.
- (64) Providence Road, both sides, from O'Plaine Road to Cole Court.
- (65) Regency Court cul-de-sac areas.
- (66) South Road, both sides, from west Darlene Drive to Fuller Road.
- (67) South Road, both sides, from Fuller Street to the west terminus.
- (68) South Stratton Lane, both sides.
- (69) St. Paul Avenue, both sides, from Delany Road west for a distance of 800 feet.
- (70) Stonebrook Drive, both sides, from Illinois Route 132 to Dada Drive.
- (71) Tri-State Parkway, both sides.
- (72) U.S. Route 41, both sides.
- (73) Vineyard Drive, both sides, from Illinois Route 132 to Korbel Drive.

- (74) Washington Street, both sides.
- (75) West Street, both sides.
- (76) Windwood Court, both sides.
- (77) Woodlake Boulevard, both sides.

(e) *Restricted parking hours during school hours Monday through Friday.*

McClure Road, east from O'Plaine to Gillings, on both sides of the street.

(f) *One-hour parking restrictions on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle for more than one hour between the hours of 8:00 a.m. to 8:00 p.m. upon any of the streets or parts of streets designated below:

Waveland Avenue, east side, from Grand Avenue to Grandview Avenue.

(g) *Two-hour parking restrictions on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle for more than two hours during school hours Monday through Friday upon any of the streets or parts of streets designated below:

- (1) Meadowlark Court;
- (2) Bluebird Court;
- (3) Eagle Court;
- (4) Finch Court;
- (5) Robin Court;
- (6) Raven Court;
- (7) Oriole Court;
- (8) Gillings, from North Avenue to McClure Avenue; and
- (9) McClure Avenue, from Gillings east to its terminus.

(h) *Two-hour parking restrictions on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle for more than two hours upon any of the streets or parts of streets described below:

- (1) Lee Avenue from St. Paul Avenue to Grove Avenue; and

- (2) Grove Avenue from Delany Road to St. Paul Avenue.

(Code 1977, § 41.15; Ord. No. 94-21, § 1, 2-28-1994; Ord. No. 94-68, § 1, 6-20-1994; Ord. No. 94-142, § 1, 12-5-1994; Ord. No. 94-143, § 1, 12-5-1994; Ord. No. 95-32, § 1, 5-1-1995; Ord. No. 95-72, § 1, 8-21-1995; Ord. No. 96-150, § 1, 12-16-1996; Ord. No. 97-4, § 1, 1-6-1997; Ord. No. 97-12, § 1, 1-27-1997; Ord. No. 2000-79, § 1(41.15(d)), 7-10-2000; Ord. No. 2000-94, § 1(41.15(d)), 8-7-2000; Ord. No. 2000-125, § 1(41.15(d)), 10-16-2000; Ord. No. 2001-59, § 1(41.15(d)), 7-16-01; Ord. No. 2003-65, § I, 9-8-2003; Ord. No. 2003-83, § I, 11-3-2003; Ord. No. 2005-28, § I, 5-2-2005; Ord. No. 2006-70, § I, 8-21-2006; Ord. No. 2006-90, § I, 11-6-2006; Ord. No. 2008-63, § I, 9-8-2008; Ord. No. 2009-55, § I, 8-3-2009)

Sec. 78-106. Presumption of responsibility.

The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such parking.

(Code 1977, § 41.16)

Sec. 78-107. Parking violations.

(a) Any person charged with a parking violation of this chapter to include sections 78-3, 78-65, and 78-101 through 78-106, and to include section 78-68, fire lane, fire hydrant and fire connection violations, and parking violations of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., as incorporated under section 78-1, hereinafter referred to as Code 1 parking violations, may avoid prosecution for violating any of such sections by settling and compromising the charge for such illegal parking by paying to the village the sum of not less than \$5.00 and not more than as provided in section 1-11 within 72 hours of the time such alleged offense was committed. Such payment may be made at the village police department, 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 violations. In any event the fine must be paid in 30 days after the initial 72 hours, or a court date requested to grant hearing on the violation as to offender's guilt or innocence.

