

TITLE 5

MOTOR VEHICLES AND TRAFFIC

Subject	Chapter
Traffic Code; General Provisions	1
Traffic Schedules	2
Parking Regulations	3
Pedestrians	4
Snowmobiles	5
Enforcement and Penalty	6

CHAPTER 1

TRAFFIC CODE; GENERAL PROVISIONS

SECTION:

- 5-1-1: Illinois Vehicle Code Adopted
- 5-1-2: Speed Restrictions
- 5-1-3: Riding Outside Vehicle
- 5-1-4: Riding Bicycles On Sidewalks
- 5-1-5: Skateboards Prohibited On Specific Sidewalk
- 5-1-6: Compression/Release Engine Brake
- 5-1-7: Towing Vehicles

5-1-1: **ILLINOIS VEHICLE CODE ADOPTED:** Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois vehicle code, 625 Illinois Compiled Statutes 5/1-100 et seq., as amended, are hereby adopted by the village. Any and all violations thereof shall be considered violations of this title, and each such violation shall subject the violator thereof to penalty provisions of section 1-4-1 of this code. (2009 Code)

5-1-2: **SPEED RESTRICTIONS:**

- A. First Division Vehicles: No person shall drive a vehicle of the first division upon any public highway at a speed greater than is reasonable and proper, having regard to the traffic and the use of the way, or so as to endanger the life or limb or injure the property of another. If the rate of speed of any motor vehicle of the first division through the business district of the village exceeds thirty (30) miles an hour, or if the rate of speed of any such motor vehicle operated on any public highway where the same passes through the residential district of the village exceeds thirty (30) miles an hour, or if the rate of speed of any such motor vehicle operated on any public highway in a suburban district exceeds thirty (30) miles an hour, such rates of speed shall be prima facie evidence that the

person operating such motor vehicle is running at a rate of speed greater than is reasonable and proper having regard to the traffic and the use of the way or so as to endanger the life or limb or injure the property of any person. (1995 Code ch. 24, art. III § 20; amd. 2009 Code)

B. Second Division Vehicles: The speed of all vehicles of the second division shall always be reasonable and safe and be governed, as near as may be, by the general requirements of subsection A of this section, but such speeds shall not exceed the following rates:

1. Vehicles having a gross weight of five thousand (5,000) pounds or less, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, thirty(30) miles an hour; if equipped with two (2) or more solid rubber tires, ten (10) miles an hour.

2. Vehicles designed and used for carrying more than seven (7) passengers and having a gross weight of not more than twelve thousand (12,000) pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, thirty five (35) miles an hour; vehicles designed and used for pulling and carrying freight and having a gross weight of not more than twelve thousand (12,000) pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, thirty (30) miles an hour; in either case, if equipped with solid rubber tires, ten (10) miles an hour.

3. Vehicles designed and used for carrying more than seven (7) passengers and having a gross weight of more than twelve thousand (12,000) pounds and not more than fifteen thousand (15,000) pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, thirty (30) miles an hour; vehicles designed and used for pulling and carrying freight and having a gross weight of more than twelve thousand (12,000) pounds and not more than fifteen thousand (15,000) pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, thirty (30) miles an hour; in either case, if equipped with solid rubber tires, ten (10) miles an hour.

4. Vehicles having a gross weight of more than fifteen thousand (15,000) pounds, including the weight of the vehicle and maximum load, if equipped with pneumatic tires, thirty (30) miles an hour; if equipped with solid rubber tires, ten (10) miles an hour.

C. Duty To Decrease Speed: The fact that the speed of a vehicle is lower

than the prima facie limits set out in this section shall 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 pedestrian or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle, or on entering the highway in compliance with legal requirements and the duty of all persons to use due care. (1995 Code ch. 24, art. III § 20)

5-1-3: **RIDING OUTSIDE VEHICLE:** It shall be unlawful for any person to ride upon the fenders, running boards or outside steps of any vehicle. (1995 Code ch. 24, art. III § 27)

5-1-4: **RIDING BICYCLES ON SIDEWALKS:** Except in business districts, bicycles may be ridden on sidewalks. (1995 Code ch. 24, art. I § 10; amd. 2009 Code)

5-1-5: **SKATEBOARDS PROHIBITED ON SPECIFIC SIDEWALK:**

A. Prohibition: It shall be unlawful for any person to ride a skateboard upon any sidewalk that is parallel and adjacent to Comanche Avenue from Nokomis Street to Illini Street.