(b) Procedures for avoiding prosecution for violation of Code 1 ordinance violations shall be as follows:

- (1) In the event that the owner or operator of the vehicle does not pay the sum of not less than \$5.00 nor more than as provided in section 1-11 within 30 calendar days from the date of issuance of a notice of ordinance violation, the village police shall send a second notice which will indicate that a violation has occurred, and that since 30 days has lapsed and neither a court date was requested, nor was the fine paid, that the fine now escalates to not less than \$15.00 nor more than as provided in section 1-11, and that this escalated fine must be paid within 30 calendar days.
- (2) In the event the owner or operator of the vehicle does not pay the sum of not less than \$15.00 nor more than as provided in section 1-11 within 30 calendar days of the issuance of the second notice of violation, the village police department shall send a final notice that will indicate that an ordinance violation has been committed, that within 60 calendar days from the issuance of the notice of ordinance violation, neither a court date has been requested, nor has the fine been paid, and that this final notice now escalates the fine to not less than \$35.00 nor more than as provided in section 1-11. This fine must be paid in 30 calendar days from the issuance of such final notice, and if this fine is not paid, court litigation to collect such fine may ensue.

(c) All remittances of a fine as set forth in this section may be made by check, money order or currency, and must be accompanied by a single plea of guilty and waiver of hearing.
(Code 1977, § 41.24)

Secs. 78-108—78-130. Reserved.

ARTICLE V. SNOWMOBILES

Sec. 78-131. Definitions.

The following words, terms and phrases when used in this section, shall have the meanings

ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Operate means to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner whether or not the snowmobile is under way.

Operator means a person who operates or is in actual physical control of a snowmobile.

Snowmobile means a self-propelled device designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners and supported in part by skis, belts, or cleats.
(Code 1977, § 41.22(a))

Cross reference—Definitions generally, § 1-2.

Sec. 78-132. Regulations.

It shall be unlawful for any person to operate a snowmobile under the following circumstances:

- (1) On private property of another without the express permission to do so by the owner or occupant of the property.
- (2) On public school grounds, park property, playgrounds, recreational areas and golf courses without express provision or permission to do so by the proper public authority.
- (3) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- (4) In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person.
- (5) Within the right-of-way of any public street or roadway.

(Code 1977, § 41.22(b))

Sec. 78-133. Exceptions.

When it becomes necessary to cross a public street or roadway, the operator shall stop the snowmobile before crossing and shall yield the right-of-way to vehicular traffic.

(Code 1977, § 41.22(c))

Sec. 78-134. Equipment.

All snowmobiles operating within the village shall be equipped with:

- (1) At least one white headlamp having a minimum candlepower of sufficient intensity to exhibit a white light plainly visible from a distance of at least 500 feet ahead during hours of darkness under normal atmospheric conditions. If a snowmobile

is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet in front of the vehicle, projects higher than the level of the center of the lamp from which it originates.

- (2) At least one red taillamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.
 - (3) A brake system in good mechanical condition.
 - (4) Reflective material of a minimum area of 16 square inches mounted on each side of the cowling. Identifying numbers may be included in computing the required 16 square inch area.
 - (5) Adequate sound suppression equipment. No snowmobile manufactured after June 1, 1972, shall be sold or offered for sale, unless it is equipped with sound suppression devices that limit total machine noise in accordance with noise pollution standards established pursuant to the Environmental Protection Act.
 - (6) A safety or so-called dead man throttle in operating condition; a safety or dead man throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from driving track.
- (Code 1977, § 41.22(d))

Secs. 78-135—78-149. Reserved.

ARTICLE VI. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS

Sec. 78-150. Purpose.

The purpose of this article is to authorize automated traffic law enforcement at high crash

or other high-risk locations. The objective of automated traffic law enforcement is to reduce traffic accidents and improve roadway safety. (Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-151. Definitions.

As used in this article, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended:

Automated traffic law violation means a violation described in section 11-208.6 of the Illinois Vehicle Code (625 ILCS 5/11-208.6) and pursuant to the provisions of this article, wherein a vehicle enters an intersection identified in subsection (b) of this section against a red light signal in violation of section 11-306 of the Illinois Vehicle Code (625 ILCS 5/11-306) or a similar provision of the Municipal Code of the village.

Automated traffic law enforcement system means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red light signal in violation of section 11-306 of the Illinois Vehicle Code (625 ILCS 5/11-306) or a similar provision of the Municipal Code of the village.

Certified report means a report concerning five or more unpaid fines or penalties for automated traffic law violations made by the village to the secretary of state in accordance with section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5).

Determination of liability results when the registered owner or lessee fails to pay the \$100.00 fine or contest the violation notice within 21 days of the issuance of the violation notice. If the owner or lessee fails to pay the fine within 21 days of the issuance of the violation notice or contest the violation notice, the fine becomes a debt due and owing the village.

Final determination of liability results from any of the following:

- (1) A person failed to timely pay the fine and/or late fee within 14 days after service of the determination of liability notice and failed to timely request an administrative hearing;

- (2) A person failed to timely pay the fine and/or late fee after a hearing officer's finding of liability and all administrative review procedures provided in this section have been exhausted or expired; or
- (3) A person failed to timely pay the fine and/or late fee, failed to timely appear at a scheduled administrative hearing, failed to timely pay the fine and/or late fee after service of the finding of liability (by reason of default judgment) and failed to file a petition to set aside the default judgment within 14 days of the date default judgment was entered or timely filed a petition to set aside a default judgment which was denied.

Finding of liability results after an administrative hearing is conducted in person or by mail and the administrative hearing officer determines that the registered owner or lessee is liable for an automated traffic law violation.

Notices.

- (1) Determination of liability notice means a notice indicating that the owner or lessee failed to pay the \$100.00 fine indicated in the violation notice within the requisite 21-day period and also failed to contest the violation notice within the requisite 21-day period. The determination of liability notice shall indicate that the fine amount, that being \$100.00, is a debt due and owing the Village. The notice shall further state that failure to pay the \$100.00 fine within 14 days will result in a late fee of \$100.00 added to the original fine.
- (2) Final determination of liability notice means a notice issued pursuant to section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3) indicating that a final determination of liability has been reached and that the registered owner or lessee of the offending vehicle is liable for an automated traffic law violation. A final determination of liability notice shall contain the language that the unpaid fine and late fee are a debt due and owing the village and that the village may petition the court for a judgment against the reg-

istered owner for the amount of the unpaid fine and late fee if it is not paid within the period of time specified. Further, the notice shall indicate that five or more unpaid automated traffic law violations may result in the suspension of the registered owner's driver's license.

- (3) Finding of liability notice means the notice sent by the traffic administrator after an administrative hearing indicating there has been a finding of liability by the administrative hearing officer. The finding of liability notice shall state that the registered owner or lessee has 14 days from the date of the issuance of the finding of liability notice to pay the fine and that failure to pay said fine within the 14-day period will result in a late fee of \$100.00 being assessed.
- (4) Suspension notice means a notice of impending driver's license suspension issued pursuant to section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3) and pursuant to the provisions of this article as the result of five or more unpaid automated traffic law violations. A notice of suspension shall state that failure to pay the fines and penalties owing within 45 days of the date of the suspension notice will result in the village notifying the secretary of state that the person is eligible for initiation of suspension proceedings pursuant to section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5).
- (5) Violation notice means a notice issued by the Traffic Administrator or his designee indicating that an automated traffic law violation occurred. Said notice shall be in accordance with sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code (625 ILCS 5/11-208.3 and 208.6) and shall include and specify the following:
 - a. The date, time and place of the violation;
 - b. A copy of the recorded images;

- c. A statement that the recorded images are prima facie evidence of a violation of a red light signal;
- d. The amount of the fine and the amount of a penalty that may be assessed for late payment;
- e. The make of the vehicle (if readily discernible);
- f. The state registration number;
- g. The identification number or name of the person issuing the notice;
- h. A statement that payment of the indicated fine and any applicable penalty for late payment shall operate as a final disposition of the violation;
- i. A warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;
- j. A statement that the person may elect to proceed by paying the civil penalty or by challenging the charge by requesting an administrative hearing; and
- k. The time frame and manner in which an administrative hearing to challenge the violation may be obtained.

Recorded images means images showing the time, date and location of an automated traffic law violation recorded by an automated traffic law enforcement system on:

- (1) Two or more photographs;
- (2) Two or more microphotographs;
- (3) Two or more electronic images; or
- (4) A video recording showing the motor vehicle and clearly identifying the registration plate number of the motor vehicle on at least one image or portion of the recording.

System means, individually, an automated traffic law enforcement system or, collectively, automated traffic law enforcement systems estab-

lished in the Village pursuant to the Illinois Vehicle Code (625 ILCS 5/11-1 et seq.) and this article of the Municipal Code.

Traffic administrator means the village administrator or his or her designee.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-152. System locations.

The village hereby determines to establish systems at the following intersections located within the corporate limits of the village:

- (1) Route 132 and Hunt Club Road;
- (2) Route 41 at Delany Road;
- (3) Route 132 at Dilley's Road;
- (4) Washington Street at Route 21;
- (5) Hunt Club Road at Washington Street;
- (6) Route 132 at Route 21; and
- (7) Additional locations as deemed appropriate by due process.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-153. Duties of traffic administrator.

The traffic administrator or his designee shall be authorized to adopt, distribute and process violation notices and other notices required by section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3), to collect money paid as fines and penalties for automated traffic law violations and to establish and administer a procedure by which persons contesting a violation notice are afforded an administrative hearing in accordance with this section of the Municipal Code of the village. The Traffic Administrator is authorized to make a certified report to the secretary of state pursuant to section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5), and any such certified report shall contain the information required under section 6-306.5(c) of the Illinois Vehicle Code (625 ILCS 5/306.5(c)).