B. Penalties:

1. Any person violating this section shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. Additionally, any juvenile who is found to be in violation of this section may be issued a warning citation, and any skateboard or other play vehicle utilized in the commission of the violation of this section may be impounded by the village law enforcement agency. Such item shall be released to the juvenile only when accompanied to the village law enforcement agency by a parent or guardian, who shall be presented at such time with a copy of this section.

2. Any parent or guardian who knowingly allows a juvenile to utilize a skateboard or other such play vehicle in violation of this section shall,

himself, be considered a violator of this section and shall be fined, upon conviction thereof, not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. (Ord. 2006-6-26(b), 6-26-2006)

3. A presumption is hereby created that if a parent or guardian has been previously presented with a copy of this section in relation to a first or second offense of a juvenile, that said parent or guardian knowingly allowed the juvenile to use the skateboard or such play vehicle in a prohibited manner. (Ord. 2006-6-26(b), 6-26-2006; amd. 2009 Code)

5-1-6: **COMPRESSION/RELEASE ENGINE BRAKE:** No person shall operate, or cause to be used or operated, within the village, any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air. It shall be an affirmative defense that the person operated, or caused to be used or operated, such mechanical exhaust device in circumstances where it was necessary to avoid injury or an accident. The village shall provide notice of the prohibition created by this section by posting clearly visible signs on all truck routes at or near the entrances to the village, with the approval of the Illinois department of transportation, on those routes over which said department has jurisdiction. (Ord., 11-24-2003)

5-1-7: **TOWING VEHICLES:** It shall be unlawful to tow any motor vehicle on any street if the drawbar or connection exceeds eight feet (8') in length. Lights visible to the rear and side for a distance of two hundred feet (200') shall be maintained on any vehicle being towed on any street between sunset and sunrise. (1995 Code ch. 24, art. I § 3)

CHAPTER 2
TRAFFIC SCHEDULES

SECTION:

5-2-1: Through Streets
5-2-2: Stop Intersections

5-2-1: **THROUGH STREETS:** The following streets and parts of streets are hereby declared to constitute through streets. Every driver of a vehicle traversing any street intersecting with a through street, as hereby or hereafter established, shall stop such vehicle before entering upon the through street unless a "go" signal is given at such intersection by a traffic officer or a traffic signal.

Street	From	To
Comanche Avenue within the corporate limits of the village (U.S. Route 30)		
Illini Street	The intersection with Comanche Avenue (U.S. Route 30)	The north boundary of the corporate limits of the village
Shabbona Road	The intersection with Comanche Avenue (U.S. Route 30) south	The south boundary of the corporate limits of the village
	The north boundary of the village south	The intersection with Comanche Avenue (U.S. Route 30)

(1995 Code ch. 24, art. II § 1)

5-2-2: STOP INTERSECTIONS:

- A. Three-Way Stop Intersections: A three-way stop is hereby established at the intersection of Cherokee Street and South Nokomis Street. All vehicles approaching said intersection from the north, the east or the west shall stop before crossing said intersection, unless a "go" signal is given at such intersection by a traffic officer or a traffic signal. (1995 Code ch. 24, art. II § 2)

- B. Four-Way Stop Intersections: four-way stops are hereby established at 1) Shabbona Road and Preserve Road and 2) Indian Road and Preserve Road. All vehicles approaching said intersection from the north, the east or the west shall stop before crossing said intersection, unless a "go" signal is given at such intersection by a traffic officer or a traffic signal. (1995 Code ch. 24, art. II § 2)

CHAPTER 3

PARKING REGULATIONS

SECTION:

- 5-3-1: General Parking Restrictions
- 5-3-2: Truck Parking
- 5-3-3: Loading Zones
- 5-3-4: Parking After Snowfall