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-154. Issuance and service of violation notice and notice of determination of liability.

A violation notice shall issue to the registered owner or lessee of a vehicle committing an automated traffic law violation. A violation notice shall be served by first class United States mail, postage prepaid, to the address of the registered owner of a vehicle cited for an automated traffic law violation as recorded with the secretary of state within 30 days after the secretary of state notifies the village of the identity of the owner of the vehicle, but in no event later than 90 days after the date of the violation. Service of a violation notice shall be deemed complete as of the date of deposit in the United States mail. If the fine for an automated traffic law violation has not been paid and an administrative hearing has not been requested within 21 days of service of the violation notice, a determination of liability notice shall be issued and served in the same manner as the violation notice. If the \$100.00 fine due and owing the village is not paid within 14 days after the date the determination of liability notice is served, a late fee of \$100.00 shall be assessed and shall also become a debt due and owing the village.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-155. Review of recorded images prior to issuance of violation notice.

Before a violation notice may be issued for any automated traffic law violation, a determination must be made by a technician employed or contracted by the village that, based on inspection of recorded images generated by the system, the motor vehicle was being operated in violation of section 11-208.6 of the Illinois Vehicle Code (625 ILCS 5/11-208.6) or this article in that the vehicle entered an intersection identified in section 78-152 of this section against a red light signal in violation of section 11-306 of the Illinois Vehicle Code (625 ILCS 5/11-306) or a similar provision of the Municipal Code of the village. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency

vehicle or at the direction of an authorized police or emergency service officer, a violation notice shall not be issued.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-156. Recorded images confidential.

Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this article, for statistical purposes and for other governmental purposes. However, any recorded image evidencing a violation of this article may be admissible in any proceeding brought by the municipality or on behalf of the people of the state resulting from the issuance of a citation.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-157. Violation notice prima facie evidence.

The original or a facsimile copy of the violation notice or, in the case of a violation notice produced by a system's computerized device, a printed record generated by such showing the facts entered on a violation notice, shall be retained by the traffic administrator, and shall be a record kept in the ordinary course of business. A violation notice issued, signed and served in accordance with this article of the Municipal Code and section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3), or the printed record generated by the system's computerized device, shall be prima facie evidence of the correctness of the facts shown on the violation notice. The original or facsimile copy of the violation notice or the printed record generated by the system's computerized device shall be admissible in any subsequent administrative or legal proceedings.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-158. Administrative hearing of violation notice; administrative review.

The registered owner of the vehicle cited in a violation notice shall have the opportunity for an administrative hearing in accordance with this article of the Municipal Code of the village in

which said owner may contest the merits of the alleged violation. The administrative hearing shall be on the date, and at the time and place set forth in the written notice of hearing as issued by the traffic administrator to the person requesting the hearing. The lessee of a vehicle cited in a violation notice likewise shall be afforded the opportunity for an administrative hearing of the same kind afforded the registered owner. Any request for an administrative hearing in accordance with this section of the Municipal Code shall be made in writing within 21 days of service of the violation notice. The formal or technical rules of evidence shall not apply at any such hearing. Such hearings may be recorded. Evidence including hearsay, may be admitted only if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. The administrative hearing officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant documents. Persons appearing at such a hearing may be represented by counsel at their own expense. A finding of liability by the administrative hearing officer is subject to judicial review by way of an action for administrative review filed in the circuit court of the county in accordance with section 3-101 et seq. of the Code of Civil Procedure (735 ILCS 5/3-101 et seq.). Any person filing for judicial review pursuant to this section shall be subject to the assessment of costs for the preparation and certification of the record of proceedings before the hearing officer. Such cost shall be assessed at \$25.00 for the first page of the transcript and \$5.00 for each page thereafter. Any failure to pay such fee shall subject the party seeking review to the provisions of 735 ILCS 5/3-109, including dismissal of the complaint and other applicable results.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-159. Administrative hearings.

An administrative hearing officer shall preside over all administrative hearings conducted pursuant to this article of the Code and said administrative hearings shall be conducted pursuant to the administrative hearing procedures set forth in chapter 2, section 2-300 et seq. of this Code.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-160. Contest violation notice by certified mail.