5-3-1: **GENERAL PARKING RESTRICTIONS:**

- A. Vehicles For Sale; Peddling Merchandise: It shall be unlawful to park any vehicle upon any business street from which vehicle merchandise is peddled. (1995 Code ch. 24, art. V § 3)
- B. Alleys: No person shall park a vehicle within an alley in such 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 position as to block the driveway entrance to any abutting property. (1995 Code ch. 24, art. V § 5)

5-3-2: **TRUCK PARKING:**

- A. Prohibitions: No truck, other than those hereinafter excepted, shall be parked upon Route 30 (Comanche Avenue) or on any residential street, except during the time of loading and unloading. (Ord., 6-27-1994)
- B. Exceptions:
 1. This section does not apply to pickup trucks weighing up to one ton. (Ord., 6-27-1994; amd. 2009 Code)
 2. One ton trucks may be parked in residential districts for purposes other than loading or unloading, provided they do not encroach upon any driving lane, obstruct the vision of passing motorists, or carry contents which may emit noxious odors or which may be offensive to the essential

character of the residential neighborhood. (Ord., 6-27-1994)

5-3-3: **LOADING ZONES:** During the time specified herein, 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 (3) minutes, and for the driver to stand any freight carrying vehicle for a period of time longer than is necessary to load, unload and deliver materials, not to exceed thirty (30) minutes, at any of the following places:

- A. In any public alley, during any hour of the day or night.
- B. At any place not to exceed seventy five feet (75') along the curb before the entrance to any public building between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., except on Sundays.
- C. Directly in front of the entrance to any theater at any time the theater is open for business. (1995 Code ch. 24, art. V § 4)

5-3-4: **PARKING AFTER SNOWFALL:**

- A. Parking Restricted: It shall be unlawful for any person to park a motor vehicle on any public street in the village at any time after a snowfall of two inches (2") or more has accumulated, except as follows:
 - 1. Vehicles may park on that side of the street where even-numbered buildings are or would be located, between the hours of 7:00 A.M. on that day to 7:00 A.M. on the following day on even-numbered calendar days.
 - 2. Vehicles may park on that side of the street where odd-numbered buildings are or would be located, between the hours of 7:00 A.M. on that day to 7:00 A.M. of the following day on odd-numbered calendar days.
 - 3. The restrictions in subsections A(1) and A(2) of this section shall remain in effect for not less than forty-eight (48) hours after the snowfall ceases, to permit both sides of the street to be plowed to the curbline. It shall automatically terminate at the end of the third day at 7:00 A.M., or when all snow has been cleared from the street, whichever shall first occur.

Vehicles parked in the streets shall be within twelve inches (12") of the curbline. (Ord., 2015-10-26(A), 10-26-2015)

CHAPTER 4

PEDESTRIANS

SECTION:

- 5-4-1: Right Of Way
- 5-4-2: Standing On Sidewalks And In Roadways
- 5-4-3: Crossing Roadways
- 5-4-4: Walking Along Roadways

5-4-1: **RIGHT OF WAY:**

- A. It shall be unlawful for the driver of any vehicle to drive into any roadway without the exercise of due and proper care in view of the special use made thereof by pedestrians.
- B. It shall be unlawful to drive any vehicle into any crosswalk while there is in such crosswalk, upon the half of the roadway upon which such vehicle is traveling, any pedestrian engaged in crossing the roadway until such pedestrian shall have passed beyond the path of such vehicle, or the pedestrian shall indicate his intention to cross.
- C. The driver of a vehicle shall stop before entering any crosswalk when any other vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross. (1995 Code ch. 24, art. IV § 1)

5-4-2: **STANDING ON SIDEWALKS AND IN ROADWAYS:**

- A. Sidewalks: It shall be unlawful for a pedestrian to stand upon any sidewalk, except as near as is reasonably possible to the building line or curb, if such standing interferes with the use of said sidewalk by other pedestrians. (1995 Code ch. 24, art. IV § 4)
- B. Roadways:
 1. Generally: 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.

2. Soliciting Rides: It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle. (1995 Code ch. 24, art. IV §§ 2, 6.03)

5-4-3: CROSSING ROADWAYS:

- A. At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing and within a crosswalk if one is provided. And when crossing at any place other than a crosswalk, he shall yield the right of way to all vehicles upon the roadway. (1995 Code ch. 24, art. IV § 2; amd. 2009 Code)
- B. At intersections where traffic is directed by a police officer 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. (1995 Code ch. 24, art. IV § 3)
- C. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- D. No pedestrian shall cross a roadway other than in a crosswalk in the central traffic district or in any business district. (1995 Code ch. 24, art. IV § 5; amd. 2009 Code)

5-4-4: WALKING ALONG ROADWAYS:

- A. When sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon any adjacent roadway. (1995 Code ch. 24, art. IV § 6.01)
- B. Where sidewalks are not provided, any pedestrian walking along and upon any highway shall, when practicable, walk only on the left side of the roadway or its shoulder, facing traffic which may approach from the opposite direction. (1995 Code ch. 24, art. IV § 6.02)

CHAPTER 5
SNOWMOBILES

SECTION:

- 5-5-1: Registration Of Snowmobiles
- 5-5-2: Equipment Requirements
- 5-5-3: Operation Of Snowmobiles
- 5-5-4: Applicability Of State Law
- 5-5-5: Enforcement; Obedience To Police

5-5-1: **REGISTRATION OF SNOWMOBILES:** No person shall, after the effective date hereof, operate any snowmobile within the corporate limits of the village unless such snowmobile has been registered and numbered in accordance with the provisions of the Illinois snowmobile registration and safety act¹. (Ord., 12-20-1999)

5-5-2: **EQUIPMENT REQUIREMENTS:**

- A. Headlamp: All snowmobiles in operation shall display at least one lighted headlamp, white in color, having a minimum candlepower of sufficient intensity to exhibit a white light plainly visible from a distance of at least five hundred feet (500') ahead during hours of darkness under normal atmospheric conditions.
- B. Taillights: All snowmobiles, while in operation, shall display at least one red taillight having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during hours of darkness under normal atmospheric conditions.
- C. Reflective Material: All snowmobiles in operation shall be equipped with

1. 625 ILCS 40/1-1 et seq.

reflective material of a minimum area of sixteen (16) square inches mounted on each side of the cowling. Identifying numbers may be included in computing the required sixteen (16) square inch area. "Cowling" means the forward portions of a snowmobile surrounding the motor and clutch assembly.

- D. Brakes: All snowmobiles shall have an operating brake system in good mechanical condition. (Ord., 12-20-1999)
- E. Muffler: No snowmobile shall be sold or offered for sale or operated unless it is equipped with a sound muffling device installed by the manufacturer which is in good operating condition. Under no circumstances shall this muffler device be modified or removed by the owner or operator. The muffler shall limit total machine noise in accordance with noise pollution standards established pursuant to the environmental protection act². (Ord., 12-20-1999; amd. 2009 Code)
- F. Compliance By Dealers And Sellers: No dealer or owner of a snowmobile shall offer for sale, sell or possess for sale any snowmobile which fails to comply with this section. (Ord., 12-20-1999)

5-5-3: OPERATION OF SNOWMOBILES:

A. Operation On Highways And Roadways:

1. It is unlawful for any person to operate any snowmobile on any state highway or roadway, interstate highway, limited access highway, county highway, township highway or village street or alley, except for:

a. Designated village roadways only as a way of access to and from commonly used snowmobile trails. During the use of designated village roadways, the operator shall be subject to all village and state traffic laws governing the operation of vehicles on public roads. Snowmobiles operated on village streets shall be driven single file, as far to the right on the roadway as possible, at a speed not to exceed fifteen (15) miles per hour. Designated roads are Shabbona Road, Indian Road, and Preserve Road.

2. 415 ILCS 5/1 et seq.

b. Designated alleys can be used by village residents only to reach one of the designated roadways.