Registered owners or lessees of the cited vehicle who receive violation notices may contest the merits of the alleged automated traffic law violation without attending a hearing by sending a signed statement, under oath, together with any supporting documentation, to the traffic administrator via certified mail, return receipt requested, within ten days after service of the violation notice. Such a statement shall set forth the reasons why a finding of liability shall not be entered. Registered owners or lessees of the cited vehicle may contest the charges by certified mail under this section using the same available defenses as herein stated. The traffic administrator shall forward all timely submitted materials to the administrative hearing officer for review and determination and the traffic administrator shall issue and serve the findings of the administrative hearing officer pursuant to the provisions of this article.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-161. Defenses.

The administrative hearing officer may consider the following in defense of a violation:

- (1) That the driver of the vehicle passed through the intersection when the light was red in order to yield the right-of-way to an emergency vehicle;
- (2) The driver of the vehicle passed through the intersection when the light was red as part of a funeral procession; or at the direction of an authorized police or emergency service officer;
- (3) That the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation. To demonstrate that the motor vehicle or registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof in the form of a certified copy of a police report concerning the stolen

motor vehicle or registration plates which was filed with a law enforcement agency in a timely manner.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-162. Issuance and service of finding of liability notice.

The traffic administrator shall issue to the registered owner or lessee a finding of liability notice indicating whether there has been a finding of liability by the administrative hearing officer. A finding of liability notice shall be served by first class United States mail, postage prepaid, to the address appearing on the request for administrative hearing within 14 days of the date of the administrative hearing. However, if the hearing is conducted in person, then the finding of liability notice may be personally served upon the registered owner, lessee or his or her agent at the conclusion of the hearing. Service shall be complete as of the date of deposit in the United States mail. The finding of liability notice shall indicate that the person has the right to appeal the hearing officer's decision to the circuit court of the county in accordance with the Administrative Review Act.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-163. Issuance and service of final determination of liability notice.

A final determination of liability notice shall be issued to the registered owner or lessee following a "final determination of liability" as provided in section 78-162 of this article. A final determination of liability notice shall be served by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the secretary of state or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database or, under section 11-1306 of the Illinois Vehicle Code (625 ILCS 5/11-1306), to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office database. Service of the

final determination of liability notice shall be deemed complete as of the date of deposit in the United States mail.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-164. Manner and grounds for contesting final determination of liability.

A person owing an unpaid fine or late fee for an automated traffic law violation may file a written petition to set aside a final determination of liability. The petition shall be filed by sending the same, together with any documentation in support thereof, to the traffic administrator by certified mail, return receipt requested, or by personal delivery to the traffic administrator. The grounds for such a petition shall be limited to:

- (1) The person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued;
- (2) The person having already paid the fine or late fee for the violation in question; and
- (3) Excusable failure to appear at or request a new date for a hearing.

The traffic administrator shall render his decision in writing. In the event that such a petition is granted upon a showing of just cause, and the final determination of liability set aside, the registered owner or lessee shall be provided with an administrative hearing on the merits for that violation.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-165. Issuance and service of suspension notice.

A suspension notice shall be issued upon the accrual of five or more unpaid automated traffic law violations. Service of a suspension notice shall be made by first class United States mail, postage prepaid, to the address recorded with the secretary of state or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office

approved database. Service of a suspension notice shall be complete as of the date of deposit in the United States mail.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-166. Contesting suspension resulting from automated traffic law violations.

If the traffic administrator provides a suspension notice to a vehicle owner and subsequently makes a certified report to the secretary of state, the subject vehicle owner may challenge the accuracy of the certified report in writing. To do so, the vehicle owner must submit to the traffic administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the certified report:

- (1) That the person was not the owner or lessee of the subject vehicle or vehicles receiving five or more automated traffic law violations on the date or dates such violation notices were issued; or
- (2) That the person already paid the fines or penalties for the five or more automated traffic law violations indicated on the certified report.

Such statement and supporting documentation must be sent to the traffic administrator by certified mail, return receipt requested, or hand-delivered to the traffic administrator within five days after the person receives notice from the secretary of state that that the person's driver's license will be suspended at the end of a specified period of time unless the secretary of state is presented with a notice from the village certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the certified report was in error. The traffic administrator or his designee shall immediately review all documents submitted pursuant to this subsection and shall determine whether the certified report was in error. If the report was in error, the traffic administrator shall notify the secretary of state immediately that inclusion of the person's name on the certified report was in error.

(Ord. No. 2007-108, § I, 12-5-2007)

Sec. 78-167. Penalty.

Unless the driver of the motor vehicle cited for an automated traffic law violation received a uniform traffic citation from a police officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of \$100.00 per violation. In the event that such penalty is not paid within 14 days after service of a determination of liability notice, a late fee of \$100.00 shall be added to the fine.

(Ord. No. 2007-108, § I, 12-5-2007)