2. Roadways and alleys are designated by signs.

- B. Speed Restrictions: Unless some other speed restriction is established by the posting of speed limit signs under the authority of the village, the maximum speed limit for snowmobiles shall be as follows:
1. Fifteen (15) miles per hour in any residential area at any time.
 2. Fifteen (15) miles per hour when operated within three hundred feet (300') of a residential area between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M.
- C. Private Property: No snowmobile shall be operated on private property without the consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative and, if requested to do so, shall promptly remove the snowmobile from the premises.
- D. Age Of Operator: It is unlawful for any person to operate a snowmobile without a valid driver's license; except, that unlicensed operators twelve (12) to sixteen (16) years of age may operate a snowmobile if they have completed a state authorized safety course and possess on their person a valid certificate. Violations of this subsection with the knowledge of a parent or guardian shall be deemed a violation of this subsection by said parent or guardian.
- E. Under Influence Of Intoxicants: No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any snowmobile within the village, and further, no person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a snowmobile may drive or be in actual physical control of any snowmobile within the village.
- F. Consumption, Transportation Of Liquor: No person shall consume any alcoholic liquor while operating a snowmobile within the village, and any alcoholic liquor transported in a snowmobile shall be in its original

package and with the seal unbroken.

- G. Firearms: No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his possession. (Ord., 12-20-1999)

5-5-4: **APPLICABILITY OF STATE LAW:** This chapter is in no way intended to modify, amend, lessen or change the provisions of the Illinois snowmobile registration and safety act. (Ord., 12-20-1999)

5-5-5: **ENFORCEMENT; OBEDIENCE TO POLICE:**

- A. Inspections; Violations Procedure: Peace officers may stop and inspect any snowmobile at any time for the purpose of determining compliance with the provisions of this chapter. If the peace officer discovers any violations of this chapter, he may issue a summons or notice to appear to the operator and/or owner of such snowmobile requiring appearance before the county circuit court. (Ord., 12-20-1999)
- B. Arrest: It is the duty of all peace officers to arrest any person violating any provision of this chapter or to fine any violator in accordance with section 1-4-1 of this code. (Ord., 12-20-1999; amd. 2009 Code)
- C. Obedience To Police:
1. The operator of any snowmobile shall obey the commands of the peace officer, including a command to stop.
 2. It is unlawful for any person to resist or obstruct any peace officer in a discharge of his duties under this chapter. (Ord., 12-20-1999)

CHAPTER 6

ENFORCEMENT AND PENALTY

SECTION:

- 5-6-1: Directing Traffic; Obedience Required
- 5-6-2: Tickets
- 5-6-3: Arrests; Bail Posted
- 5-6-4: Penalty

5-6-1: **DIRECTING TRAFFIC; OBEDIENCE REQUIRED:**

- A. Authority To Direct Traffic; Unauthorized Directing: Peace officers are hereby authorized to direct all traffic in accordance with the provisions of this title, 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 peace officer. Except in case of emergency, it shall be unlawful for any person not authorized by the village board to direct or attempt to direct traffic. (1995 Code ch. 24, art. I § 5; amd. 2009 Code)
- B. Directing Traffic At Fires: The officer in command at any fire, or any firefighter designated by him, may exercise the power and authority of a police officer in directing traffic at the scene of any fire or whether there has been response to any emergency call for so long as fire equipment is on the scene, in the absence of or in assisting the police. (1995 Code ch. 24, art. I § 6; amd. 2009 Code)

5-6-2: **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 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. (1995 Code ch. 24, art. VIII § 3)

5-6-3: **ARRESTS; BAIL POSTED:** Any person arrested for violation of this title shall be released upon proper bail being furnished as required by statute. The officer in command at the county sheriff's department may, in the absence of a proper judge, prescribe the amount of bail or bond in each instance. Provided, that any arrested person may, at his request, have the amount of such bond set by a proper judge as provided by statute. (1995 Code ch. 24, art. VIII § 2; amd. 2009 Code)

5-6-4: **PENALTY:** Any person, firm or corporation violating any provision of this title shall be fined as provided in section 1-4-1 of this code for each offense. (1995 Code ch. 24, art. VIII § 1; amd. Ord. 2001-3, 7-23-2001; 2009 Code)